

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 30, 2018 5:00 PM

City Hall Assembly Chambers
2018-13

I. CALL TO ORDER / ROLL CALL

II. AGENDA TOPICS

- A. Protest of Planning Commission's Recommendation to Deny a Request to Rezone of USS 2391 Tanner Terrace Lot C Fractions; Lot 1A, Block D, USS 2391 Tanner Terrace; and Lots 1, 2, 7, & 8, Block C, USS 2391 Tanner Terrace; all located between 3853 Bayview Ave. and 11950 Glacier Hwy.

III. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Protest of Planning Commission's Recommendation to Deny a Request to Rezone of USS 2391 Tanner Terrace Lot C Fractions; Lot 1A, Block D, USS 2391 Tanner Terrace; and Lots 1, 2, 7, & 8, Block C, USS 2391 Tanner Terrace; all located between 3853 Bayview Ave. and 11950 Glacier Hwy.

ATTACHMENTS:

Description	Upload Date	Type
☐ Memo from Attorney - Mayor Request 4/30/2018	4/30/2018	Cover Memo
☐ Memo to Assembly	4/24/2018	Cover Memo
☐ Ordinance 2018-22	4/24/2018	Ordinance
☐ Rezone Staff Report	4/25/2018	Staff Report
☐ Planning Commission Minutes 12-12-17 excerpted	4/25/2018	Minutes
☐ Supplemental Memo	4/25/2018	Cover Memo
☐ Planning Commission Minutes 1-23-18 excerpted	4/25/2018	Minutes
☐ Notice of Decision	4/25/2018	Report

**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: CBJ Assembly
FROM: Amy Gurton Mead, Municipal Attorney
DATE: April 30, 2018
SUBJECT: Rezone Analysis

In order for the rezone to be approved (an ordinance to be drafted), the following questions must be decided:

1. Does the rezone cover more than two acres?
2. Would the rezone result in illegal spot zoning?

Spot zoning means “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.” *Griswold v. City of Homer*, 925 P.2d 1015, 2020 (Alaska 2996).

In analyzing a claim of spot zoning, the court will consider:

1. Whether the rezone is consistent with the comprehensive plan;
 2. The benefits and detriments of the rezone to the owners, adjacent landowners, and the community; and
 3. The size of the area to be rezoned.
3. Is the rezone an expansion of an existing zone?
 4. Has there been a substantially similar rezone request for the same property in the past 12 months?
 5. Is the proposed zoning district in substantial conformance (similar in material - meaning important or essential – ways without being exact) with the land use maps of the comprehensive plan?
 6. Are the uses that would be allowed in the proposed zoning district in substantial conformance (similar in material - meaning important or essential – ways without being exact) with the land use maps of the comprehensive plan?

**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: CBJ Assembly
FROM: Amy Gurton Mead, Municipal Attorney
DATE: April 24, 2018
SUBJECT: Rezone Process

You have before you a draft, incomplete ordinance for the rezone of a portion of USS 2381 Tanner Terrace Lot C in Auke Bay. The Planning Commission recommended denial of the rezone application. A timely protest was filed under CBJ 49.75.130, and now is the time set for public hearing on the draft ordinance. At the hearing, you must decide whether or not to amend the ordinance for introduction. In order to move the ordinance forward, you must make a specific finding that the proposed new zoning designation meets the criteria required by CBJ 49.75.120.

CBJ 49.75.120 provides:

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

It is my understanding that at the start of the meeting, CDD will be providing you with a general explanation of the analysis CDD uses in analyzing rezone requests.

As to each of the draft ordinances, at the close of public testimony and Assembly discussion, you would make one of the following decisions:

1. Decline to move the ordinance forward; or
2. Move the ordinance forward for introduction, directing staff to amend the ordinance to incorporate your findings that the proposed rezone complies with CBJ 49.75.120, specifically “that the proposed zoning district and uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan,” and explaining with specificity and facts the basis for your finding.

