

MEMORANDUM

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

DATE: August 12, 2005

TO: Board of Adjustment

FROM: Matthew Halitsky, Planner *M. Halitsky*
Community Development Department

FILE NO.: VAR2005-00052

PROPOSAL: A Variance request to reduce the parking requirement to allow 69 parking spaces where 76 spaces are required.

GENERAL INFORMATION

Applicant: Interline Design

Property Owner: St. Vincent de Paul Society

Property Address: 8617 Teal Street

Legal Description: Valley Center Subdivision Block H, Lots 4, 6A-11A

Parcel Code Numbers: 5-B15-0-106-003-0, 004-0, 005-0, 006-0, 007-0, 008-0, and 009-0

Site Size: Combined 59,764 Square Feet (1.37 Acres)

Zoning: General Commercial

Utilities: CBJ Water and Sewer

Access: Teal Street

Existing Land Use: Vacant

Surrounding Land Use: North - Evergreen Motors
South - Juneau International Airport
East - Smith Hall
West - Vacant (Jordan Creek Greenbelt)



PROJECT DESCRIPTION & BACKGROUND

The applicant has requested an Allowable Use permit to construct a new thrift store and non-profit center, which is being considered concurrently under USE2005-26. The thrift store's profits will make available funding for the services provided to homeless families of Juneau through the St. Vincent de Paul Society. The non-profit center will create a central location for housing non-profit agencies which provide services to the patrons of St. Vincent de Paul and the general public. The two-story structure will also include a 6,000 square foot warehouse, to be used as the donation processing area.

With the assistance of the CBJ Community Development Department, the St. Vincent de Paul Society received a federal Community Development Block Grant in 2004, totaling \$500,000 to convert the existing St. Vincent de Paul Thrift Store, located at 8617 Teal Street, to seven new transitional housing units. In accordance with the grant, the existing thrift store must be relocated, and is proposed under USE2005-26. The CDBG will expire on June 30, 2006.

On June 5, 2002, the U.S. Army Corps of Engineers conducted a site visit to the property and determined that the majority of the parcel is located within Category C wetlands, requiring a wetlands permit for fill. Category C wetlands traditionally fall under the jurisdiction of the CBJ, and the proposal was reviewed by the Wetland Review Board on August 4, 2005. At that hearing, the Board approved the Wetlands Permit, with conditions, as shown in the attached site plan (Attachment A). Due to mitigating measures imposed by the Wetland Review Board, areas originally designated as parking had to be reserved for revegetated fill slopes. As a result, the applicant is no longer able to provide the 76 parking spaces required as part of this proposal.

ANALYSIS

As mentioned above, due to the mitigation measures required under the wetlands permit, the applicant can no longer meet the parking requirement of 76 spaces. Per CBJ §49.40.210, 30 spaces are required for the new thrift store (1 space per 200 square feet of floor area), six spaces are required for the warehouse (1 space per 1,000 square feet of gross floor area), and 40 spaces are required for the second-story offices (1 space per 300 square feet of gross floor area). Four of these 76 total spaces are required to be accessible. According to the site plan (Attachment A), the applicant can now only provide 69 spaces, four of which meeting the accessibility requirement. Therefore, a parking variance is needed to reduce the parking requirement from 76 to 69 spaces.

Given the nature of the facility being proposed, 76 parking spaces is a rather extreme requirement. At the current St. Vincent de Paul Society complex, 83 spaces are required for the vast array of uses currently operating on-site, only seven more than required here. Both the thrift store and warehouse area will be used intermittently, with patrons stopping throughout the day to shop or drop off donations. Taking into account the nature of the uses included in this proposal and the historical use patterns provided by the applicant, staff believes the 69 spaces provided will meet or exceed the parking demand for the three component uses of the project.

