

STAFF RECOMMENDATION:

Staff recommends approval with conditions.

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

This is a quasi-judicial decision and requires five (5) affirmative votes for approval.

DATE: July 7, 2020

TO: Planning Commission

Through: Jill Maclean, Director, AICP

BY: Allison Eddins, Planner II

A. Eddins

PROPOSAL SYNOPSIS: Applicant requests a Conditional Use Permit for a 490 square foot expansion of alcohol retail area, a redesign on the entryway and the installation of a drive through coffee window at the Duck Creek Market.

SUMMARY OF KEY CONSIDERATIONS:

- The location is part of the Convenience Store Overlay District.
- The Duck Creek Market received a Conditional Use Permit for a convenience store/laundromat at this location in 1990. (CU89-05)
- The project meets the requirements in the CBJ Land Use Code and is in general conformity with the 2013 Comprehensive Plan.

SURROUNDING LAND USES	
North	Residential
South	Residential
East	Mendenhall Loop Rd.
West	Residential
SITE FEATURES	
Anadromous	N/A
Flood Zone	N/A
Hazard	N/A
Hillside	N/A
Wetlands	N/A



GENERAL INFORMATION	
Property Owner	Jack & Tom Manning
Applicant	Jack Manning
Property Address	9951 Stephen Richards Drive
Legal Description	MARSH TR A & B & USS 2100 FR [SPRUCEWOOD MH PARK LAND]
Parcel Number	5B2101310000
Zoning	D15
Land Use Designation	Convenience Store
Lot Size	19.6 acres
Water/Sewer	Public
Access	Stephen Richards
Existing Land Use	Convenience Store
Associated Applications	CU89-05

49.15.330(a) Conditional Use Permit Purpose. *A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.*

ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice
Attachment C	Public Comments
Attachment D	Convenience Store Overlay District Map

AGENCY REVIEW

CDD conducted an agency review comment period between June 8, 2020 and June 19, 2020.	
Agency	Summary
Capital City Fire and Rescue	Has no concerns with this project.
Juneau Police Department	See Public Comments and Staff Response section.
CBJ Engineering and Public Works	Has no concerns with this project.
CBJ Streets Department	Provided no comments.
CBJ Building Department	Has no concerns with this project.
Assessor's Office	Provided no comments.

PUBLIC COMMENTS and STAFF RESPONSE

CDD conducted a public comment period from June 10, 2020 to July 10, 2020. Public notice was mailed to property owners within 500 feet of the subject parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. Public comments submitted at time of writing this staff report can be found in Attachment C.

Name	Summary
Katy	Would like the Planning Commission to postpone voting on this project until the roundabout construction at the intersection of Mendenhall Loop Rd. and Stephen Richards Memorial Drive is complete.
Dave Downey	In favor of the project; more selection and roomier aisles would be a welcome addition.
Rachel Kelly	Has concerns over loitering and safety.

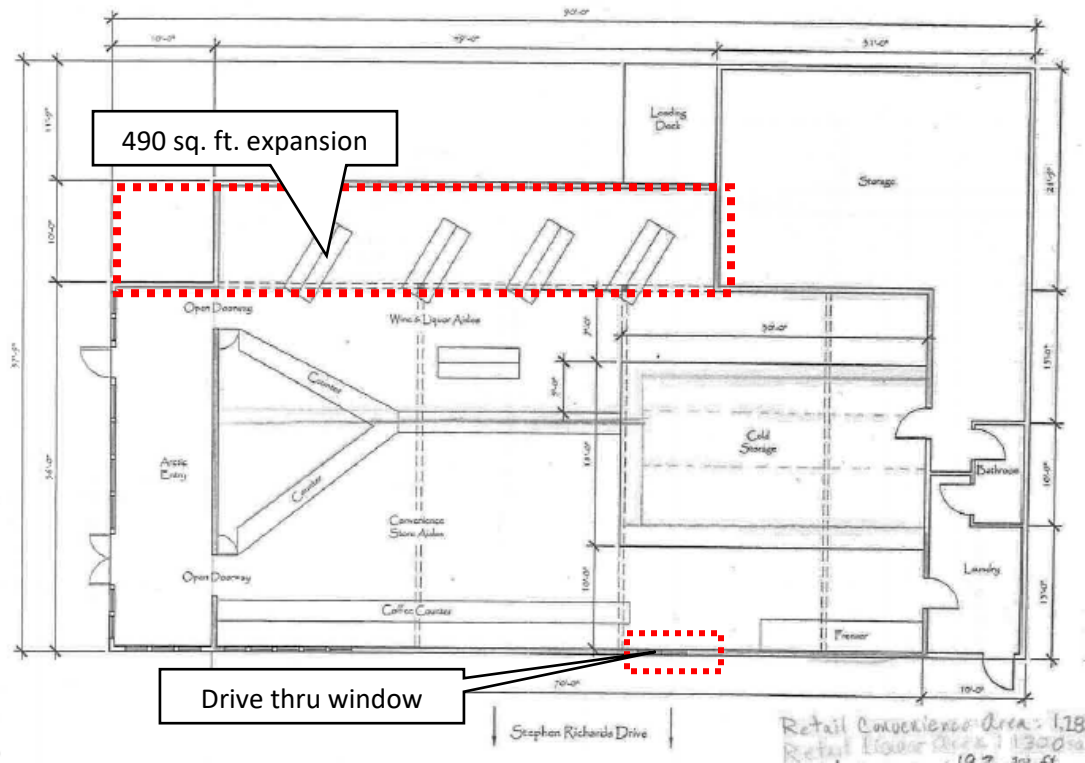
The AKDOT&PF roundabout construction project at the intersection of Stephen Richards Memorial Drive and Mendenhall Loop Road was reviewed and recommended for approval by the Planning Commission on June 11, 2019. The expected completion date is September 2020. The applicants are anticipating a decrease in the number of customers due to the road construction making this a logical time for the market expansion project.

CBJ does not have laws pertaining to loitering on private property but does have laws against criminal trespass. Within the past 6 months, JPD has responded to four trespass calls in the area. Deputy Chief David Campbell with the Juneau Police Department did not express any concerns with this application. The Duck Creek Market parking lot has 24-hour surveillance camera monitoring, and new exterior lights will be added to the redesign entryway. The lights will shine along the sides of the building and into the parking lot directly in front of the entryway. There will also be new lights added to both corners of the expansion area.

ZONING REQUIREMENTS

Standard		D15	Existing	Code Reference
Lot	Size	5,000 sq. ft.	853,340 sq. ft.	49.25.400
	Width	50'	1,336'	49.25.400
	Depth	80'	700'	49.25.400
Setbacks	Front	20'	24'	49.25.400
	Rear	15'	N/A	49.25.400
	Side	5'	600'	49.25.400
	Street Side	13'	70'	49.25.400
	Street Side	13'	13'	49.25.400
Lot Coverage		50%	Approx. 30%	49.25.400
Height	Permissible	35'	35'	49.25.400
	Accessory	25'	N/A	49.25.400

PROPOSED FLOOR PLAN



DISCUSSION

Background Information – The CBJ adopted the Convenience Store Overlay District Maps and regulations in 1987 (Serial No. 87-49). This allowed convenience stores to develop in specific areas as identified on the maps, where the underlying zoning district would not have allowed the use.

The Duck Creek Market, located in a D15 zoning district and on Map A of the overlay district maps, received a Conditional Use Permit in 1990 (CU89-05) for the development of a 4,000 square-foot convenience store that would include alcohol sales and a small laundromat. CDD staff recommended approval with the conditions listed below. The Planning Commission denied the permit request. Members of the public testified against allowing alcohol sales in the neighborhood and there was concern about the safety of children walking past the market. The Planning Commission decision was appealed and the Assembly approved the permit with the following conditions:

1. The applicant shall submit the project to the Design Review Board¹ for signage, lighting, and landscaping review and approval prior to the issuance of a building permit.
2. The applicant shall pay the cost of installation for the following improvements:
 - a. A crosswalk on Stephen Richards Drive close to the store location.
 - b. A sidewalk on the south side of Stephen Richards Memorial Drive from the west corner of the store site to the Mendenhall Loop Rd. intersection.

¹ The Design Review Board was dis-established in 1999.

3. The convenience store shall not open before 8:00 a.m. on Monday through Friday without prior approval from the Planning Commission.
4. The convenience store shall be reviewed by the Planning Commission after one year of operation. Additional conditions may be imposed, although no new conditions will prohibit the use or activity authorized under this permit.

