

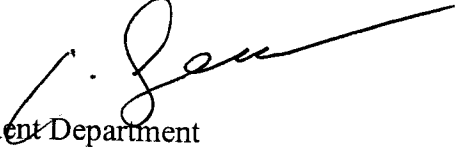
MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: June 3, 2003

TO: Planning Commission

FROM: Chris Beanes, Planner
Community Development Department 

FILE NO.: USE2003-00021 - Allowable Use

PROPOSAL: An Allowable Use permit for a 5,266 square foot retail grocery store, to be located in an existing building.

GENERAL INFORMATION

Applicant: David Ottesson, Rainbow Foods, Inc.

Property Owner: Wendy Muldor

Property Address: 224 Fourth Street, Juneau

Legal Description: Juneau Townsite, Block 18, Lots 2-4 & 5, FR

Parcel Code Number: 1-C07-0-A18-003-E

Site Size: 14,678 square feet

Zoning: MU, Mixed Use

Utilities: CBJ Water & Sewer

Access: Fourth Street

Existing Land Use: Vacant

Surrounding Land Use: North - Office
South - Office
East - Residential
West - Fraternity Hall



CITY & BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION and BACKGROUND

The applicant requests an allowable use permit to remodel the interior of an existing building. The building, originally constructed as a church but most recently KTOO studios, sits on the northwest corner of North Franklin and Fourth Streets. Rainbow Foods Grocery currently occupies the space at 224 Fourth Street, but is operating without a lease and the applicant states that the landlord is actively looking for another tenant to occupy the building. The applicant has agreed to lease the main and upper floor of the building and has developed plans for renovating this currently vacant space to accommodate the retail store (attachment A). Reuse of the former church would afford the neighborhood grocery store amenities that are non-existent in their current location, mainly on-site parking, and more space. A new refrigeration unit is proposed for the rear of the building and will displace an accessible space. The applicant is aware of the need to replace the accessible space and will replace as shown on the site plan.

ANALYSIS

Project Site - The transitional site lies between the central business district/government complex and the Starr Hill residential neighborhood. At 14,678 square feet, the site is larger than most in the neighborhood, a conglomeration of 3 lots. The site is sloped with the lowest point along the south property line.

Project Design – Visible changes to the outside will be limited to new windows facing the south, and a new refrigeration unit at the rear of the building. Signage hasn't been proposed as of yet. Overall, the building will remain unchanged in outward appearance.

Traffic – Some new traffic would be anticipated, as a parking lot will accommodate auto-oriented types. Otherwise, the use will rely on traditional neighborhood foot traffic.

Parking and Circulation – An accessible parking space will be added to the parking lot. No other changes are proposed for the parking area.

Landscaping – Existing planter boxes along the perimeter of the building will remain, and proposed plantings will fulfill the 5% required vegetative cover requirement in the MU zone.

Exterior Lighting – A slight change to the exterior lighting is proposed, an externally illuminated sign is proposed on the west-side of the building. No other changes are proposed to the exterior lighting of the building.

Signs - A separate permit process per CBJ §49.45, Signs, requires that all signs proposed by the development be submitted to CDD staff for review and approval.

Juneau Coastal Management Program - The proposed development was reviewed for compliance with CBJ §49.70.900, the Juneau Coastal Management Program. Upon analysis, no issues were identified to be in conflict with the JCMP.

FINDINGS

CBJ §49.15.320 (e), Decision, states that the Planning Commission shall consider the allowable use permit application and shall review the Community Development Director's recommendation with respect to:

1. Whether the application is complete;
2. Whether the requested permit is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter; and,
4. Whether conditions are necessary for approval¹.

The Commission shall approve the application and grant the permit unless it finds, by a preponderance of the evidence, that one or more of the criteria have not been met. In either case the commission shall adopt written findings setting forth the basis for its decision.

