

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: July 1, 2014

TO: Planning Commission

FROM: Chrissy McNally, Planner *Chrissy McNally*
Community Development Department

FILE NO.: USE2014 0010

PROPOSAL: Conditional Use permit for a child care for up to 12 children in a residence in the D5 zoning district.

GENERAL INFORMATION

Applicant: Kim Hope

Property Owner: John Seagren & Kim Hope

Property Address: 2175 Cascade Street

Legal Description: Cascade Manor Lot 8

Parcel Code Number: 5-B16-0-101-018-0

Site Size: 11,434 Feet

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D5

Utilities: City water & sewer

Access: Cascade Street

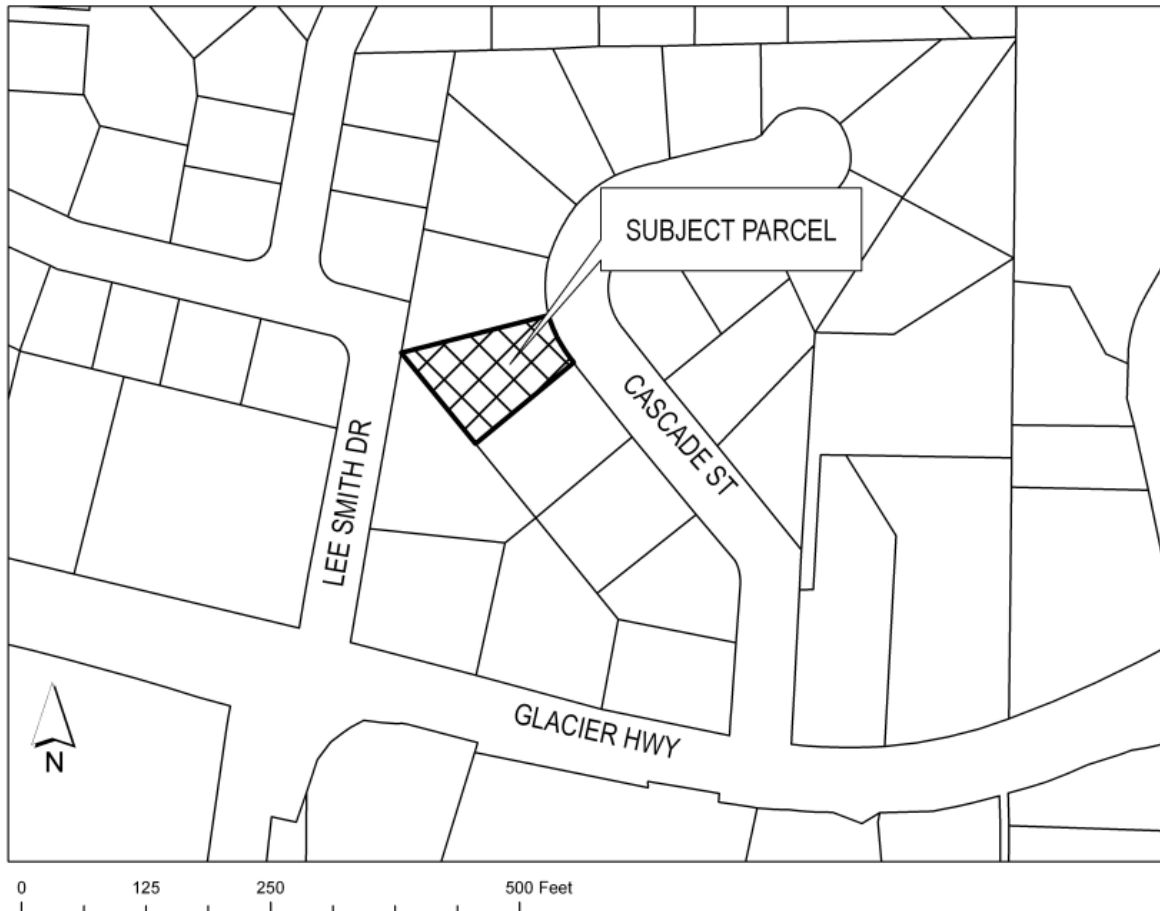
Existing Land Use: Single family residence and 8 child day care

Surrounding Land Use:

North	-	D5/Single Family Duplex
South	-	D5/Light Commercial
East	-	D5 – Single Family
West	-	D5/Light Commercial



VICINITY MAP



ATTACHMENTS

- Attachment A: Development Permit Application/Conditional Use Permit Application
- Attachment B: Applicant narrative
- Attachment C: Floor plan
- Attachment D: Applicant parking plan
- Attachment E: As-built 2175 Cascade Street
- Attachment F: Plat #234
- Attachment G: Child care facilities map
- Attachment H: Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of an in-home day care for up to twelve children under the age of 12. According to the CBJ49.25.300 *Table of Permissible Uses*, an in home day care for nine to twelve children under the age of 12 is allowed with a Conditional Use permit in the D5 zoning district.

BACKGROUND

The applicant has been a licensed day care provider for almost 7 years and has operated a day care in her residence for eight or fewer children since 2011. This use is allowed outright in the D5 zoning district. Though allowed without any land use permits, a day care for eight or fewer children requires a building permit in order for a fire inspection to be conducted in accordance with state law. A similar building permit will be required upon approval of this Conditional Use permit.