At the September 8, 1992 Planning Commission meeting, Duck Creek Market had its one year review per condition 4. The Commission noted that conditions 1 and 2 had been met and agreed to remove conditions 3 and 4. Removing condition 3 allowed the grocery store portion of the market to open before 8:00 a.m. State law, then and now, prohibits liquor sales before 8:00 a.m.

Project Site – The Duck Creek Market lease area is approximately 15,000 square feet. The lease area is part of a large parcel that is 19.5 acres. The majority of the parcel is the Sprucewood Mobile Home Park, which is comprised of 122 mobile homes and the 30-unit Alderwood Apartments complex. Access to the lease lot is from Stephen Richards Drive, a CBJ-owned and maintained collector road. The streets within the mobile home park are privately owned and maintained. There is a lighted and striped pedestrian crosswalk across Stephen Richards Drive and 5-foot wide sidewalks along both sides of the street.

Project Design – The Duck Creek Market structure is currently 3,944 square feet. The building includes a 3,794 square foot convenience store and a 150 square foot laundromat with bathrooms. The convenience store will increase to 4,284 square feet with the 490 square foot addition. The lease site includes two (2) loading spaces; code requires one (1) loading space. The site of one of the loading spaces will be enclosed and become the 490 square foot addition to the market.

The entryway redesign will increase the height of the entryway roof line to 13 feet. The entryway footprint is not increasing. The building currently has an unused drive-through window. The applicants intend to provide a drive-through option to customers. The window is located on the northern wall of the structure facing Stephen Richards Memorial Drive. The drive-through would be for coffee and convenience store items only; state law and the CBJ prohibit liquor sales through drive-through windows.

Traffic – The Duck Creek Market was required to conduct a traffic impact analysis in 1989. The 1989 traffic study estimated AM peak hour traffic would be 219 trips and PM traffic would be 187 trips for a total of 406 average daily trips (ADTs). This estimate included the laundromat. The owners installed a 5-foot wide sidewalk along the north side of Stephen Richards Drive to the intersection with Mendenhall Loop Road.

The 2012 ITE Trip Generation Manual estimates that the addition of 490 square feet and the installation of a drive-through will generate approximately 49 additional vehicle trips per day.

A new traffic impact analysis IS NOT required.			
Use	Total Additional Sq. Ft.	Trips Generated	Total Additional Trips
Convenience Store w/ drive-through	490	AM: 70 per 1,000 sq. ft. / 2 PM: 28 per 1,000 sq. ft. / 2	49
Total Additional ADTs:			49

Vehicle Parking & Circulation – The Duck Creek Market has two entrances off of Stephen Richards Memorial Drive – one on the east side of the lease area and one on the west side. Both driveways can accommodate two-way

traffic. The parking area is paved and provides 23 parking spaces. The number of parking spaces available will decrease with the addition of the drive-through window and the 490 square foot addition. Based on a recent site visit and using the site plan submitted with this application, staff found there to be 18 parking spaces available that meet the parking space dimensions required in CBJ 49.40. These spaces are designated with wheel stops. The applicants are planning to install a pedestrian walkway through the parking lot that will connect the Stephen Richards crosswalk to the building's main entrance.

The site has approximately 100 linear feet, or about 10 car lengths, to serve as a queueing area for drive-through customers. Drive-through customers will enter the site from the eastern driveway off of Stephen Richards Memorial Drive and will exit via the western driveway back onto Stephen Richards Memorial Drive (See site plan in Attachment A).

Conditions: (These conditions are included in the tables on the following pages)

1. Prior to issuing a Temporary Certificate of Occupancy, circulation arrows for the drive-through pattern shall be painted in the parking area as shown on the site plan.
2. Prior to issuing a Temporary Certificate of Occupancy, the applicant must paint the striped pedestrian way and install pedestrian lighting.

Use	Total Sq. Ft.	Spaces Required	Total Spaces
Convenience Store	4,284	1 per 250 square feet	17
Laundromat	150	1 per 300 square feet	1
Total Parking Requirement:			18
Off-Street Loading Spaces Required:			1
ADA Accessible Spaces Required:			1

Property Value or Neighborhood Harmony – There is no evidence that the addition, entry way re-design, and drive-through will decrease property values or be out of harmony with the surrounding neighborhood.

CBJ 49.65.530 Convenience Stores

The Convenience Store Overlay District has specific standards that are meant to regulate convenience stores in the areas designated on the overlay district map. These standards are more restrictive than the underlying zoning district and supersede those of the underlying zoning district. Subsection (f) of the following standards refers to landscaping requirements along property lines. For the purposes of this review, the boundaries of the Duck Creek Market lease area will be considered property lines.

The overlay district also has bonus provisions that can be used to increase the gross floor area beyond the 3,000 square foot limit set in the standards. These standards and bonus provisions will be discussed in detail below.

CBJ 49.65.530 CONVENIENCE STORE STANDARDS			
Standard	Complies	Summary	Condition
(a) Stores may be approved in each of the areas shown on the convenience store use area maps A-B.	Yes	The Duck Creek Market lease area is located on Map A. (See Attachment X)	
(b) Video rentals, a laundromat, and an ATM may be permitted as accessory uses. Auto fuel sales may be permitted in location with adequate space for queuing. The retail area for liquor sales may occupy no more than 50% of the gross floor area. Automotive service and exterior merchandising shall not be permitted. Drive-up window service may be permitted only if vehicle queues will not extend into adjacent streets.	Yes	<p>Duck Creek Market has a 150 square foot laundry facility used mostly by residents of Sprucewood and Glacier View Mobile Home Parks. (See site plan in Attachment A)</p> <p>The proposed expansion would increase the stores gross floor area to 4,434 square feet. The liquor sales portion will increase to 1,300 square feet. This is 29% of the gross floor area. (See floor plan in Attachment A)</p> <p>The site has approximately 100 linear feet, or about 10 car lengths, to serve as a queueing area for drive-through customers. Drive-through customers will enter the site from the eastern driveway off Stephen Richards and will exit via the western driveway back onto Stephen Richards Drive. (See site plan in Attachment A)</p>	
(c) Except as authorized by the bonus provisions of this article, gross floor area shall be limited to 3,000 square feet.	Yes	<p>CU89-05 approved bonus points that allow Duck Creek Market to be 4,000 square feet. With this proposed addition the gross floor area will be 4,434 square feet.</p> <p>The applicant will earn bonus points with this proposal that will increase the allowed floor area to 5,000 square feet.</p>	
(d) Vehicle access must be directly from an arterial or collector, and not from a local street.	Yes	Vehicle access to the site is from Stephen Richards Drive. The Roadway Classification Maps, adopted by the CBJ Assembly, classify Stephen Richards Drive as a collector.	
(e) Height shall be limited to one story except that a second story may be allowed for residential	Yes	Duck Creek Market is one story. The project includes an entryway redesign that will increase the roof height in the entryway to	

CBJ 49.65.530 CONVENIENCE STORE STANDARDS			
Standard	Complies	Summary	Condition
use and for accessory office and storage uses, provided that any storage uses must relate directly with the permitted primary use.		13 feet but it will remain one story. The roof line for the rest of the market is not changing.	
(f) (1) On a property line shared with a residential lot a landscaped strip shall include a continuous shrub screen, fence or both, six feet high and 95% opaque. The screen shall include one tree at least six feet high at installation per 30 lineal feet.	Yes	The applicants constructed a six-foot-tall fence and planted evergreen trees along the southern portion of the lease area that directly abuts a mobile home lease area.	
(2) On a property line adjacent to a street a landscaped strip shall include a continuous low shrub screen on a berm or other raised facility that is at least five feet wide, landscaped at a slope not greater than the natural angle of repose, and consistent with sight distance requirement for vehicle egress. The strip width may be reduced to 18" to accommodate planter boxes and sight obscuring fences. The screen shall include one tree per lineal feet.	Yes	The property line that is adjacent to Stephen Richards Drive is landscaped with a continuous low shrub screen. The applicants plan to re-landscape this strip and improve the drainage. The shrub continuity will be slightly disrupted when the applicants install the pedestrian walkway that will connect to the cross walk along Stephen Richards Drive.	