Presented by: The Manager
Introduced:
Drafted by: A.G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-22

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 2391 Tanner Terrace Lot C Fractions; Lot 1A, Block D, USS 2391 Tanner Terrace; and Lots 1, 2, 7, & 8, Block C, USS 2391 Tanner Terrace; all located between 3853 Bayview Ave and 11950 Glacier Hwy, from D-10 to Light Commercial.

WHEREAS, USS 2391 Tanner Terrace Lot C Fraction (eastern portion), USS 2391 Tanner Terrace Lot C Fraction (western portion), Lot 1A, Block D, USS 2391 Tanner Terrace, and Lots 1, 2, 7, & 8, Block C, USS 2391 Tanner Terrace are currently zoned as D10 and consist of approximately seven acres (shown on Exhibit A) are zoned D-10 according to the official zoning map of the City and Borough, adopted as part of CBJ 49.25.110; and

WHEREAS, the applicant wishes to rezone the subject property from D-10 to Light Commercial (LC); and

WHEREAS,

WHEREAS,

WHEREAS,

WHEREAS,

WHEREAS,

WHEREAS, the proposed rezone meets the requirements of CBJ 49.75.120.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of USS 2391 Tanner Terrace Lot C Fraction (eastern portion), USS 2391 Tanner Terrace Lot C Fraction (western portion), Lot 1A, Block D, USS 2391 Tanner Terrace, and Lots 1, 2, 7, & 8, Block C, USS 2391 Tanner Terrace from D10 to LC.

The described rezone is shown on the attached Exhibit “A” illustrating the area of the proposed zone change.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