ANALYSIS

Project Site – The single family one story residence at 2175 Cascade Street was built in 1964. The lot was platted in 1958 (see Attachment F). The property is in the D5 zoning district and is adjacent to the Light Commercial zoning district. The minimum lot size in the D5 zoning district is 7,000 square feet. The subject lot is 11,434 square feet.

The site lies adjacent to the Light Commercial zoning district. Wells Fargo Bank encumbers the three lots to the south and southeast of the subject property and the Glacier Valley Professional Building is to the west (see vicinity map). The D5 zoning district extends to the northwest, north and southeast with single family residences.

Project Design – The 2,000 square foot single story residence at 2175 Cascade Street has 4 bedrooms and 1 and $\frac{3}{4}$ bathrooms. The yard surrounding the north, west, and southwest portion of the property is fenced in (see Attachment E). Children play in this area during designated outdoor playtimes.

Traffic – Hours of operation for the day care will be 7:00 am to 5:00 pm. According to the applicant, children are typically dropped off between 7:30 am and 8:00 am and are picked up between 4:30 pm and 5:00 pm (see Attachment B).

There is a street light at the intersection of the subject driveway and Cascade Street. There is also a lamppost on the property where the driveway makes ninety degree turn into the garage. The applicant intends to install solar powered driveway lights along the driveway to provide additional ground level illumination.

Parking and Circulation – Title 49 does not provide a parking requirement for in-home day cares. The parking requirement for the residence is two spaces. The subject site has a garage where the owner/operator will park their vehicle. The one and half additional employees will have an assigned parking space in front of the garage (see Attachment D). The remaining driveway perpendicular to Cascade Street is 79 feet long and 16 feet wide. This would allow 4 vehicles to park in a row on one side of the driveway leaving space to maneuver out of the driveway.

In winter, the applicant plans to purchase a snow blower to ensure the driveway is free and clear of snow. This will ensure clients do not park in the street and are able to pull close to the residence.

Noise – Potential noise from the increase in the day care capacity may result from additional vehicle traffic during pick-up and drop-off as well as the children playing outside. The applicant has sought to mitigate excessive noise by designating outdoor play times. Outdoor play is scheduled from 10:00 to 10:30 am and 4:00 to 4:45 pm. Further, the play area on the western side of the property is adjacent to the Lee Smith Drive and on the south/southwest by Wells Fargo Bank. The likely impacted residences are to the north and southeast. According to the applicant, these residents work regular daytime hours therefore, these noise levels should not negatively impact them.

Public Health or Safety – There is no evidence to suggest that the increase to 12 children from 8 will affect public health or safety. Capital City Fire and Rescue and the CBJ Building Official were solicited for comments on the proposed use and did not have any concerns. Further, the state licensing agency will require a fire inspection upon approval of this Conditional Use permit.

Habitat - No habitat regulated by the Land Use Code will be affected by the applicant's proposal. Further, there are no wetlands, anadromous streams or eagle nests in the vicinity of the subject property.

Property Value or Neighborhood Harmony – There is no evidence to suggest that an increase in the capacity of a day care from 8 children to 12 children will have an impact on property values or neighborhood harmony. According to 2010 Census data, there are three other child care facilities in the airport vicinity, with an eight child day care on nearby Lee Smith Drive, and two day care centers with capacity for 55 and 27 children respectively (see Attachment G). This increase in capacity will provide additional much needed quality day care services for Juneau families.

Conformity with Adopted Plans – The proposed development is located in Subarea 4 of 2013 Comprehensive Plan maps and has a land use designation of Urban Low Density Residential (ULDR). The plan describes ULDR as;

“These lands are characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as

regulated in the Table of Permissible Uses (CBJ 49.25.300)."

Families with children are likely to live within this style of neighborhood. Therefore, the commercial use proposed is consistent with the needs of such a neighborhood.

The 2013 Comprehensive Plan specifically addresses the need for quality child care in the City and Borough of Juneau. Chapter 14 of the plan states;

"There is a critical child care shortage in Juneau, and that lack of quality child care makes Juneau a less than attractive place – and even an untenable home – for young families."

Chapter 14 goes on to state policies and procedures to encourage an adequate supply of child care in the City and Borough of Juneau;

POLICY 14.3. TO SUPPORT THE PROVISION OF QUALITY CHILD CARE IN A SAFE LEARNING ENVIRONMENT BY WELL-TRAINED EDUCATORS AND CHILD CARE PROVIDERS.

14.3 – SOP1 Work with child care providers, advocates, and other stakeholders to ensure that regulatory or permitting requirements do not unduly restrict the availability of affordable, quality child care in Juneau.

14.4 – SOP2 Provide support of child care providers as needed to ensure an adequate supply of available affordable, quality child care opportunities.

The CBJ Assembly has supported the promotion of child care availability through funding of the Hiring, Educating, and Retaining Teaching Staff (HEARTS) program, a collaborative effort developed by the Association for the Education of Young Children and the Juneau Economic Development Council, for the past two fiscal years. The applicant's full time employee is a member of this program.