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

1. ***That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

A reduction of seven spaces in the parking requirement would give substantial relief to the applicant in that it would allow them to proceed with the project as proposed, while at the same time meeting the requirements of the mitigation plan as approved by the Wetland Review Board. Any lesser relaxation would not provide relief to the applicant in that the project would have to be reduced in scope to meet the parking requirement, but no longer meeting the needs of the organization. Other businesses in the area have developed on a larger scale, including Evergreen Motors across the street, and the existing St. Vincent de Paul Society complex to the east.

Staff finds that this criterion is met.

2. ***That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

Staff has not received any indication that a reduction of parking spaces from 76 to 69 spaces will create a threat to public safety. Therefore, this Variance could be granted while preserving public safety and welfare.

Staff finds that this criterion is met.

3. ***That the authorization of the variance will not injure nearby property.***

Staff finds no evidence to suggest that the reduction of seven parking spaces would injure nearby property. In fact, as the reduction is a result of the mitigation plan approved by the Wetland Review Board, the authorization would help protect the remaining Category C wetlands, as well as the Jordan Creek Greenbelt.

Staff finds that this criterion is met.

4. That the variance does not authorize uses not allowed in the district involved.

The mixed-use facility proposed includes both commercial retail and warehouse space on the first floor, with the entire second floor dedicated to office space. All three uses are permitted in the General Commercial Zone, with Planning Commission approval under the Allowable Use process, under CBJ §49.25.300, the Table of Permissible Uses.

Staff finds that this criterion is met.

5. That compliance with the existing standards would:

(A) Unreasonably prevent the owner from using the property for a permissible principal use;

In order to comply with existing standards, the applicant would have to construct a smaller thrift store/warehouse on the site. Although a smaller structure would not fit the applicant's needs, it would not deny them from using the property for a permissible principal use.

This sub-criterion is not met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

Located in the General Commercial Zone, the closest development to the proposed site includes Evergreen Motors and the existing St. Vincent de Paul Society complex. The proposed development is consistent in scale, amenities and appearance with the existing development in the neighborhood.

This sub-criterion is met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

As mentioned above, the subject parcels are located entirely within mapped Category C wetlands. As part of the mitigation plan associated with WET2005-01 and approved by the Wetland Review Board, the applicant was required to minimize fill and impact on the site, as well as creating a fill slope that would be revegetated to prevent erosion and runoff from the parking area to the adjacent wetlands. In order to accomplish this, much of the parking area originally proposed was lost. In order to comply with the parking requirement on-site, the building size would have to be reduced to accommodate the requirement.

This sub-criterion is met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of the variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

Not applicable. There are no pre-existing nonconforming conditions on the subject parcels.

6. That a grant of the variance would result in more benefits than detriments to the neighborhood.

A grant of this Variance would allow for the reduced fill and minimized impacts to the Category C wetlands located on-site. Protection of these valuable lands would ultimately result in more benefits than detriments to the neighborhood. Furthermore, the addition of a larger thrift store and processing center, as well as the seven new apartments proposed under USE2005-29, would benefit the residents of the Borough as a whole. The St. Vincent de Paul Society has a long history of helping those in need in Juneau. An expansion of their current facility would only enhance that valuable service.

Staff finds that this criteria is met.

JUNEAU COASTAL MANAGEMENT PROGRAM

The proposed development was reviewed for compliance with CBJ §49.70.900, the Juneau Coastal Management Program. Jordan Creek, an anadromous fish stream, is located in the immediate vicinity of the subject parcel. As part of USE2005-26, staff recommended the condition that all development on these parcels strictly adhere to the 50' streamside setback as required under CBJ§49.70.310.

As mentioned above, the project is located in an area of Category C wetlands. The Wetland Review Board, at its August 4, 2005 meeting, approved the project as illustrated in Attachment A, with conditions.

Review of U.S. Fish and Wildlife Service mapped bald eagle nests revealed that no active nests are present on this parcel, or in the surrounding area of the proposed development.

FINDINGS

1. *Is the application for the requested variance complete?*

Yes, staff finds that the application is complete.