CBJ 49.65.530 CONVENIENCE STORE STANDARDS			
Standard	Complies	Summary	Condition
(3) On all other property lines except those along driveways the strip shall include a continuous low shrub screen with one tree per 30 lineal feet at least six feet high at installation.	Yes	The eastern and western portions of the lease area have the ingress and egress driveways and are not required to be landscaped.	
(g) The minimum off-street parking requirement shall be one space per 250 square feet of gross floor area.	Yes	With the proposed addition, the market's gross floor area will be 4,437 square feet, making the parking requirement 18 spaces. The site is currently providing 20 parking spaces, of which one is ADA, as well as one loading space.	
(h) Exterior bear-resistant public litter can shall be provided.	No	The public litter can is not bear-resistant.	Prior to issuance of a Certificate of Occupancy, the applicant must install a bear-resistant litter can near the building entrance or near the pedestrian walkway.
(i) The exterior building appearance, including siding, roof line, windows, paint colors and building massing shall be compatible on all sides with surrounding uses.	Yes	The surrounding residential uses are mostly made of wood and metal, and are single story with a mix of flat and pitched roofs. The exterior building appearance of the market is metal and brick. The remodeled entryway will have a pitched roof while the rest of the building will maintain the existing flat roof line.	
(j) Exterior lighting may not shed light of glare above the roofline of the building or beyond the property line of the site.	Yes	The exterior lighting is comprised of full cutoff fixtures that are attached to the building below the roofline and illuminate the parking lot and building entrance.	

CBJ 49.65.530 CONVENIENCE STORE STANDARDS			
Standard	Complies	Summary	Condition
(k) The building shall be set back from any property line shared with a residentially zoned parcel by a distance of 20 feet, or the distance required by the underlying zoning district, whichever is greater.	Yes	The closest residential structure is approximately 30 feet away from the market. The market shares a lot with the surrounding residential uses so there are no property lines separating the commercial use from the residential uses.	
(l) No more than 80% of the lot shall be covered by an impervious surface.	Yes	Approximately 88% of <u>the site</u> on which the market sits is covered by impervious surface. However, <u>the lease area lot</u> that the market sits on is approximately 30% impervious surface.	
(m) The layout of the store shall provide for views from the cash register of bicycle racks, telephones, seating areas and other exterior public amenities.	Yes	The layout allows for views of the entire store and parking area from the cash registers.	
(n) The parking lot shall be paved and striped with spaces and circulation pattern.	Partial	The parking lot is paved and has wheel stops. It has been CDD policy to allow wheel stops in place of stripping. With the addition of a drive-through, circulation arrows need to be painted in the parking lot.	Prior to issuing a Certificate of Occupancy, circulation arrows for the drive-through pattern shall be painted in the parking area.
(o) Headlight glare shall not be permitted onto residentially-zoned lots adjacent to the site.	Yes	The headlight glare of cars traveling through the drive-through will be blocked by existing evergreen trees.	
(p) Liquor sales shall not be permitted from drive-in windows.	Yes	State of Alaska law prohibits liquor sales from a drive-through window.	

CBJ 49.65.540 Bonus Provisions. The Planning Commission may allow development in excess of 3,000 square feet but no more than 5,000 square feet of total gross floor area upon written findings awarding a bonus. Except as otherwise provided in this section, the bonus shall be 500 square feet each for compliance with any of the following criteria:		
Bonus the applicant plans to earn or did earn with the original development	Summary	Condition
1. The area proposed for retail alcohol sales is less than 1,500 square feet in net floor area. The bonus shall be 1,000 square feet.	The existing liquor store area is 820 square feet. This earned the store 1,000 square feet of additional square footage allowing the store to be 4,000 square feet. The store is currently 3,794 square feet leaving 206 square feet of the bonus unused. The proposed addition will increase the store area by 490 square feet. (Bonus to attain 284 square feet is still needed.)	
2. The development includes a lighted pathway on-site connecting to a bus stop, crossing, walkways or other points of off-site pedestrian activity indicated by a surface material or color reasonably different from adjacent areas. This bonus is worth 500 square feet of floor area.	The expansion includes the installation of a striped and lighted pedestrian walkway through the parking lot that will connect to the crosswalk across Stephen Richards Drive. After meeting the requirement in Bonus #1, this qualifies the market to be 5,000 square feet. The addition will increase the store to 4,434 square feet.	Prior to issuing a Certificate of Occupancy, the applicant must paint the striped pedestrian way and install pedestrian lighting.
4. The loading area, garbage containers, utility meters and mechanical equipment are to a reasonable extent visually and acoustically screened from adjacent residential property. This bonus is worth 500 square feet of floor area.	The applicant plans to shield the dumpster and install rubber around the lid and rim to minimize the noise impacts. This bonus is not needed but the applicant plans to do it anyway.	

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan.			
Chapter	Page No.	Item	Summary
5	58	Policy 5.11	To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services.
10	137	Policy 10.10	To encourage small-scale neighborhood convenience commercial uses in appropriate areas in new neighborhoods and with appropriate operating measures within existing neighborhoods.

FINDINGS

Conditional Use Permit Criteria - 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?*

Finding: Yes. 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 Convenience Store Overlay District?*

Analysis: The application is for the expansion of an existing convenience store that was permitted in 1990, and the site is located in an area designated in the Convenience Store Overlay District maps.

Finding: Yes. The requested permit is appropriate according to the Convenience Store Overlay District maps.

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

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting and vegetative cover.

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

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested expansion to the Duck Creek Market, will materially endanger the public health or safety.

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

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested expansion will substantially decrease the value or be out of harmony with the property in the neighboring area.

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

Finding: Yes. The proposed expansion of the Duck Creek Market, with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of a 490 square foot expansion of the Duck Creek Market, including a re-designed entryway and installation of a drive-through window.

The approval is subject to the following conditions:

1. Prior to issuing a Temporary Certificate of Occupancy, circulation arrows for the drive-through pattern shall be painted in the parking area.
2. Prior to issuing a Temporary Certificate of Occupancy, the applicant must paint the striped pedestrian way and install pedestrian lighting.
3. Prior to issuance of a Temporary Certificate of Occupancy, the applicant must install a bear-resistant litter can near the building entrance or near the pedestrian walkway.

Alternatives

1. **Amend** - The commission may require additional conditions, or delete or modify the recommended conditions.
2. **Deny** - The commission may deny the permit if it finds, by a preponderance of evidence, that the director's determination was in error. In the event the commission denies the permit, the commission must adopt new findings for items 1-6 above that support the denial.
3. **Continue** - The commission may continue the public hearing to a future commission hearing date if it determines that additional information or analysis is needed to make a decision or if additional testimony is warranted.

Attachment A - Application Packet



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

480 sf. expansion of alcohol retail area and the installation of a drive-thru coffee window

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: Allowed Use under Convenient Store Overlay District

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # C489-05

☐ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 853.340 square feet Total Area of Existing Structure(s) 3.944 square feet

Total Area of Proposed Structure(s) 4,434 square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☐ No
☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED☒ **Narrative including:**

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☐ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☒ Notice of Decision and case number
- ☒ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ **Plans including:**

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☒ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
	Fees			
Application Fees	\$ <u>350</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>500</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

USE-20-012

Date Received

6/4/20

Attachment A - Application Packet

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Attachment A - Application Packet



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 9951 Stephen Richards Drive		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Marsh TR A & B and USS 2100 FR (Sprucewood MHT Park Land)		
	Parcel Number(s) 5B2101310000		
	<input type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Jack & Tom Manning	Contact Person Jack Manning	
	Mailing Address P.O.B. 34262 Juneau AK	Phone Number(s) 789 - 4637	
	E-mail Address DuckcreekMkt@gmail.com	789 - 5540	
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
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 <u>Thomas G. Manning</u> Landowner/Lessee Signature		<u>6-4-2020</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
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 If the same as OWNER, write "SAME"			
Applicant Same		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X _____ Applicant's Signature		_____ Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Intake Initials

ANE

Case Number

1155-20-017

Date Received

4/3/20

Attachment A - Application Packet

Liquor Store may occupy only 30% of gross floor area.

Drive-up window is permitted.

Gross floor area - limited to 3,000 sq. ft. (Bonuses can earn more)

Parking - 1 space / 250 sq. ft. gross floor area

Remodel Plan

May 25, 2020

Duck Creek Market

Zoned D15

9951 Stephan Richards Drive

Juneau, Alaska 99801

18 parking spaces (1 ADA, 1 loading space)

It is time to completely remodel our convenience store. We recently renewed our long-term lease and are now able to complete the much-needed remodel and upgrade of Duck Creek Market.