There are 24 child care facilities in the Mendenhall Valley with a total capacity of 287. According to 2010 US Census data, there were 1,024 children under the age of 5 living in the Mendenhall Valley. An increased capacity of four children at this in-home day care will assist to alleviate this need and support the goals of the 2013 Comprehensive Plan.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
 2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
- and,

3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.520 for the D5 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the July 11, 2014 and July 21, 2014 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. Based on the above analysis the proposed development will not endanger the public health and safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Based on the above analysis the use will maintain values and will be in harmony with the neighboring area.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. As discussed above, the proposed development is in general conformity with the land use plan and the 2013 Comprehensive Plan.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A. This proposal will not impact habitat regulated by the Alaska Coastal Management Program.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a child care for up to 12 children in a residence in the D5 zoning district.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number USE20140010	Date Received 5/20/14
----------------	------------------------------	-----------------------------------	---------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☒ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: **1.52.C**

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

A group home child care at residence 2175 Cascade St home

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☒ NO ☐ YES - Case #

CURRENT USE OF LAND OR BUILDING(S):

home child care center (8 children)

PROPOSED USE OF LAND OR BUILDING(S):

12 children providing child care to

UTILITIES PROPOSED:

WATER: ☐ Public ☐ On Site

SEWER: ☐ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot **11434** square feet

Total Area of Existing Structure(s) **2011** square feet

Total Area of Proposed Structure(s) **0** square feet

EXTERNAL LIGHTING:

- Existing to remain ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input checked="" type="checkbox"/> Floor Plan of proposed buildings | <input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
| <input type="checkbox"/> Elevation view of existing and proposed buildings | |
| <input type="checkbox"/> Proposed Vegetative Cover | |

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side

If you need any assistance filling out this form, please contact the Permit Center at 586-0770

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 350			
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not Sign Fee	\$ 50			
Pub. Not Sign Deposit	\$ 100			
Total Fee	\$ 500			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number USE20140010 CITY and BOROUGH of JUNEAU Date Received 5/20/14
 Project Name (City Staff to Assign Name)

INFORMATION

Project Description
group home child care

Street Address
2175 Cascade St City/Zip Juneau AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Lot 8 Cascade Manor

Assessor's Parcel Number(s)
SP1401010180

Property Owner's Name
Kim Hope / John Seagren

Contact Person
Kim Hope Work Phone 784-9507

Mailing Address
2175 Cascade St, JUN 99801 Home Phone 784-9507 Fax Number ---

E-mail Address
kseagren19@gmail.com Other Contact Phone Number(s) 209-0009

PROJECT / APPLICANT

I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:
 A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
 B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X Kim Hope Date 5/1/14
 Landowner/Lessee Signature

X John Seagren Date 5/1/14
 Landowner/Lessee Signature

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

Applicant's Name Kim Hope Contact Person Kim Hope Work Phone 784-9507

Mailing Address 2175 Cascade St, JUN 99801 Home Phone 784-9507 Fax Number ---

E-mail Address kseagren19@gmail.com Other Contact Phone Number(s) 209-0009

X Kim Hope Date of Application 5/1/14
 Applicant's Signature

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

<input checked="" type="checkbox"/>	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
<input checked="" type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

5/20/14 USE20140010

Comments:

Conditional Use Permit
Green Leaves Child Care
Application for Group Home License

Re: Explanation of items discussed at the pre-application interview

May 3, 2014

Dear CBJ,

During the pre-application interview, four areas were discussed: Parking, lighting, snow removal/storage, and noise. These items are addressed below.

Background information: Facility is currently a residential child care home licensed for eight children. Hours are 7AM to 5PM. This application is for licensure as a group home, allowing care for up to twelve children. Average drop-off times are between 7:30 and 8:00 AM. The children are picked up between about 4:30 and 5:00 PM.

1. Parking: Requires four spaces - two for staff and two for customers at 8.5' X 17' per car.
 - a. Our driveway is 80 feet long with a 41 foot dogleg and a carport. This allows for 5 parking spots. (see plat attached).
 - b. Staff will arrive first at 7AM and leave last at 5 PM. Staff vehicles will park in the garage and directly behind it.
 - c. Customers pull into the driveway and up to the house in two spaces, side by side so either can pull out without the other car moving. A third car can pull up into the left side space just off the driveway so three customers can park and pull out independently. (see plat)
2. Lighting
 - a. There is a street light on a pole at the end of the driveway (see picture attached)
 - b. There is a lamp post next to the dogleg of the driveway
 - c. I plan on installing solar-powered driveway lights along the right side of the driveway prior to group home status.
3. Snow
 - a. The group home will buy a snow-blower to clear the driveway and blow the snow into the yard, preventing a snow storage issue. We also diligently salt the main walkway into the house each icy day during the winter.