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

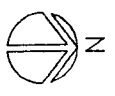
Yes, with the conditions associated with WET2005-01 and USE2005-26, staff finds that the proposed development is in substantial compliance with the Juneau Coastal Management Program.

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

Yes, based on the above analysis, staff finds that the variance request does meet the Title 49 criteria for a Variance.

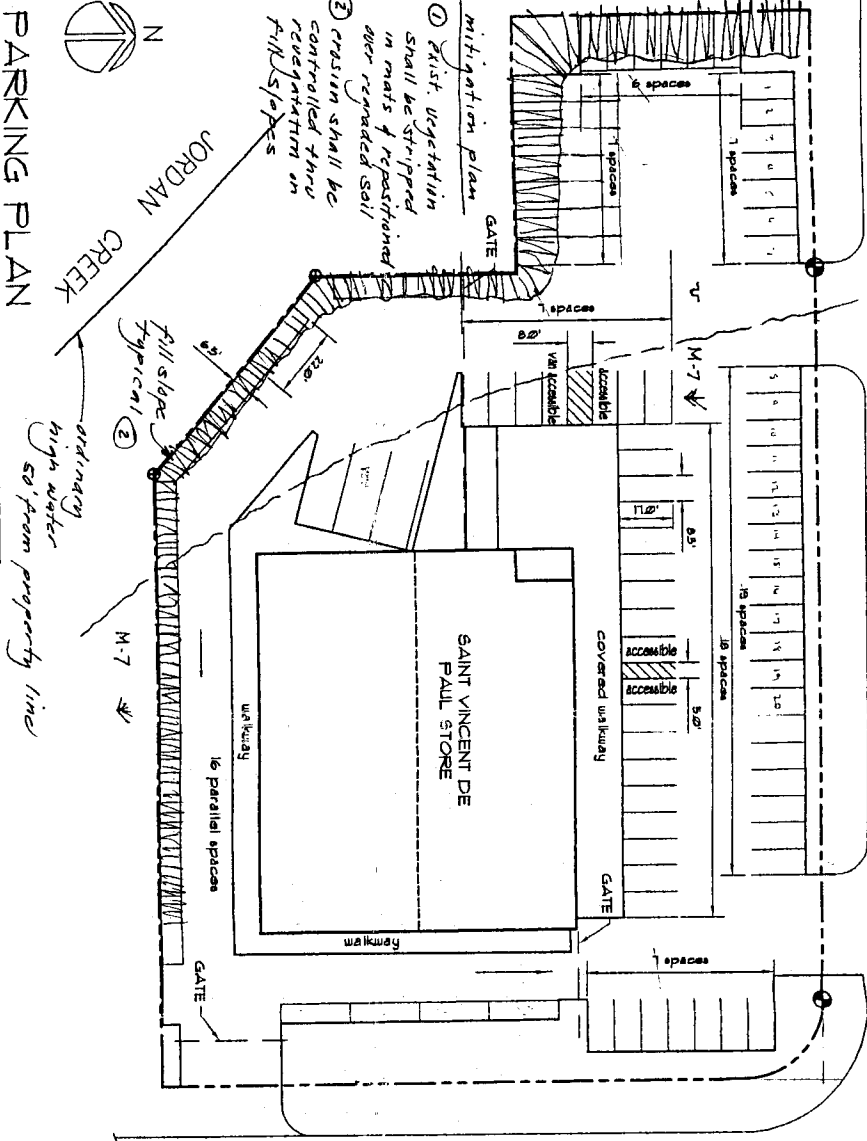
RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2005-00052. The Variance would allow for a reduced parking requirement, from 76 to 69 spaces, in association with the new St. Vincent de Paul Society Thrift Store and Non-profit Center.