The nature of Convenience stores has changed since we first opened 30 years ago and we need to up-grade our store to meet these changes. Like many retail businesses we are currently changing our service model in reaction to the covid virus. Also we have long overdue remodel projects including painting, flooring, new shelving, store orientation, and product focus. We intend to add a full coffee/pastry counter along the street/N side of the building and move the drive up window. We plan a small expansion to the Liquor store side of the store to allow a wine shopping area outside of the entry aisle and to allow more room at the counter for customer checkout and service. Currently customers are required to squeeze by one another at the cramped entry and checkout stand and squeeze by each other while shopping or moving through the store to the cooler. This current area size limitation is neither safe nor efficient and does not offer a positive shopping experience.

We are planning a complete remodel of the exterior of our store as well. This will include new siding, painting, fascia, and an expansion in height of the Entry Area to improve access and allow a service counter. We are currently using this counter for service for customers choosing not to completely enter the store. We want to use the remodel of the entry as a focal point for upgrading the image of our store.

Our store is about to be negatively impacted by the road closure of Stephan Richards to facilitate construction of the Roundabout at the M. Loop Road and the stop light at Riverside. This would be a good time to complete the remodel, as we will have fewer customers during these construction projects.

Remodel to include:

Painting, siding and new fascia on exterior of building

Raising the Entry Way ceiling 5 feet and replacing the shed roof with a hipped roof.

Complete remodel of interior of the retail area of the store including painting, shelving, and new flooring throughout.

Expansion of 10 ft. along the South side of the liquor store, total 490 sq. ft.

Our existing building including storage is 3,944 sq. ft.

Our existing Convenience retail area is 1,280 sq.

Our existing Liquor retail area is 820 sq. ft.

The expansion will add 480 sq. ft. to the retail liquor side of the store:

Total building size, 4,434 sq. ft. Total Liquor store, 1,300 sq. ft.

- The expansion will increase the store area by 12%.

- Doubling the liquor sales area.

No Creek Jack Inc. Jack and Tom Manning

→ 29% of gross floor area

Bonuses 49.65.540

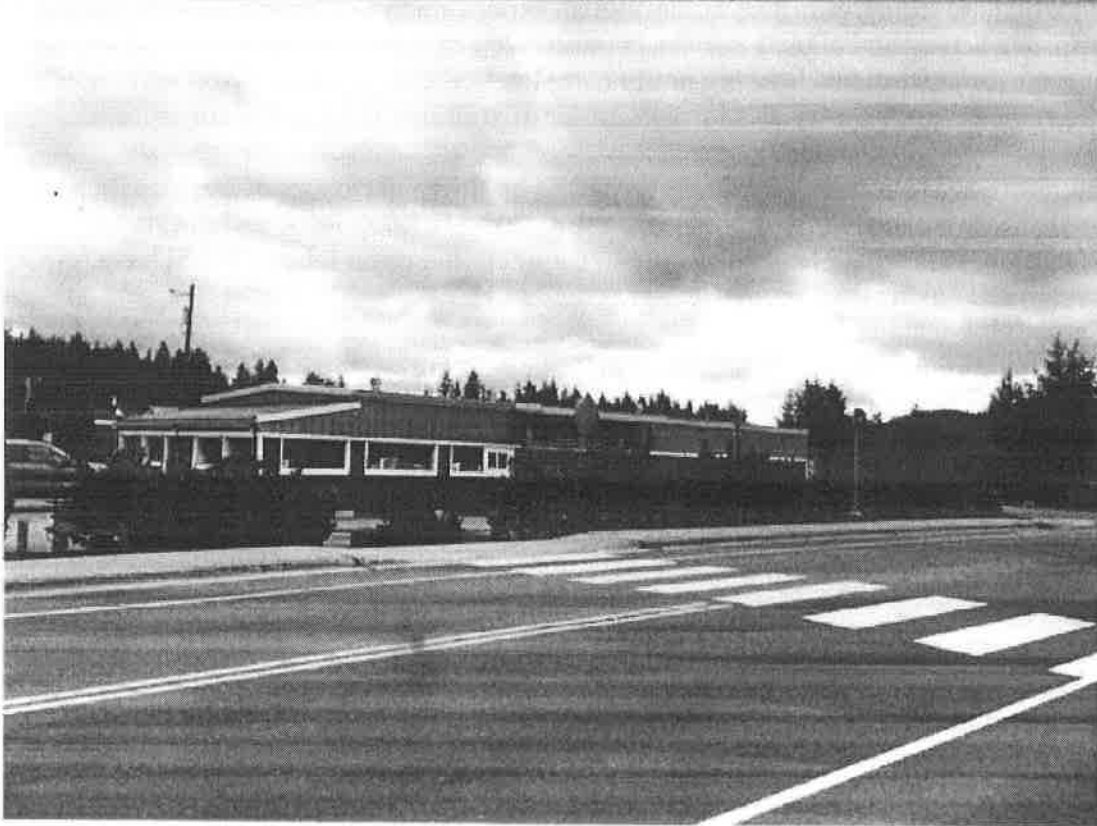
Area of liquor sales is less than 1,500 sq. ft.

A covered 5 stall bike rack can reduce parking requirement to 1 space / 350 sq. ft. = 13 spaces

Bonuses

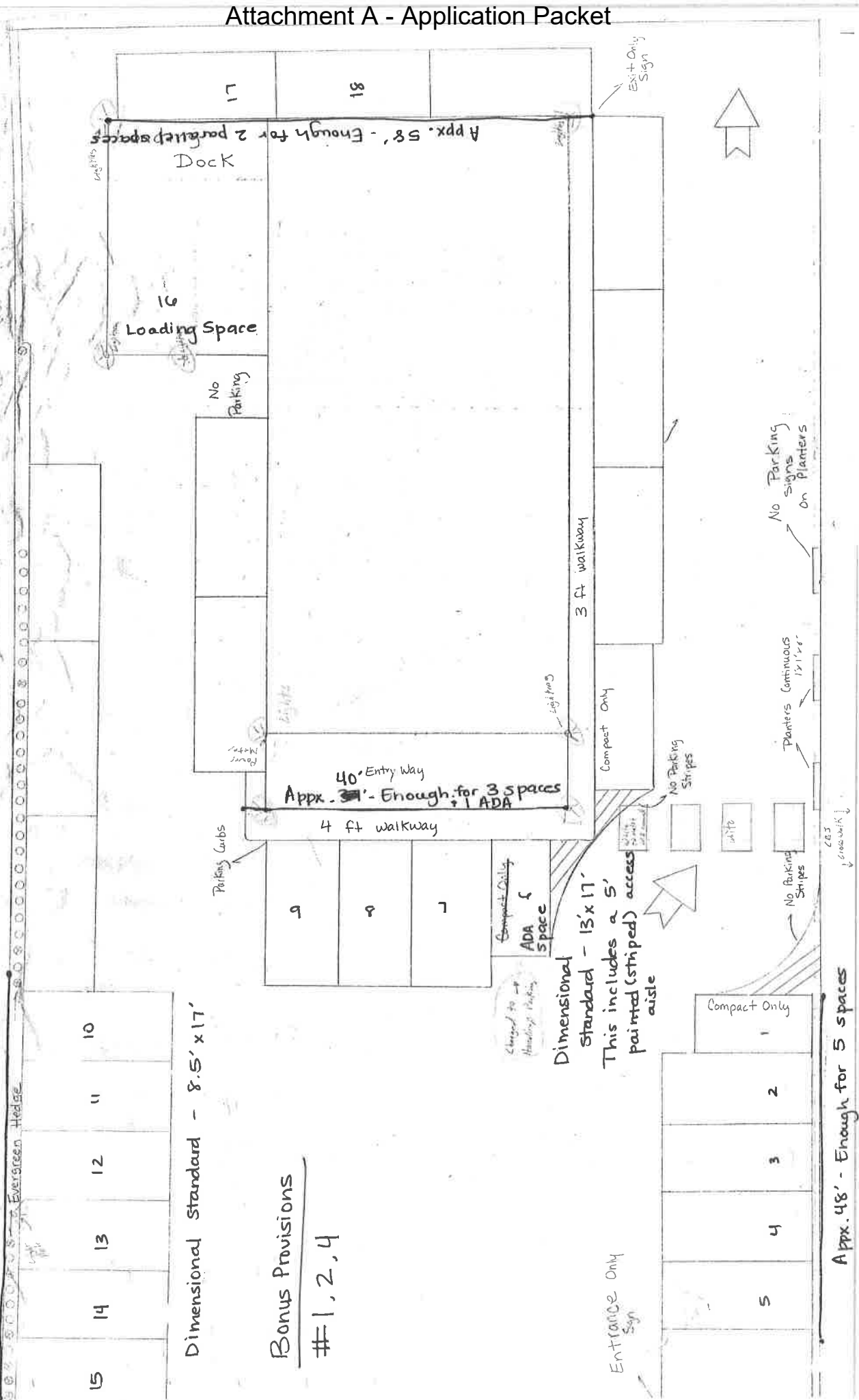
Attachment A - Application Packet

#1 - Used #1 with original construction. Earn \$1,000^{original} st. Has 56 sf. left to use.