Per CBJ §49.15.320 (e)(1 through 4), Decision, the director makes the following findings on the criteria for granting the requested allowable use approval:

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

Yes. We find the application contains the information necessary to conduct a 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 requested permit 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 2.120, Miscellaneous Sales and Rental of Goods,

¹CBJ §49.15.320 (f)(1 through 12), Conditions on Approval, lists a set of conditions that may be placed on the requested allowable use permit approval

Merchandise or Equipment for the MU, Mixed Use zoning district. The proposed use is over 5,000 square feet in floor area, triggering the Allowable Use permit procedure.

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. Parking requirements do not apply to the applicant's interior remodel since the site is located in the PD-1 Parking District. The applicant meets the vegetative cover requirement, however, as a condition of approval, some of the planters, which are currently unmaintained, will be planted with vegetation and maintained year round. In addition, as a condition, the proposed refrigeration unit will be screened with a slatted fence to shield the equipment from neighboring properties.

4. *Are conditions necessary for approval of the requested allowable use permit?*

Yes. Based on the preceding staff analysis, it is found that conditions are necessary for approval of the requested permit. The conditions are listed in the following Recommendation.

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

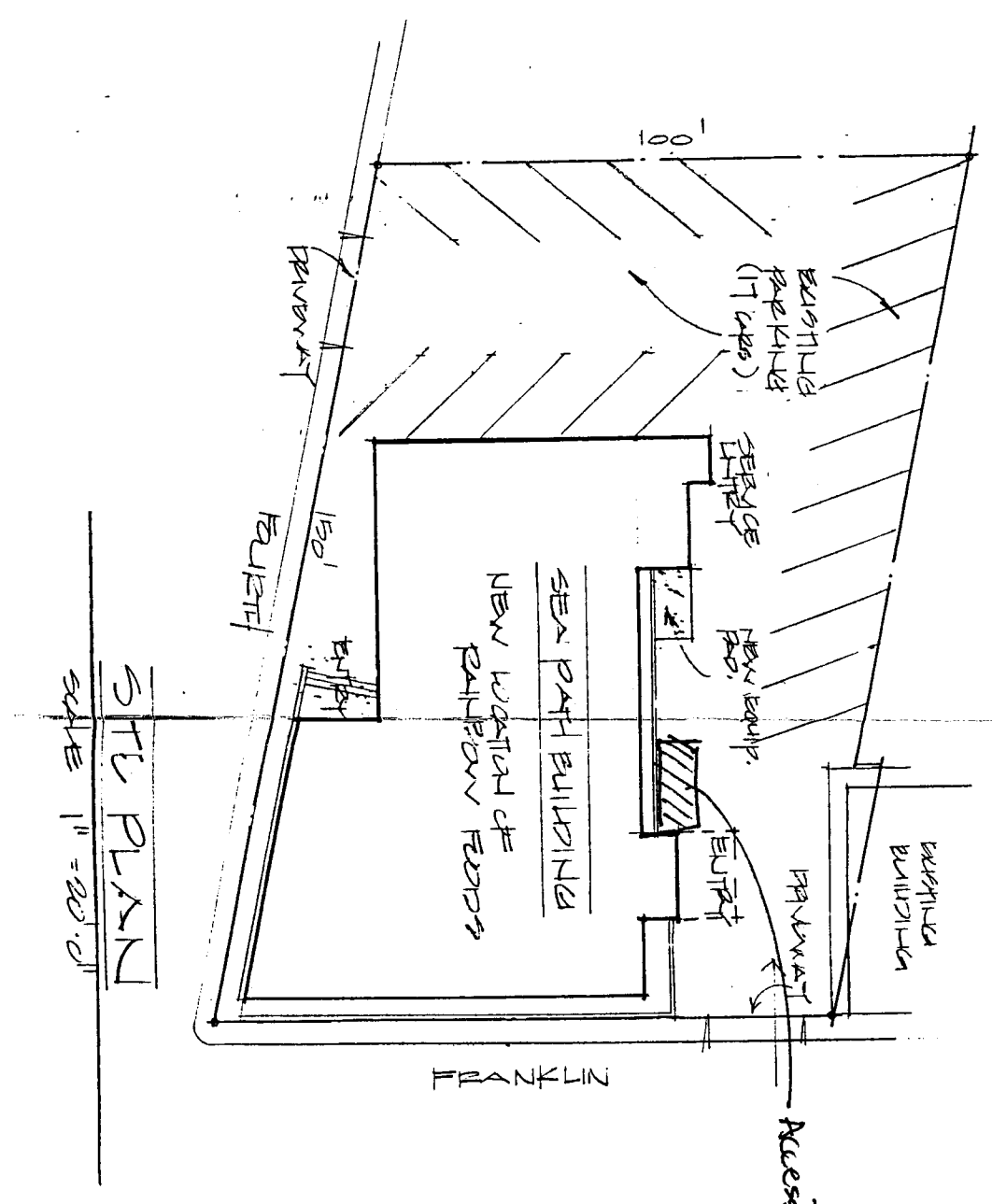
5. *Will the proposed development comply with the Juneau Coastal Management Program?*