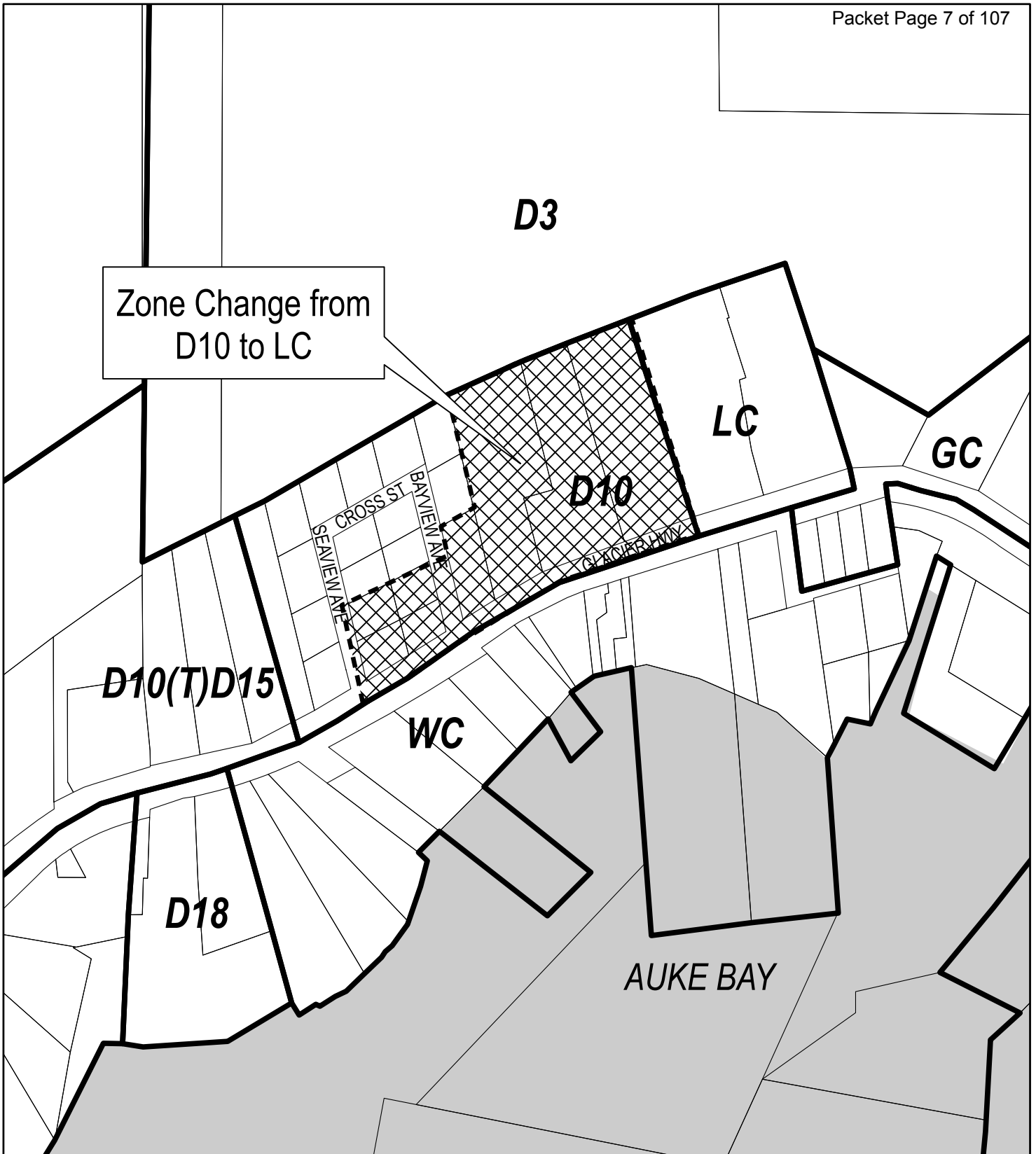


EXHIBIT A - Ord. No. 2018-22

Zone Change for TANNER TERRACE
BLOCK C LOTS 1, 2, 7, 8; BLOCK D LOT 1A;
USS 2391 LOT C FR
from D10 (residential) to LC (light commercial)

0 125 250 500 Feet





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

DATE: December 1, 2017

TO: Planning Commission

FROM: Teri Camery, Senior Planner
 Community Development Department

CASE NO.: AME2017 0013

PROPOSAL: A request for a zone change from D10 (residential) to LC (light commercial).

Applicant: Douglas Island Development LLC

Property Owners: Douglas Island Development LLC
 R. Jeffry and Leanne Pilcher
 Gospel Missionary Union Inc. (dba Echo Ranch Bible Camp)
 Auke Bay Bible Church

Property Addresses: 11950 Glacier Highway
 11998 Glacier Highway
 12020 Glacier Highway
 3853 Bayview Ave

Legal Description: USS 2391 Tanner Terrace Lot C Fraction (eastern portion)
 USS 2391 Tanner Terrace Lot C Fraction (western portion)
 Lot 1A, Block D, USS 2391 Tanner Terrace
 Lots 1, 2, 7, & 8, Block C, USS 2391 Tanner Terrace