4. Noise

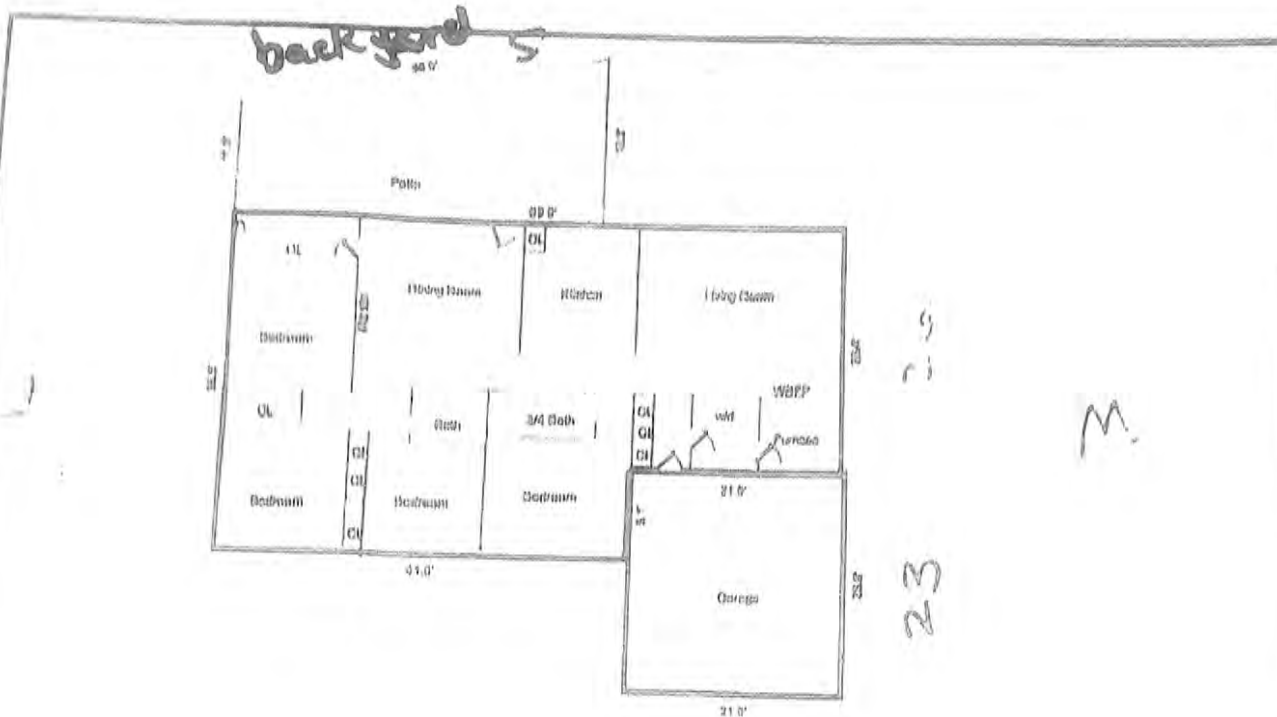
I am thinking the noise may not be an issue. We do play outside everyday from 10:00 to 10:30. And in the summers we go out around 4:00 pm to 4:45 pm. The following are some mitigating factors to the noise issue.

- a. Our outdoor times when the noise might be relevant is during my neighbor's working hours.
- b. Secondly, my backyard has the longest portion backed up to a commercial property and roadways. Between the commercial property, the roadways, and the helicopters flying overhead for 6 months out of the year, my daycare is by far not the biggest contributor to the noise in our neighborhood.
- c. Finally, we will encourage the children not to scream.

Building Sketch (Page - 1)

Borrower/Client John R Seegren Jr
 Property Address 2178 Cascade St
 City JunEAU
 Lender Residential Mortgage

County City & Borough of JunEAU State AK Zip Code 99801 0021



Note: Room dimensions are not to scale

N

Drawn by: Ashley IV

Comments:

AREA CALCULATIONS SUMMARY

Code	Description	Area	Net Totals
GLA1	First Floor	2054.96	2054.96
P/P	Patio	570.00	570.00
GAR	Garage	503.70	503.70

LIVING AREA BREAKDOWN

First Floor	Area	Net Totals
35.5 x 41.6	1476.80	
21.9 x 26.4	578.16	

2175 Cascade St.
Parking

Driveway

1 square = 2'