Attachment A - Application Packet

52' - Enough for 6 standard spaces
Appx. 52' - Enough for 6 standard spaces



Dimensional Standard - 8.5' x 17'

Bonus Provisions

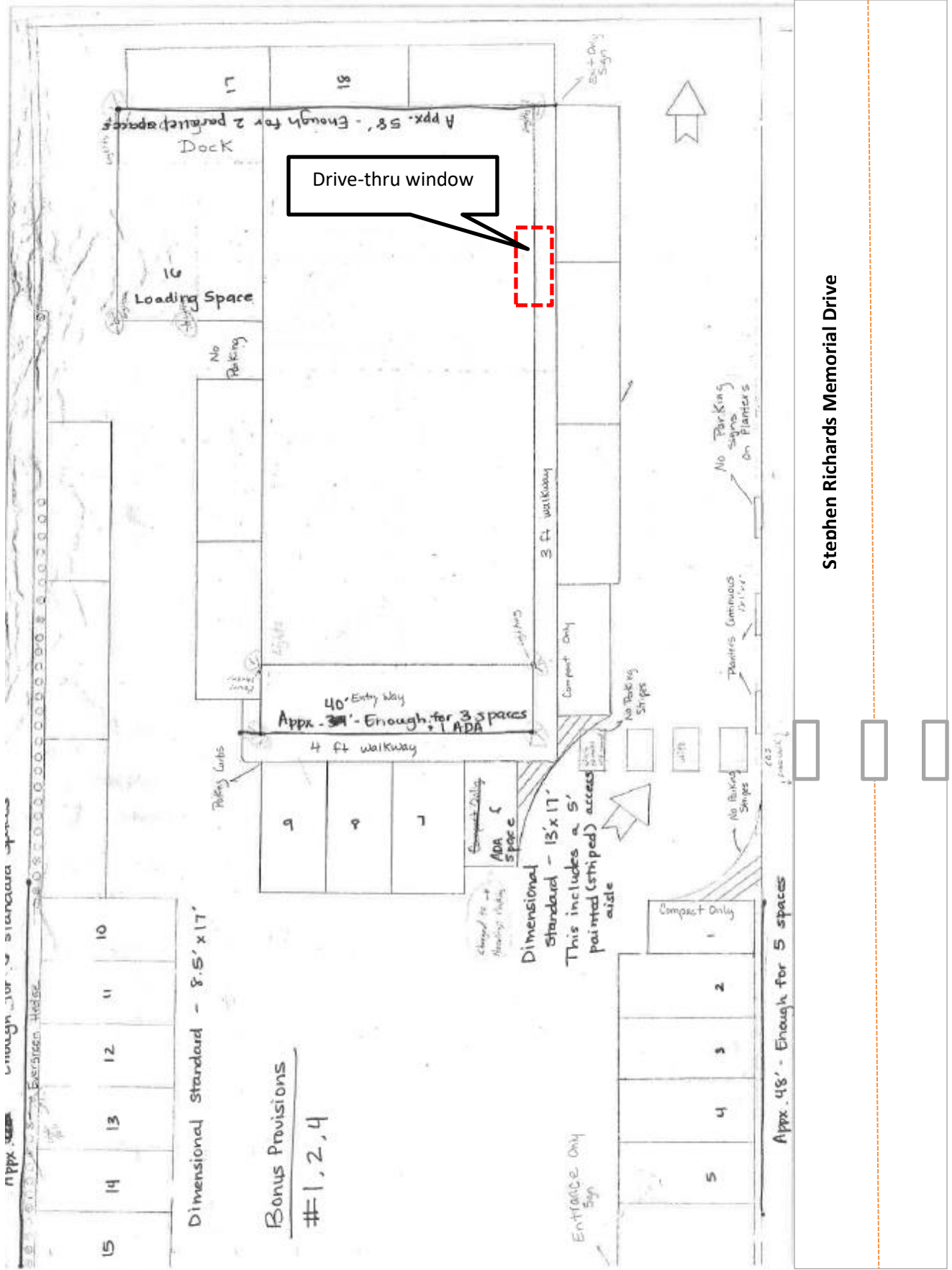
#1, 2, 4

Appx. 48' - Enough for 5 spaces

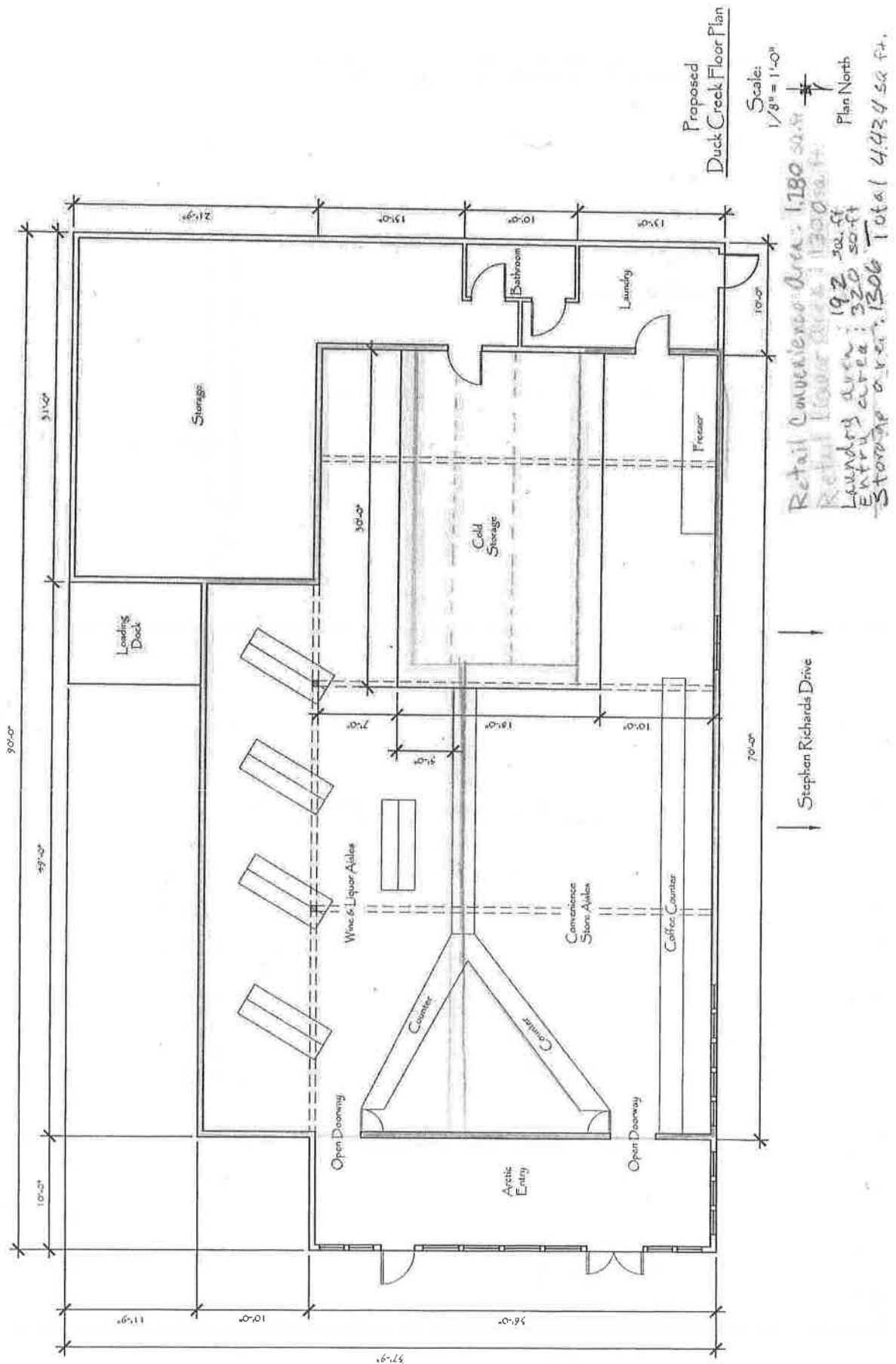
Landscaping Requirements - Along property lines that abut a street - Continuous low shrub: 1 tree / linear foot. 30
Prop. line along Stephen Richards is appx. 150' = 5 trees

- Only 80% of the lot can be covered by impervious surface.