Not Applicable. Based on the preceding staff analysis, it is found that no provisions of the Juneau Coastal Management Program apply to the proposed development.

RECOMMENDATION

It is recommended that the Planning Commission adopt the director's analysis and findings and grant the requested allowable use permit. The permit would allow the remodel of the former KTOO building into a 5,266 square foot grocery store. The approval is subject to the following conditions:

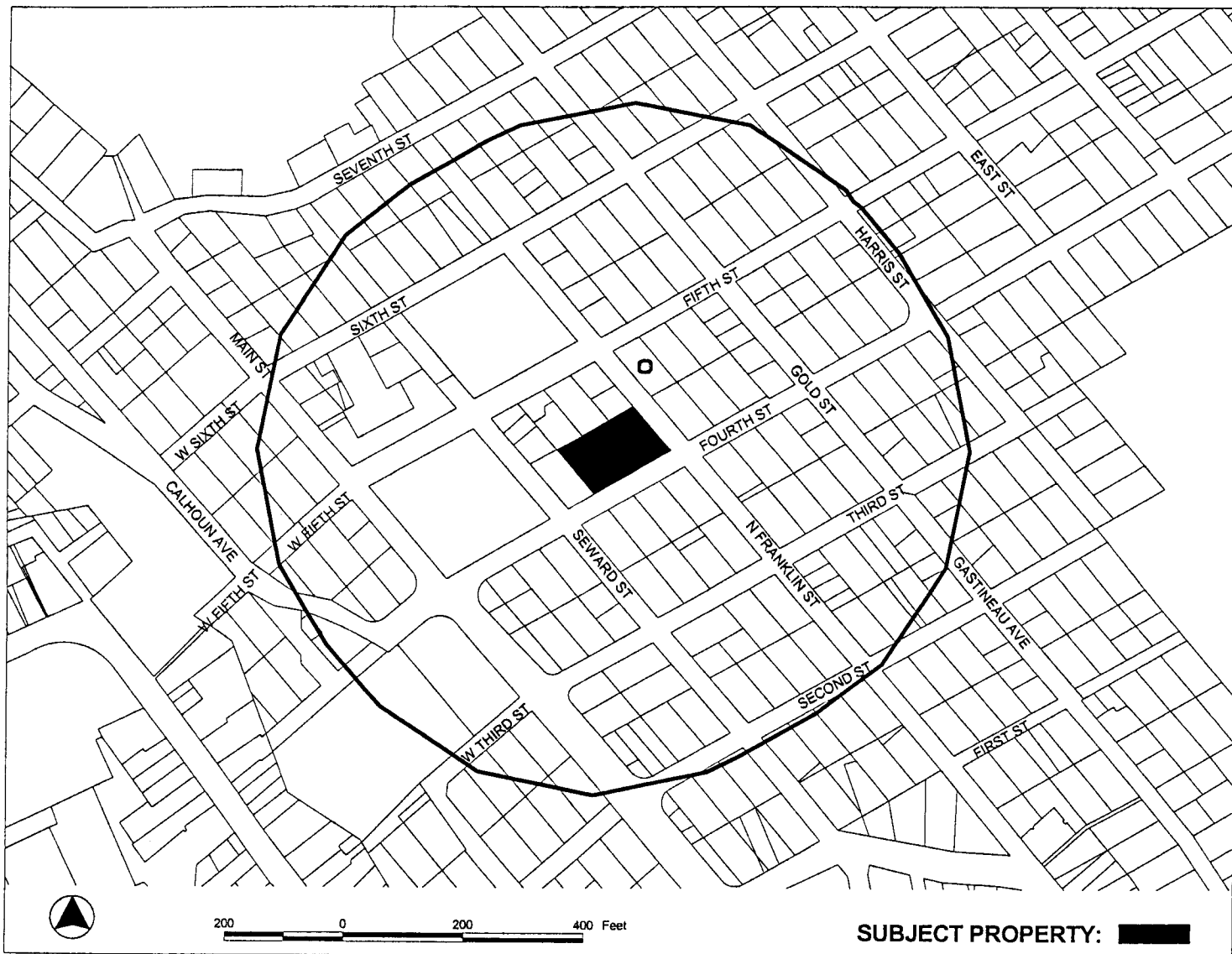
1. The applicant shall plant and maintain the planters along the perimeter of the building. Plantings shall be provided for year round coverage.
2. The proposed outdoor refrigeration unit shall be screened with a sight-obscuring slatted fence enclosure at a sufficient height to shield the visibility of the unit from neighboring properties.