PARKING PLAN

SCALE: 1" = 40'



TEAL STREET

ALPINE AVENUE

- ① Existing vegetation shall be stripped in mats & repositioned over remediated soil
- ② erosion shall be controlled thru revegetation on fill slopes
- ③ eliminating 22 spaces with this plan
- ④ eliminate walkway on south side of building
- ⑤ provide gravel as required
- ⑥ 80' willow planting @ edge of Jordan Creek

PARKING CALCULATIONS

Retail: 5494 sq. ft. / 200 = 27 spaces
 Warehouse: 5654 sq. ft. / 1000 = 6 spaces
 Office: 9820 sq. ft. / 300 = 33 spaces
 Total required spaces = 66
 Provided = 81 spaces

RECEIVED
 JUL 29 2005
 PERMIT CENTER/CDD

RECEIVED
 MAY 09 2005
 PERMIT CENTER/CDD

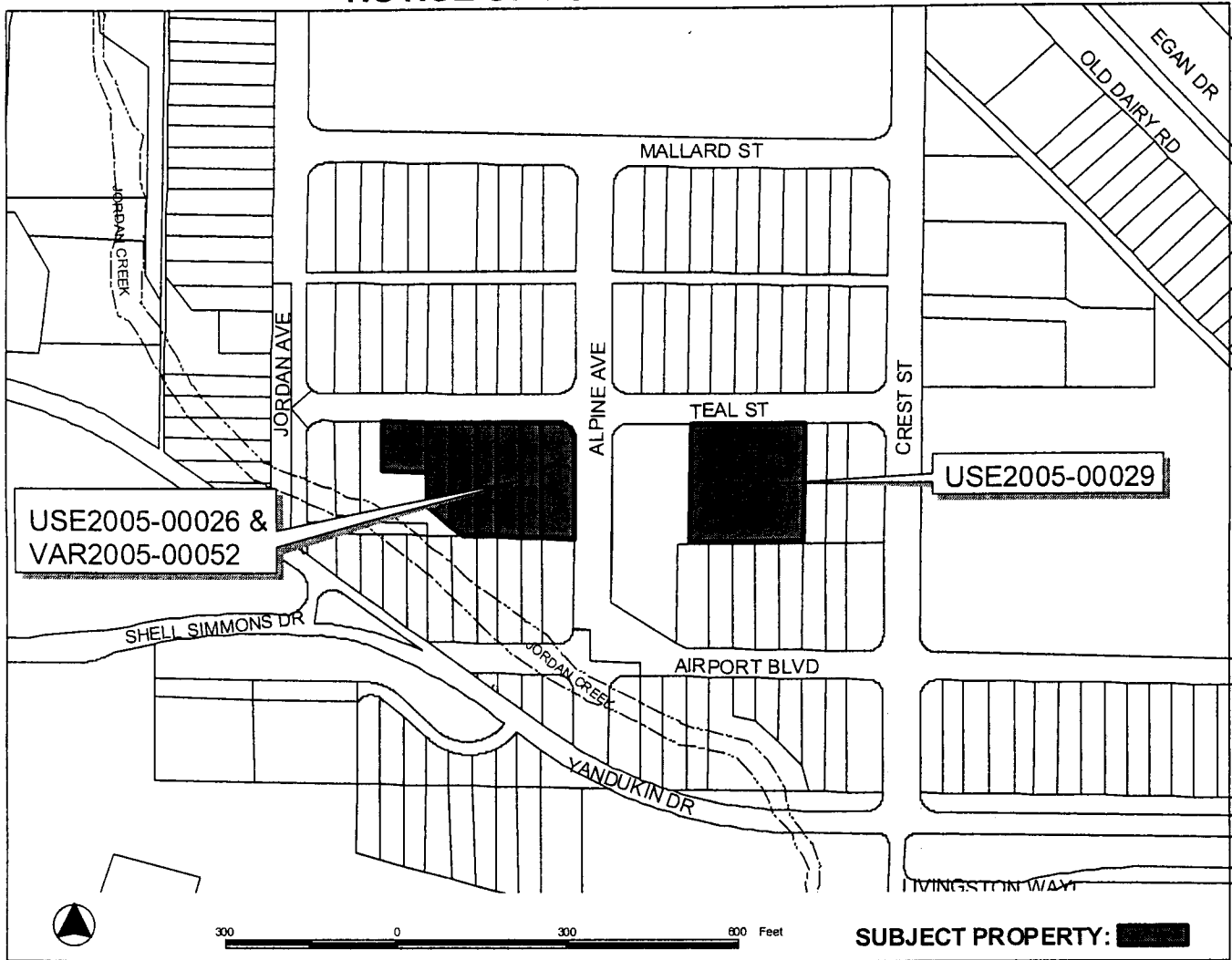
ATTACHMENT A

DATE: MAY 05
 DRAWN: RAS
 JOB NO: 05-014
 S-2
 2 of 1

PARKING PLAN
 proposed new project for:
St. Vincent de Paul
 867 Teal St. Juneau, Alaska

Interline Design
 130 Bevard Street 204
 Phone/Fax: 907-586-2751
 e-mail: glisciet@alaskadot.net

NOTICE OF PUBLIC HEARING



ATTACHMENT B

PROPOSAL: USE2005-00029 - An Allowable Use permit for converting a thrift store into seven apartments
 USE2005-00026 - An Allowable Use permit for a thrift store with warehouse space and a non-profit center with offices for non-profit agencies.
 VAR2005-00052 - A Variance request to reduce the number of required parking spaces from 76 to 65 spaces.

FILE NO: USE2005-00026, VAR2005-00052 & USE2005-00029	APPLICANT: INTERLINE DESIGN
TO: Adjacent Property Owners	PROPERTY OWNER: ST VINCENT DEPAUL SOCIETY
HEARING DATE: August 23, 2005	PROPERTY ADDRESS: TEAL ST
HEARING TIME: 7:00 P.M.	PARCEL CODE NUMBERS: 5-B15-0-106-003-0 through 5-B15-0-106-009-0 and 5-B15-0-107-007-1
PLACE: ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE: USE2005-00026 & VAR2005-00052: 59,764 Square Feet USE2005-00029: 40,000 Square Feet