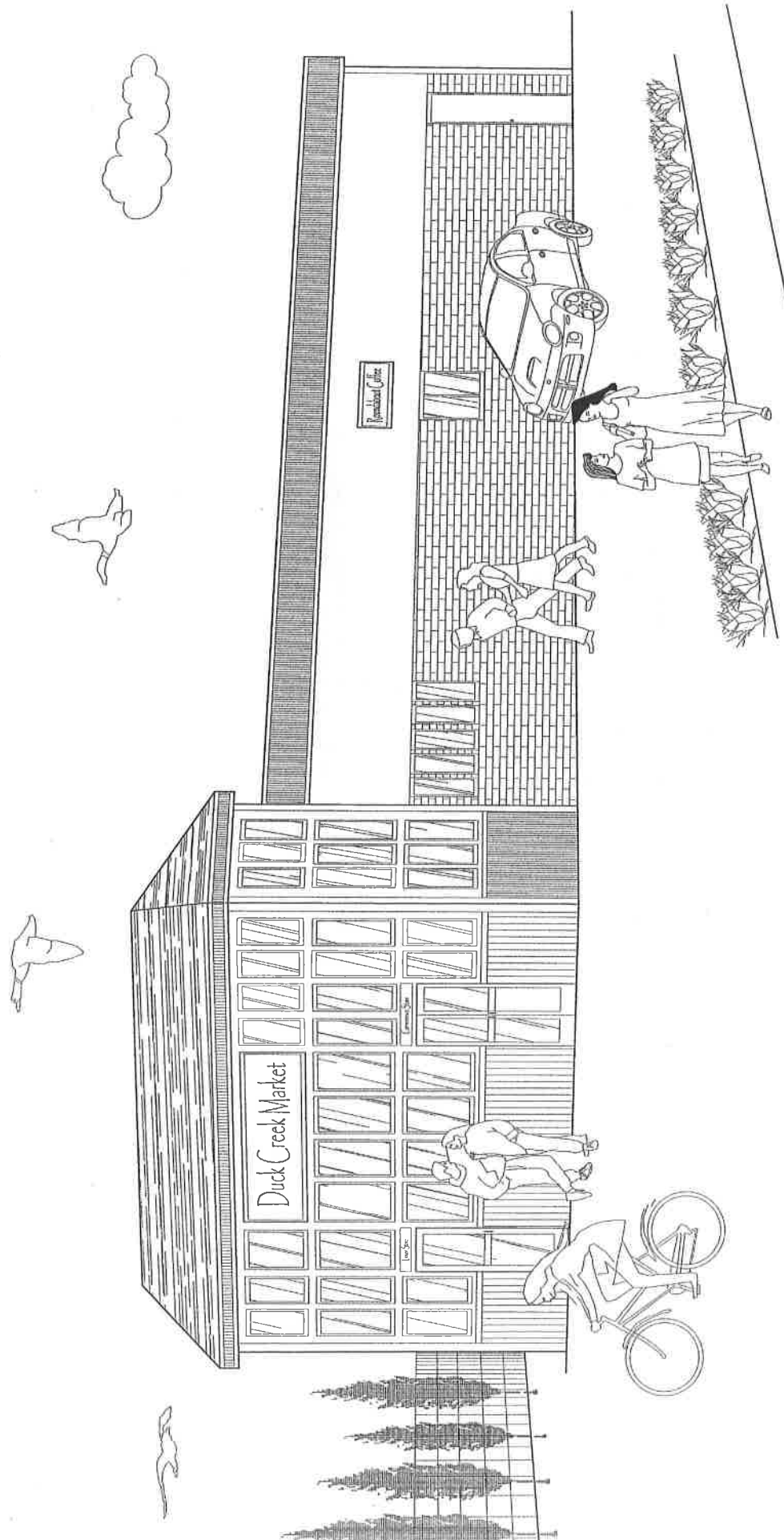
Attachment A - Application Packet
Duck Creek Market Site/Circulation Plan



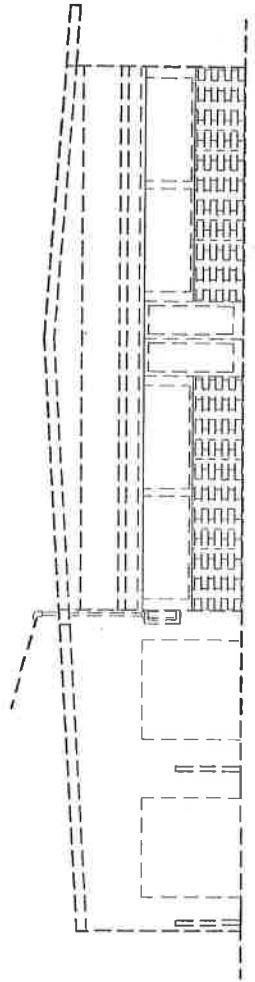
Proposed Duck Creek Floor Plan



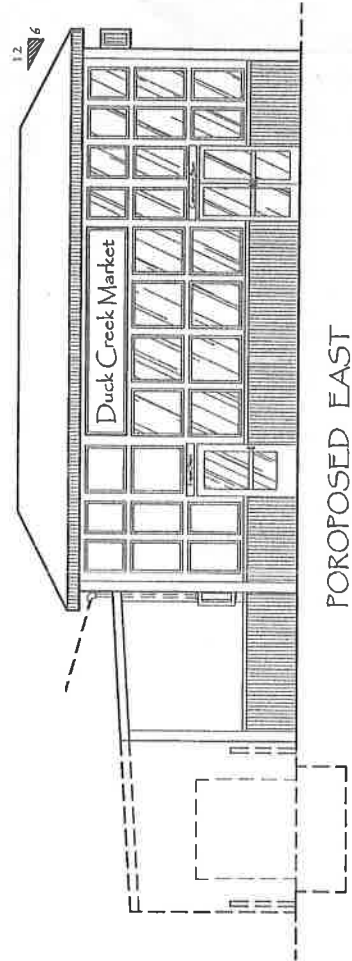
Attachment A - Application Packet



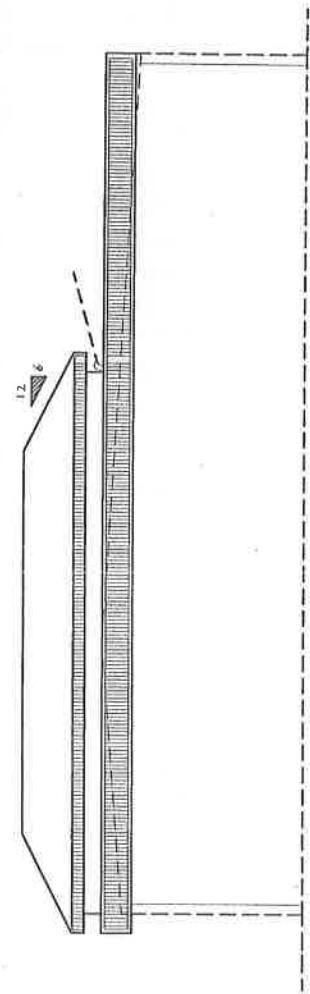
PROPOSED DUCK CREEK MARKET REMODEL
NO SCALE