Parcel Code Numbers: 4B2801040050; 4B2801040060; 4B2801040070; 4B2801040170

Site Size: 7.06 acres

Zoning: D-10 Residential

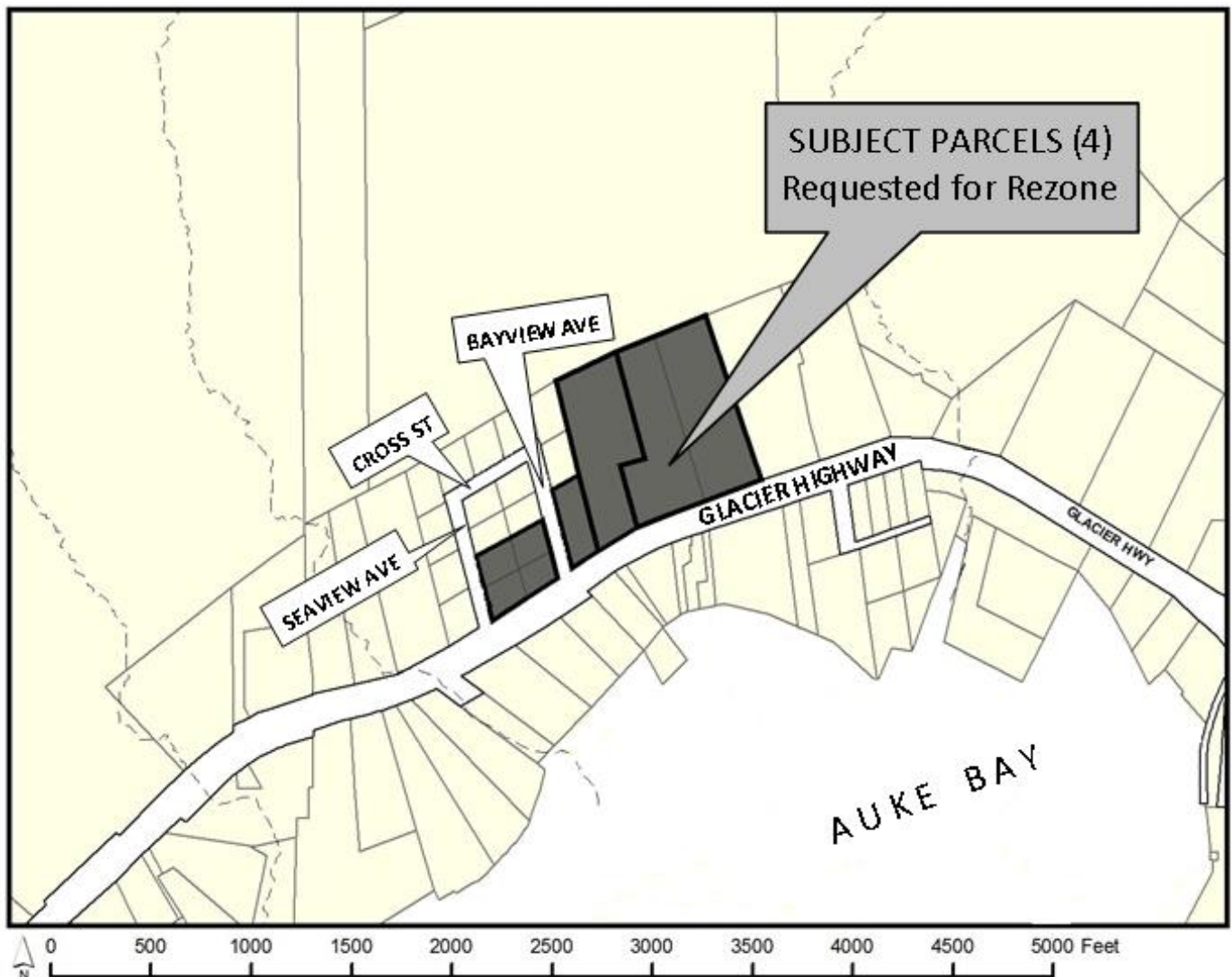
Utilities: CBJ Water and Sewer

Access: Glacier Highway

Existing Land Use: Eight-plex; tri-plex; Echo Ranch Bible Camp office; Auke Bay Bible Church

Surrounding Land Use: North - D-10 Residential; CBJ vacant property
South - Glacier Highway; Waterfront Commercial residential and commercial use
East - Mobile Home Park; Light Commercial
West - D-10 residential

Vicinity Map



ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	Rezone Application
Attachment 3	Revised Project Narratives
Attachment 4	Rezone Parcel Map
Attachment 5	Satellite Image
Attachment 6	Site photos
Attachment 7	CBJ Code 49.25.300 Table of Permissible Uses and Dimensional Standards, with D-10, Light Commercial, MU, and MU2 Zoning Districts highlighted
Attachment 8	Pilcher comments
Attachment 9	Currier comments
Attachment 10	Quigg comments
Attachment 11	Barry comments
Attachment 12	Flint comments
Attachment 13	Schwan/Ballum comments

INTRODUCTION

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

PROPOSAL

The applicant requests a rezone of 7.06 acres from D-10 Residential to Light Commercial zoning. The rezone request addresses four properties facing Glacier Highway in the center of Auke Bay, including an 8-plex, tri-plex, Gospel Missionary Union (Echo Ranch Bible Camp office), and Auke Bay Bible Church. In the Project Narrative, Attachment 3, the applicant states the property owners do not have specific development plans. The zone change is requested to “achieve the highest and best use of the properties” and to allow development of the properties in a manner aligned with the Comprehensive Plan and Auke Bay Area Plan. The narrative includes a detailed analysis of Comprehensive Plan and Auke Bay Area Plan policies and maps.