GARAGE

STAFF 1

STAFF 2

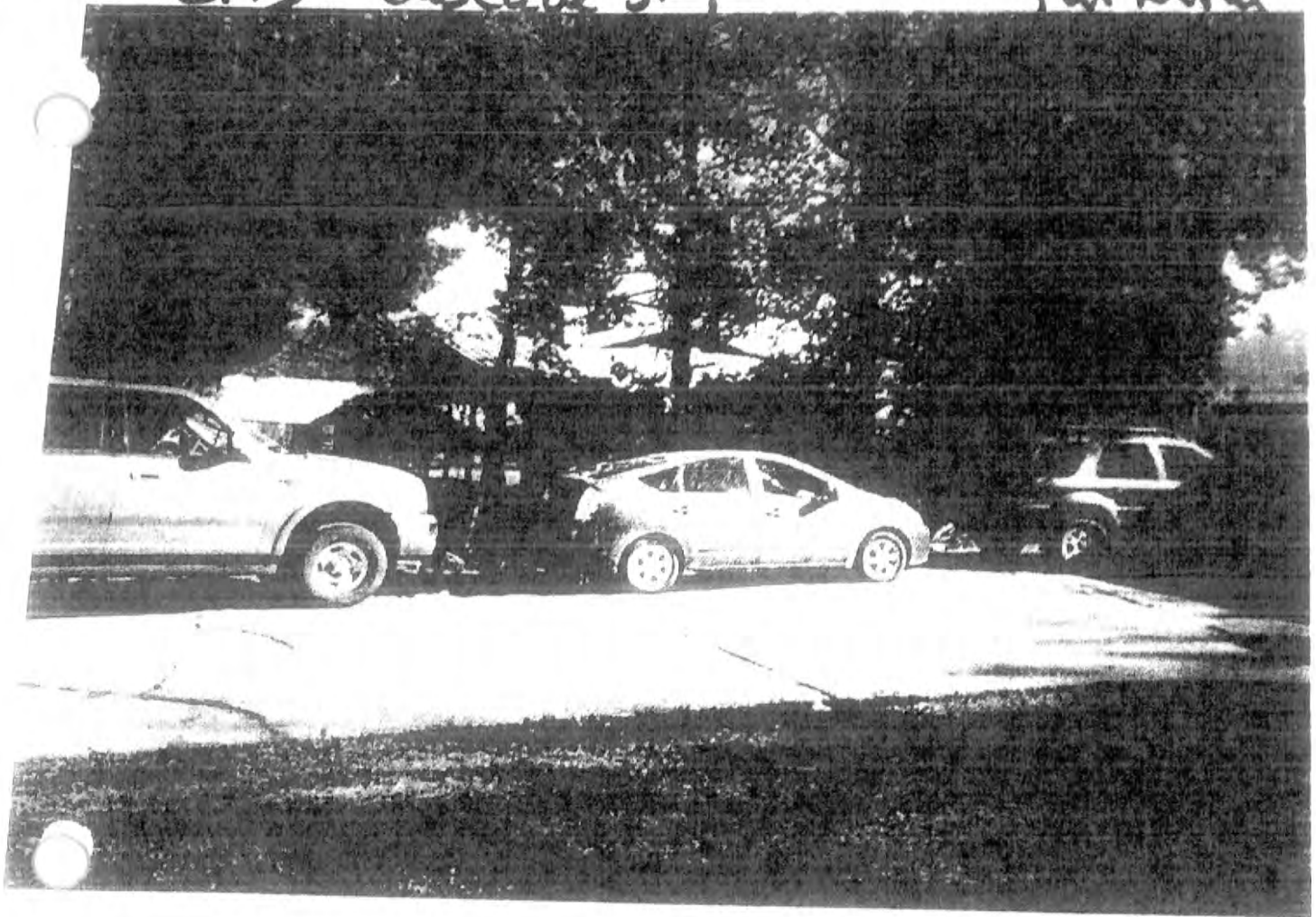
CUSTOMER 1

CUSTOMER 2

Gravel

2175 Cascade St,

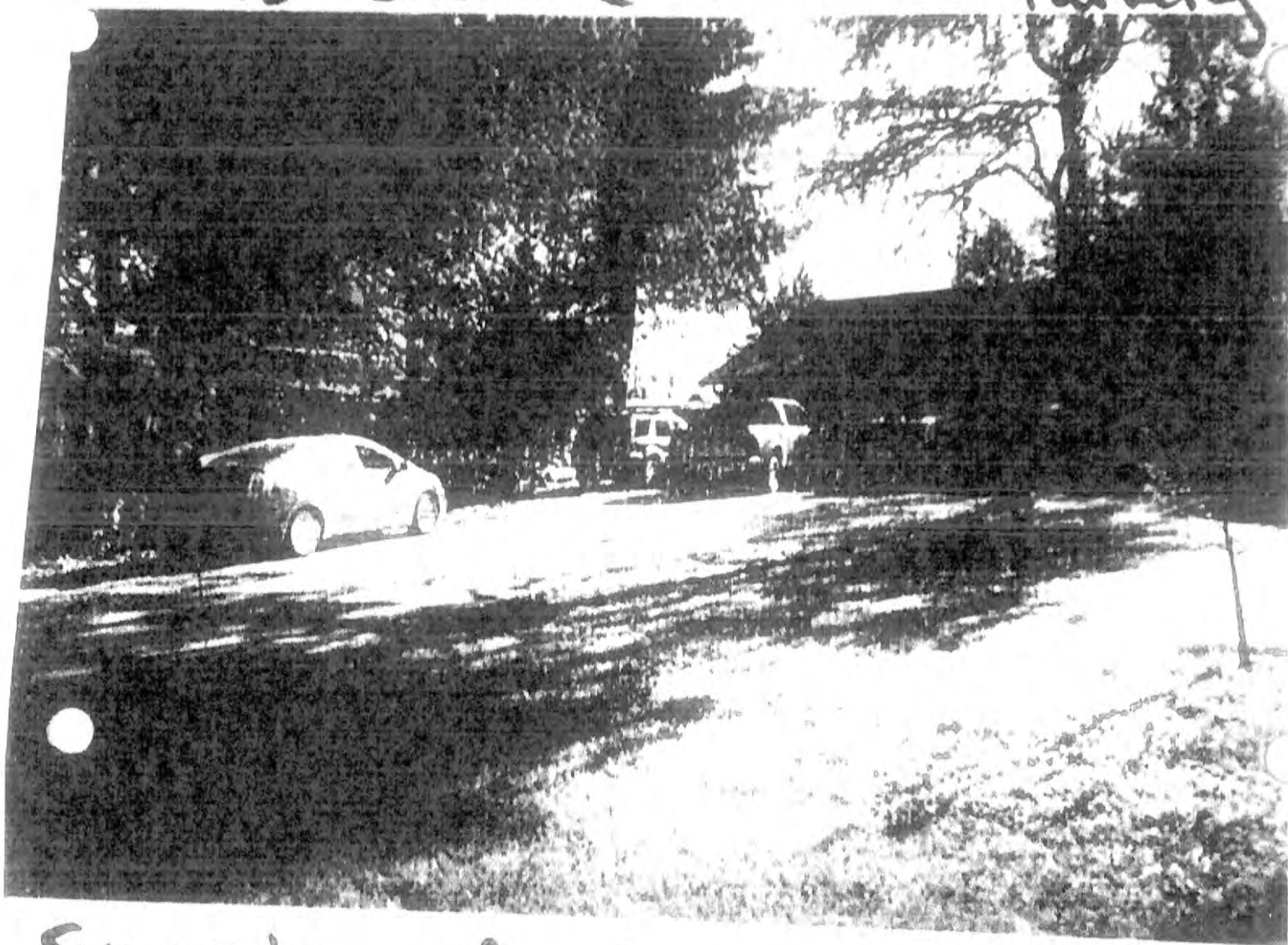
Parkina



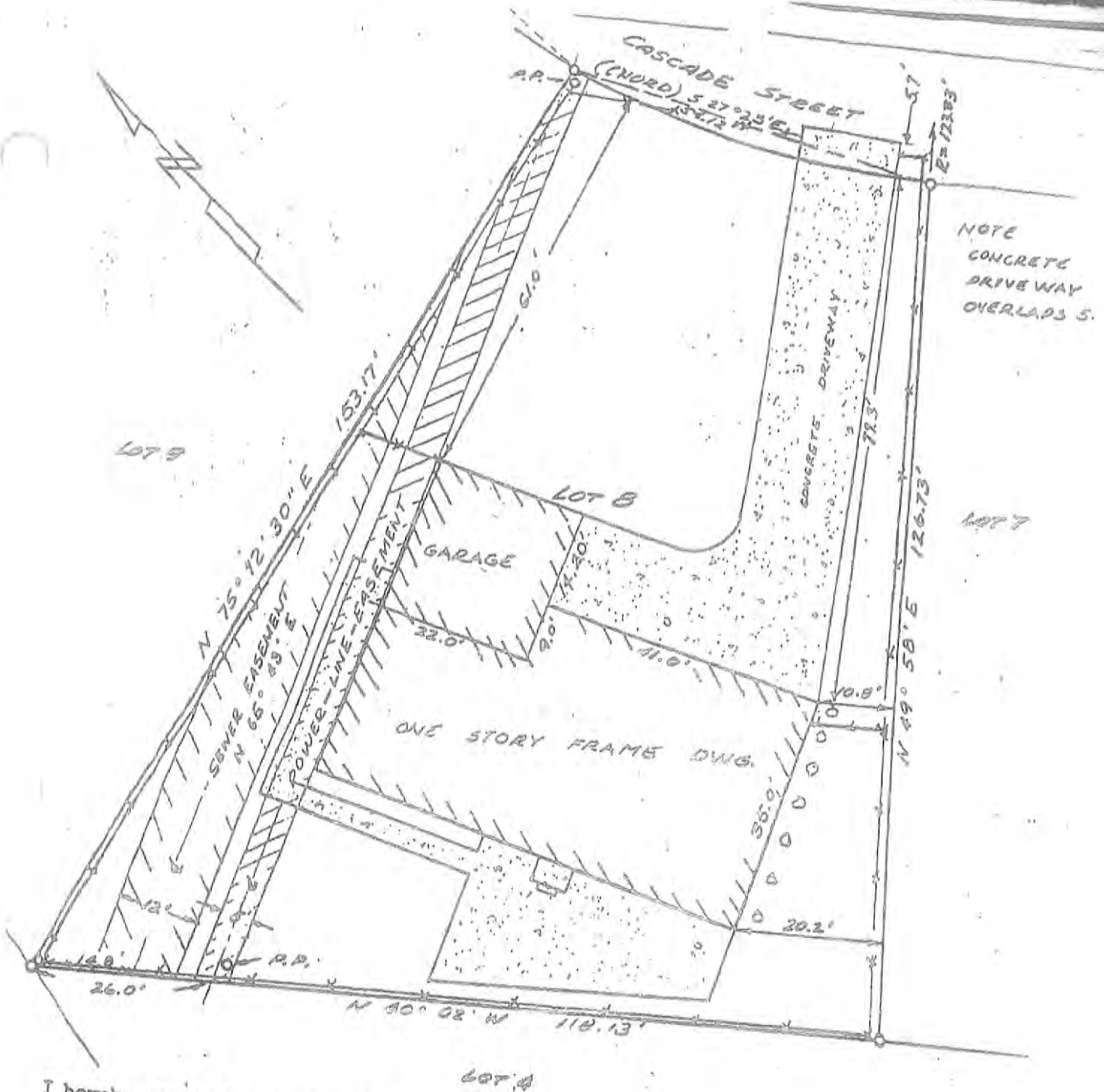
example of 3 parking on side
of driveway Allowing cars to
pull out.

2175 Cascade St

Parking



Example of 3 cars parking
side by side.



I hereby certify that this is a true and correct plat of Lot 8, Cascade Manor; that all walks, roads, easements and improvements appearing on the land are shown thereon; and that there are no overlaps or encroachments of improvements thereon.



REVISED 4-5-73
 PLAT OF
 LOT 8, CASCADE MANOR
 GLACIER HIGHWAY
 9 MI. N.W. OF JUNEAU
 SCALE 1"=20'
 DEC. 23, 1963
 TONER & NORDLING, REGD. ENGRS., JUNEAU, ALA.

CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered professional civil engineer and that the plat represents the survey made by me or under my direct supervision and that all dimensions and other details are correct to the best of my knowledge.

January 15, 1959

Robert J. Toner
 Civil Engineer

CERTIFICATE OF OWNERSHIP AND DEDICATION

We, the owners of the property shown and described herein and that we hereby adopt this plan of subdivision with our free consent, and dedicate all tracts shown and other open spaces to public or private use as noted.