EXISTING EAST



PROPOSED EAST

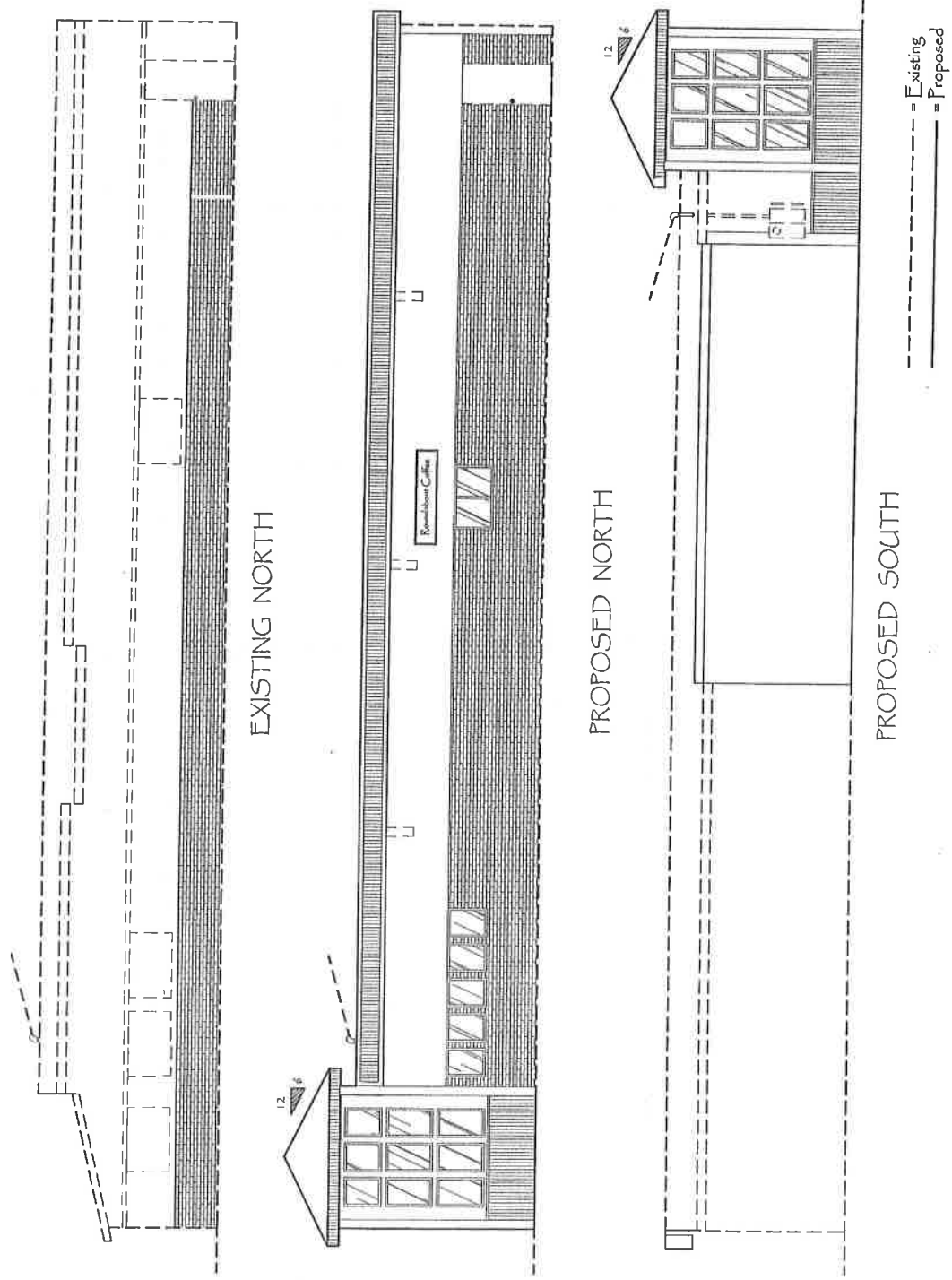


PROPOSED WEST

--- Existing
— Proposed

EXISTING EAST, PROPOSED EAST AND WEST ELEVATIONS

SCALE: 1/8" = 1'-0"



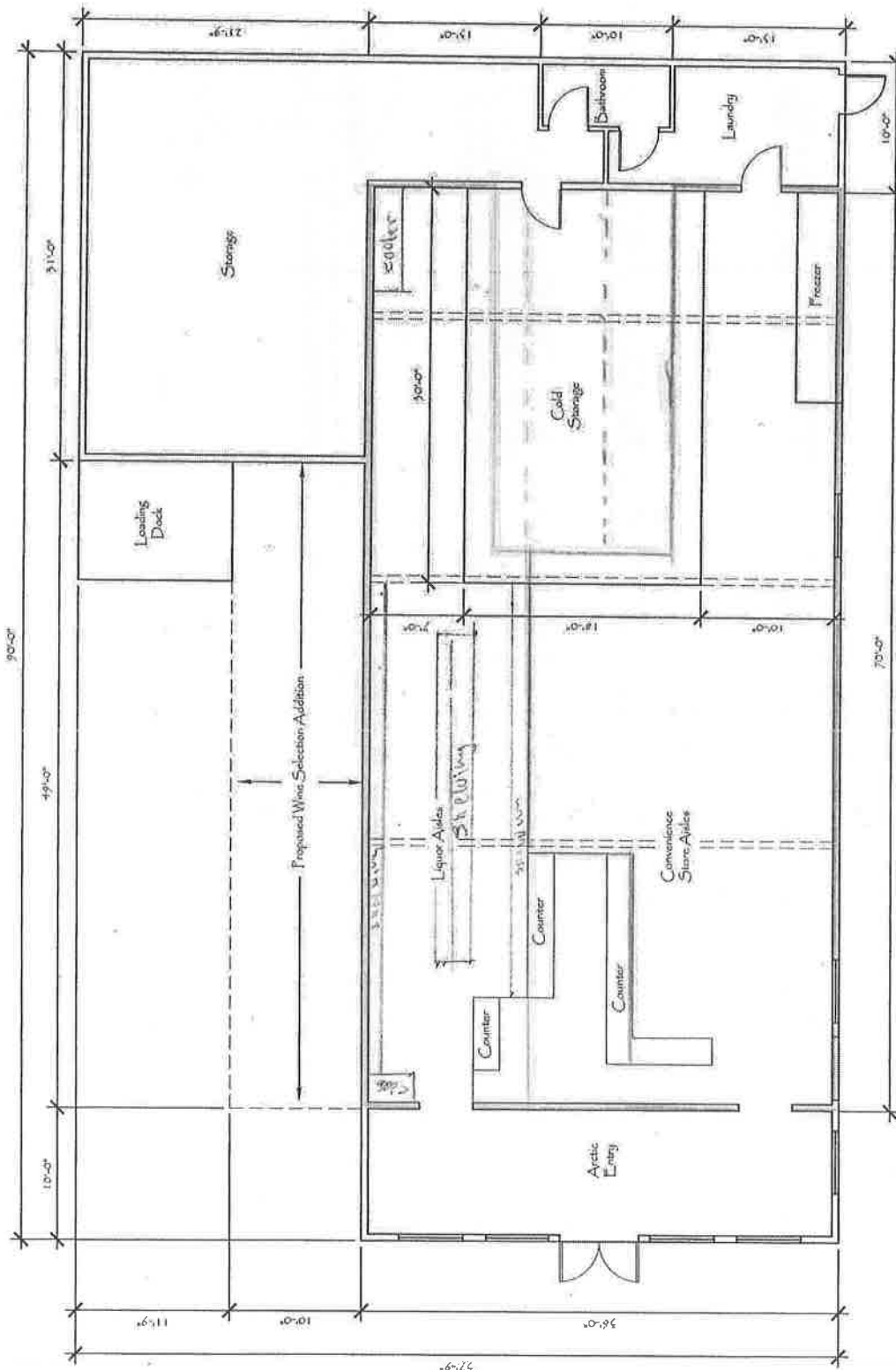
EXISTING NORTH, PROPOSED NORTH AND SOUTH ELEVATIONS

Existing w/ Proposed
Duck Creek Floor Plan

Scale:
1/8" = 1'



Plan North



Retail Convenience area: 1280 sq. ft.
 Laundry area: 192 sq. ft.
 Extra area: 320 sq. ft.
 Storage areas: 1306 sq. ft.