SITE PLAN
 SCALE 1" = 20'-0"

RECEIVED
 MAY 15 2003
 PERMIT CENTER/CDD

NOTICE OF PUBLIC HEARING



PROPOSAL:

An Allowable Use permit for a 5,266 square foot retail grocery store.

FILE NO:	USE2003-00021	APPLICANT:	JEFF ROBERTSON
TO:	Adjacent Property Owners	PROPERTY OWNER:	ELDON & WENDY MULDER
HEARING DATE:	June 10, 2003	PROPERTY ADDRESS:	224 FOURTH ST
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	1C070A18003E
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	14,678 square feet
		ZONING:	Mixed Use
		ACCESS:	FOURTH ST

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 no later than 8:30 A.M. on the Wednesday preceding 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

Chris F Beanes 586-0771 Chris_Beanes@ci.juneau.ak.us

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

ALLOWABLE/~~CONDITIONAL~~ USE APPLICATION

(APPLICANT PLEASE FILL IN TOP PORTION OF PAGE AFTER FIRST LINE AS A MINIMUM)

Project Number _____ Project Name RAINBOW FOODS RELOCATE Case Number USE2003-21 Date Received 5-14-03

APPLICANT INFORMATION

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. ATTACH A DETAILED DESCRIPTIVE LETTER ABOUT THE PROJECT DESCRIBED IN THIS APPLICATION.

Remodel of vacant building to accommodate retail store.

MODIFICATION OF EXISTING APPROVAL? No Yes - CASE NUMBER _____

EXISTING USE OF LAND AND/OR BUILDING(S):
Vacant - previous use was FTOD studio and offices on the second floor

PROPOSED USE OF LAND AND/OR BUILDING(S):
Natural food store & deli.

UTILITIES PROPOSED WATER: Public On Site SEWER: Public On Site

SITE DIMENSIONS: Width _____ ft. Depth _____ ft. Total Area 14,677 square feet

DIMENSIONS OF STRUCTURE: (Outside Dimensions) Length _____ ft. Width _____ ft. Height _____ ft. Total Area 5,266 ^{TOTAL} leased area square feet

SIGNS: Sign Approvals are a separate permit approval. Provide sign plan as an information item.

EXTERNAL LIGHTING Existing to remain No Yes - provide fixture information, illumination pattern, and location of lighting fixtures. Proposed No Yes - provide fixture information, illumination pattern, and location of lighting fixtures.

PARKING Existing Spaces: 20 Proposed Spaces: 20

PLEASE NOTE: INCOMPLETE APPLICATIONS MAY NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION. UNACCEPTED APPLICATIONS WILL BE RETURNED TO THE APPLICANT FOR COMPLETION.