January 15, 1959

L. J. & J. E. BULLOCK, INC.

Kenneth F. Bulluck
 Kenneth F. Bulluck, President

Witness by
Henry D. Toner
C. R. Bulluck

CERTIFICATE OF APPROVAL BY THE BOARD

I hereby certify that the subdivision, Plat shown herein has been found to comply with the Subdivision Regulations of the Kansas Landmarks Board and that said Plat has been approved by the Board. The Board has also found that said Plat has been approved by the Board. The Board has also found that said Plat has been approved by the Board.

JAN. 15, 1959

Attest:

Robert J. Toner
 Registered Professional Engineer

PLAT #
 234

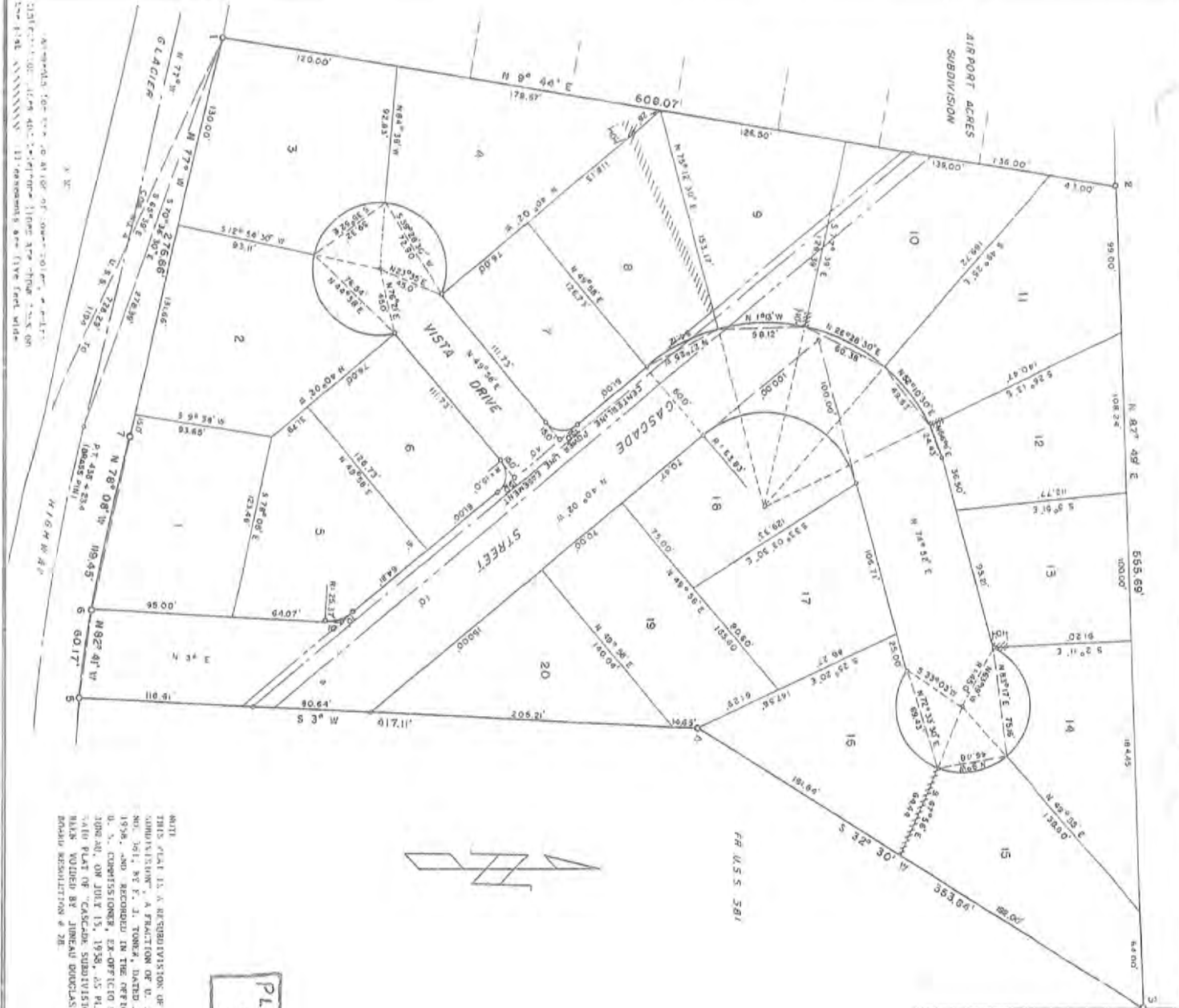
CASCADE MANOR

SUBDIVISION OF A FRACTION OF

U. S. SURVEY NO. 381

SCALE 1" = 50' NOV. 7, 1958

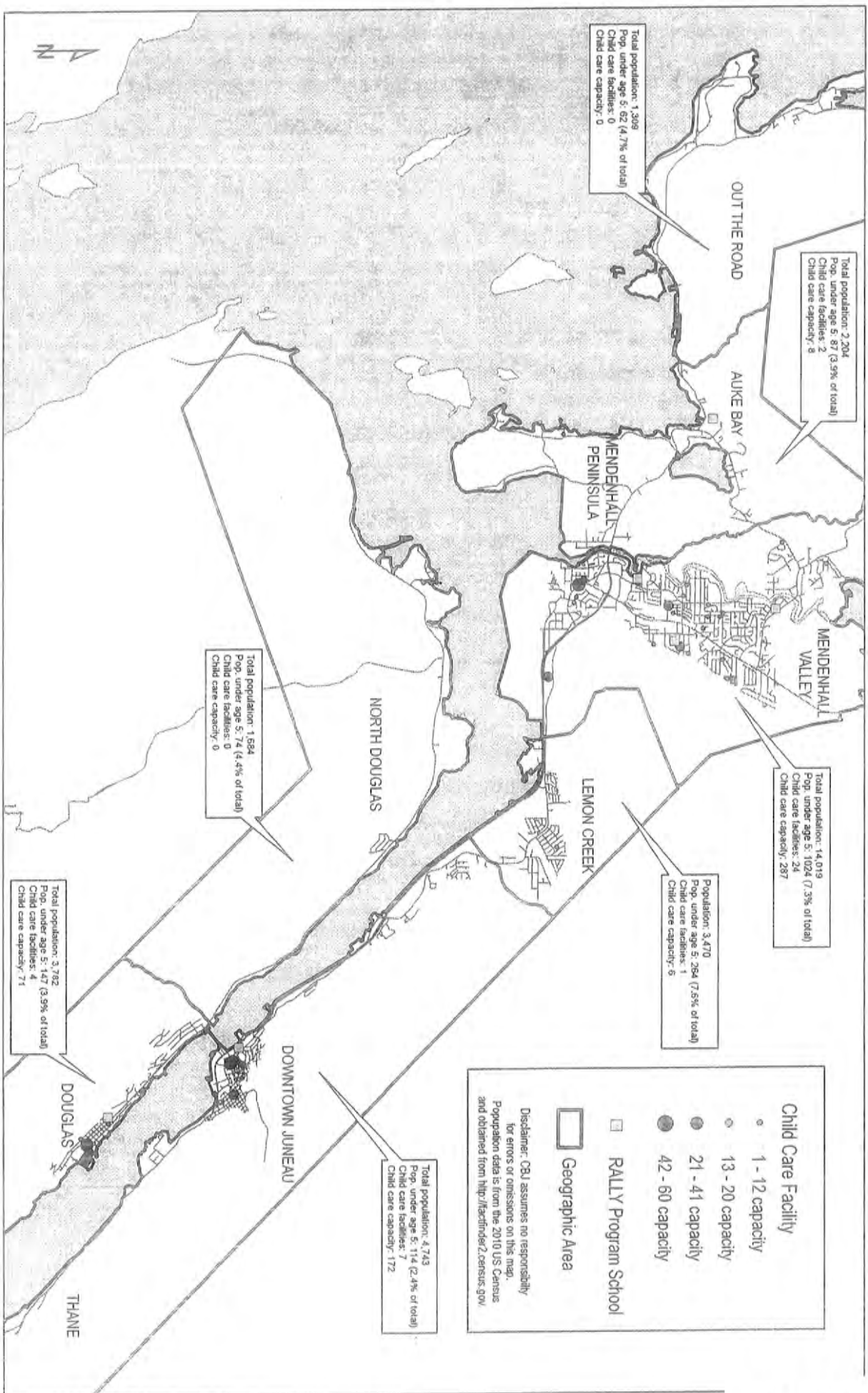
E. J. TONER - REGISTERED ENGINEER - JUNEAU



NOTE:
 THIS PLAT IS A RE-REVISION OF "CASCADE MANOR", A FRACTION OF U. S. SURVEY NO. 381, AS SHOWN ON PLAT NO. 233, DATED JANUARY 15, 1958, AND RECORDED IN THE OFFICE OF THE U. S. COMMISSIONER OF PUBLIC LANDS, JUNE 20, 1958. THE PLAT NO. 233, DATED JANUARY 15, 1958, IS PLAT # 230, "PLAT OF 'CASCADE SUBDIVISION' HAS BEEN VOIDED BY JUNE 20, 1958. REVISION RESOLUTION # 28.