Stephen Richards Drive

Attachment A - Application Packet



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

Duck Creek addition

Case Number: PAC20200033

Applicant: Jack Manning

Property Owner: Coogan Alaska

Property Address: 9951 Stephen Richards Drive

Parcel Code Number: 5B2101310000

Site Size: 853,340 Square Feet

Zoning: D15

Existing Land Use:

Conference Date:	06/03/20
Report Issued:	(Insert Today's Date)

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Jack Manning	Applicant	jmmanning@gci.net
Allison Eddins	Planning	Allison.eddins@juneau.org
John Young	Building	John.young@juneau.org
Eric Vogel	General Engineering	Eric.vogel@juneau.org

Attachment A - Application Packet

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division

1. **Zoning** – D15 and in the Convenience Store Overlay District (Map A)
2. **Setbacks** – Front yard setback (along Stephen Richards) – 20 feet; Street side yard setback (2 unnamed roads to Sprucewood MH Park) – 13 feet; Rear yard setback and side yard setbacks – N/A
3. **Height** – 35 feet for principle use and 25 feet for accessory use
4. **Access** – Access to the site is from Stephen Richards Drive
5. **Parking & Circulation**– The site plan submitted at the pre application meeting shows 28 spaces. Staff measured the site using parcel viewer and determined the parking available is closer to 20 spaces, including one loading space and one ADA space. The parking requirement for convenience stores in the overlay district is 1 space/250 square feet. With the addition of 480 square feet the new parking requirement is 18 spaces. The bonus provision in 49.65.540 all the parking requirement to be decreased to 1 space/350 square feet if a covered 5 stall bike rack is installed. This would make the parking requirement 13 spaces. The applicant is proposing a lighted pedestrian pathway that will connect with the existing crosswalk across Stephen Richards Dr.
6. **Lot Coverage** – Maximum lot coverage is 50%.
7. **Vegetative Coverage** – The convenience store overlay district has specific landscaping requirements including continuous low shrubs and 1 tree per 30 linear feet of frontage along property lines that abut a right of way. The site is surrounded by rights of way on three sides. The landscaping requirement is being met along Stephen Richards but not the other two rights of way that are known as Sprucewood MH Park Unnamed Roads.
8. **Lighting** – New lighting for a pedestrian pathway will be installed. The lighting will be full cut off and will not shine on neighboring property.
9. **Noise** – The construction period will coincide with the roundabout installation at Stephen Richards and Mendenhall Loop Rd. intersection. Construction must be done in compliance with CBJ Noise Ordinance. The proposed expansion of the store is not expected to increase the regular noise level generated by the store.
10. **Flood** – This site is in the area of minimal flood hazard, Zone X (Panel 02110C1239D)
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – N/A
12. **Wetlands** – N/A
13. **Habitat** — N/A
14. **Plat or Covenant Restrictions** – N/A

Attachment A - Application Packet

Pre-Application Conference Final Report

15. **Traffic** – The proposed expansion will increase the store's floor area by 480 square feet. The traffic increase from the expansion is expected to be minimal and will not require a traffic impact analysis.
16. **Nonconforming situations** – The development meets the requirements of the Convenience Store Overlay District. There are no nonconforming situations for this use.
17. **Bonus** – The Planning Commission may allow convenience stores to be greater than 3,000 square feet but no more than 5,000 square feet upon written findings that bonuses have been met. Except as otherwise provided, the bonus shall be 500 square feet in compliance with any of the following criteria.

Below are the bonuses that the application plans to earn or did earn with the original development:

Bonus #1 – The area proposed for retail alcohol sales is less than 1,500 square feet in net floor area. The bonus shall be 1,000 square feet. – The existing liquor store area is 820 square feet. This earned the store 1,000 square feet of additional square footage which would allow the store to be 4,000 square feet. The store is 3,944 square feet leaving 56 square feet of the bonus un-used. The proposed addition will increase the store area by 480 square feet. (Bonuses to get 436 square feet is still needed)

Bonus #2 – The development includes a lighted pathway on site connecting to a bus tops, crossing, walkways or other points of off-site pedestrian activity indicated by a surface material or color reasonable different from adjacent areas. Lighting shall be shielded from residential uses. – The proposed expansion includes the installation of striped and lighted pedestrian walkway that will connect to the crosswalk across Stephen Richards Drive. This bonus is worth 500 square feet of additional square footage. After meeting the requirement in Bonus #1, the applicant only needs 436 additional square feet.

Bonus #4 – The loading area, garbage containers, utility meters and mechanical equipment are to reasonable extent visually and acoustically screened from adjacent residential property. – The applicant plans to shield the dumpster and install rubber around the lid and rim to minimize the noise impacts. This bonus is not need but the applicant plans to do it anyway.

Building Division

18. **Building Plans** will be addressed during plan review.
19. **Outstanding Permits** -

General Engineering/Public Works

20. **Engineering** – N/a
21. **Drainage** – N/a
22. **Utilities** – (water, power, sewer, etc.) N/a

Fire Marshal

23. **Fire Items/Access** – N/a

Other Applicable Agency Review

Attachment A - Application Packet

Pre-Application Conference Final Report

24. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...
- 25.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. (Add application forms required)
2. (Add notes as necessary)

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. (Add any necessary supporting documents required in the application forms OR that may be useful supporting information)

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. (Add any items required with the forms that are not applicable to the Conditional Use application)
- 2.

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. (List individual permit fees and sign fees)
- 2.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your Completed Application

You must submit your application(s) in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center

Attachment A - Application Packet

Pre-Application Conference Final Report

Juneau, AK 99801

Phone: (907) 586-0715

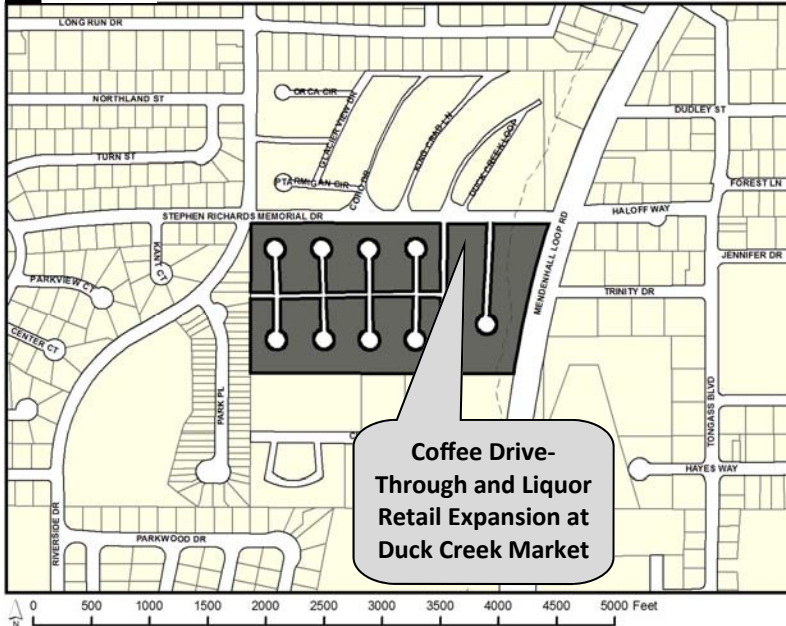
Fax: (907) 586-4529

Web: www.juneau.org/cdd

Revised Notice

Re: Coffee Drive-through & Liquor Retail Expansion

Amended Webinar Information



155 S. Seward Street Juneau, Alaska 99801

TO:

You are receiving this notice regarding an application being heard by the Planning Commission for a **490 square foot expansion of alcohol retail area and the installation of a drive through coffee window** located at **9951 Stephen Richards Memorial Drive**. This revised notice is to provide amended Webinar information, given below.

TIMELINE

Staff Report expected to be posted **Monday, July 6, 2020** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

July 7 — noon, July 10

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing. The planner handling the case, Allison Eddins, will also read any written comments that are received. You may also contact her via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, July 14, 2020

This virtual meeting will be by video and telephonic participation only. To join the webinar, visit: [http://juneau.zoom.us/j/956 5423 7044](http://juneau.zoom.us/j/95654237044). The Webinar ID is: **956 5423 7044**. To join by telephone, call: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592 and enter the Webinar ID.

July 15

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: pc_comments@juneau.org
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed June 25, 2020

Case No.: USE2020 0012
Parcel No.: 5B2101310000
CBJ Parcel Viewer: <http://epv.juneau.org>

Attachment C - Public Comments

From: davedowney@gci.net
To: [PC Comments](#)
Subject: Duck Creek Market
Date: Monday, June 22, 2020 3:32:23 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I have heard Duck Creek Market is planning a remodel and expansion. My wife and I live on Dudley street and we think it would be a great addition to the community as the market is very convenient to the entire neighborhood, and more selection and roomier aisles would be a welcome addition.

Sincerely,
David Downey

Attachment C - Public Comments

From: Katy <ktea29@gmail.com>
Sent: Monday, June 15, 2020 1:15 PM
To: PC_Comments
Subject: Case No USE20200012-Drive Through Coffee Window-Duck Creek Market

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,

I received this lovely pink card in my mailbox a few days ago about development on 9951 Steven Richards rd. I assume that is Duck Creek Market. I believe voting on this should be held off until the state is finished installing the roundabout there.

The picture on the pink card is misleading and confusing without the actual layout of the area including the roundabout.

Thank you,
Katy
907-209-5973

CONVENIENCE STORE USE AREA

Mendenhall Valley



MAP A

NOTE:
Where the area does not follow property lines,
the boundary is 600 feet from the centerline of
Mendenhall Loop Road.

800 0 800 1600 Feet

200 feet from centerline
of Stephen Richards
Memorial Drive