CIRCLE TYPE OF PERMIT: ALLOWABLE USE / CONDITIONAL USE		TABLE OF PERMISSIBLE USES CATEGORY: <u>20120</u>		
	Fees	Check No.	Receipt No.	Date
Application Fees	\$ <u>400</u>	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Public Notice Sign Fee	\$ <u>50</u>	_____	_____	_____
Public Notice Sign Deposit	\$ <u>100</u>	_____	_____	_____
Total Fee	\$ <u>550⁰⁰</u>	<u>18059</u>	<u>15910</u>	<u>5.14.03</u>

I:\deb\Internet\Internet.xls page label: devappcu.xls revised 2/3/99

NOTE: MUST BE ACCOMPANIED BY "DEVELOPMENT PERMIT APPLICATION" FORM WHICH HAS LAND OWNER OR LESSEE CONSENT SIGNED

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 5-14-03
Project Name (City Staff to assign name) RAINBOW FOODS RELOCATE		

PROJECT / APPLICANT INFORMATION	Project Description <i>Remodel existing building which is currently vacant to accommodate food store.</i>																
	PROPERTY LOCATION																
	Street Address <i>224 Fourth Street</i>		City / Zip <i>Juneau AK 99801</i>														
	Subdivision (if known)	Survey (if known)	Block / Tract (if known)	Lot (if known)													
	Assessor's Parcel Number (if known) 1070A18003E																
	LANDOWNER / LESSEE																
	Property Owner's Name <i>Wendy Muldor</i>		Contact Person <i>Wendy Muldor</i>	Work Phone No. <i>586-2565</i>													
	Mailing Address <i>P.O. Box 140711 Anchorage 99514</i>		Home Phone No. <i>907-337-0740</i>	FAX No.													
	LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY														
	<p>I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>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.</p> <p>X <i>Wendy A. Muldor</i> _____ Date <u>5/13/03</u></p> <p>X <i>David J. Ottoson</i> _____ Date <u>5/13/03</u></p> <p>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 and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">APPLICATION TYPE</th> <th style="width: 30%;">OWNER'S INITIALS</th> </tr> </thead> <tbody> <tr> <td>ALLOWABLE USE</td> <td><i>W.M. P.O.</i></td> </tr> <tr> <td>CONDITIONAL USE</td> <td></td> </tr> <tr> <td>VARIANCE</td> <td></td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER _____</td> <td></td> </tr> </tbody> </table>		APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE	<i>W.M. P.O.</i>	CONDITIONAL USE		VARIANCE		DESIGN REVIEW		SUBDIVISION		OTHER _____
APPLICATION TYPE	OWNER'S INITIALS																
ALLOWABLE USE	<i>W.M. P.O.</i>																
CONDITIONAL USE																	
VARIANCE																	
DESIGN REVIEW																	
SUBDIVISION																	
OTHER _____																	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)																	
Applicant's Name <i>Rainbow Foods, Inc.</i>		Contact Person <i>David Ottoson</i>	Work Phone No. <i>586-6476</i>														
Mailing Address <i>200 Seward St. Juneau AK 99801</i>		Home Phone No. <i>586-4061</i>	FAX No. <i>586-5745</i>														
X <i>David J. Ottoson</i> _____		X <u>5/14/03</u>															
Applicant's Signature		Date of Application															

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
		ALLOWABLE USE APPROVAL	✓	5-14-03	USE03-21		WATER PERMIT		
		CONDITIONAL USE APPROVAL					SEWER PERMIT		
		VARIANCE					GRADING PERMIT		
		DESIGN REVIEW APPROVAL					DRIVEWAY PERMIT		
		SUBDIVISION					RIGHT-OF-WAY PERMIT		
		STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL	LOCATED IN HISTORIC DISTRICT? <input type="checkbox"/> YES <input type="checkbox"/> NO				OTHER - (Describe)		
		BUILDING PERMIT					Permit Intake Initials <i>DM</i>		
		Zone _____	Total Lot Area _____	Required Setbacks		Front _____	Back _____	Side _____	Other _____
COMMENTS:									