RECORDED IN THE OFFICE OF THE U. S. COMMISSIONER OF PUBLIC LANDS, JUNE 20, 1958.
 BY *Robert J. Toner*
 REGISTERED PROFESSIONAL ENGINEER

234



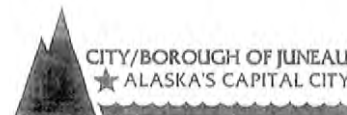


NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



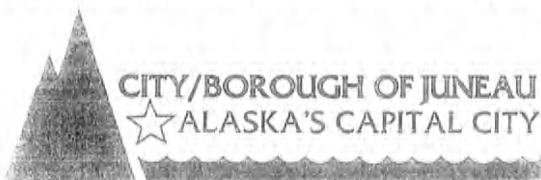
PROPOSAL: Conditional Use permit for a child care of up to 12 children in a residence in the D5 zoning district.

File No:	USE2014 0010	Applicant:	Kim Hope
To:	Adjacent Property Owners	Property PCN:	5-B16-0-101-018-0
Hearing Date:	July 22, 2014	Owner:	Kim Hope & John Seagren
Hearing Time:	7:00 PM	Size:	11,434 Square Feet
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	2175 Cascade Street
	155 South Seward Street	Accessed Via:	Cascade Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Chrissy McNally at christine_mcnally@ci.juneau.ak.us or at 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Attachment H