	ZONING: General Commercial
	ACCESS: TEAL 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, contact Matt Halitsky at 586-0781, or e-mail: Matthew_Halitsky@ci.juneau.ak.us
 Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

VARIANCE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number RS-2005-00117	Project Name St. Vincent	Case Number VAR2005-52	Hearing Date	Date Received 8/1/05
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VARIANCE TYPE: Setback Height Bulk Other (Describe) **parking**

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

variance to allow ~~6~~ parking spaces where 76 spacing are required

PREVIOUS VARIANCE APPLICATIONS: Yes No

Date of Filing: _____

Variance from which standards: Setback Height Bulk Other (Describe) _____

Was variance granted? Yes No

EXISTING USE OF LAND OR BUILDING(S):

undeveloped

PROPOSED USE OF LAND OR BUILDING(S):

Thrifts Store and Non-profit Center (offices)

UTILITIES AVAILABLE WATER: Public On Site SEWER: Public On Site

PROPOSED SETBACKS (If variance changes setbacks):

Front _____ ft. Rear _____ ft. Side _____ ft. Other _____ ft.

UNIQUE CHARACTERISTICS OF LAND OR BUILDING (Difference from other properties in the area):

requesting reduction in required parking because lot is in wetlands and mitigation reduce parking area

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

because of wetland constraints

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

project could not go forward

REVIEW APPROVALS

	INITIALS	DATE
Buildings	_____	_____
Engineering	_____	_____
Planning	_____	_____

VARIANCE FEES

Application Fees	\$ <i>0 no fee in assoc. with use 2005-26</i>
Adjustment	\$ _____
Total Fee	\$ _____

ATTACHMENT C