BACKGROUND

Neighborhood meetings

A neighborhood meeting was held on September 27, 2017. Approximately 15 people attended. A second neighborhood meeting was held on October 17, 2017 due to an error in the maps in the first meeting notice. Five people attended the second meeting. For both meetings, notice

was mailed to property owners within 500 feet of the proposed zone change. Additionally notice was given in the Juneau Empire's Your Municipality section.

Staff notes that the Auke Bay Area Plan Steering Committee no longer exists, however staff spoke with several former committee members during the neighborhood meetings. A new Auke Bay Neighborhood Association was formed in November 2017. The association received notice of the rezone through email.

The Agency Review Period and Agency Comments are addressed in the Land Use Code section of this report.

Relevant rezone approvals

Staff reviewed several rezone approvals from the last few years for background regarding conformance with the Medium Density Residential and Traditional Town Center land use designations addressed in this review. Following is a brief summary, which will be addressed in detail in the Comprehensive Plan section of this report:

AME2011 0002 and AME2013 0006: two requests, two years apart, to rezone a 2.68 acre parcel on Atlin Drive from D-10 to Light Commercial, with a Comprehensive Plan Land Use designation of Medium Density Residential. Staff and the Planning Commission recommended denial of the rezone in part because the parcel was separated from the closest Light Commercial zoning district by Mendenhall Loop Road. The Assembly approved the rezone as requested. The Assembly's decision established that Light Commercial zoning substantially conforms with the Medium Density Residential Comprehensive Plan designation.

AME2016 0008: a request to rezone 4.19 acres with a Comprehensive Plan Land Use designation of Traditional Town Center at Vintage Park from Light Commercial to Mixed Use. Staff and the Planning Commission recommended approval and the Assembly approved the rezone. This rezone established that Mixed Use zoning substantially conforms with the Traditional Town Center Comprehensive Plan designation.

AME2017 0002: a request to rezone .9 acres in downtown Juneau from D-18 to Mixed Use (MU), with a Comprehensive Plan Land Use designation of Medium Density Residential, also adjacent to Traditional Town Center. Staff and the Planning Commission recommended approval and the Assembly approved the rezone. This rezone established that Mixed Use zoning substantially conforms with the Medium Density Residential Comprehensive Plan designation. (Staff notes that a Comprehensive Plan map amendment was later approved by the Planning Commission and Assembly for this parcel, to change the designation from Medium Density Residential to Traditional Town Center. The Assembly and Planning Commission determined that the original Medium Density Residential designation was made in error.)

ZONE CHANGE INITIATION

CBJ 49.75.110. INITIATION. *A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.*

1. Was the proposed zone change initiated by the property owner during the appropriate time frame OR was the zone change initiated by the commission or director?

Yes. The application for the subject zone change was initiated by the property owner in July 2017.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings and by requiring a public notice sign to be posted on-site?

Yes. Neighborhood meetings were held on September 27 and October 17, 2017, with mailed notice to property owners within 500 feet of the proposal. Notice was provided in the Juneau Empire's Your Municipality section on December 1 and December 11, 2017. A public notice sign was posted on the property, visible from the right-of-way, on Wednesday November 22, 2017, six days longer than the two weeks required by code. In addition, email notice of the public hearing date was given to those who provided email addresses at the two neighborhood meetings. Email notice of the public hearing was also given to the Auke Bay Neighborhood Association.

RESTRICTIONS AND PROCEDURE

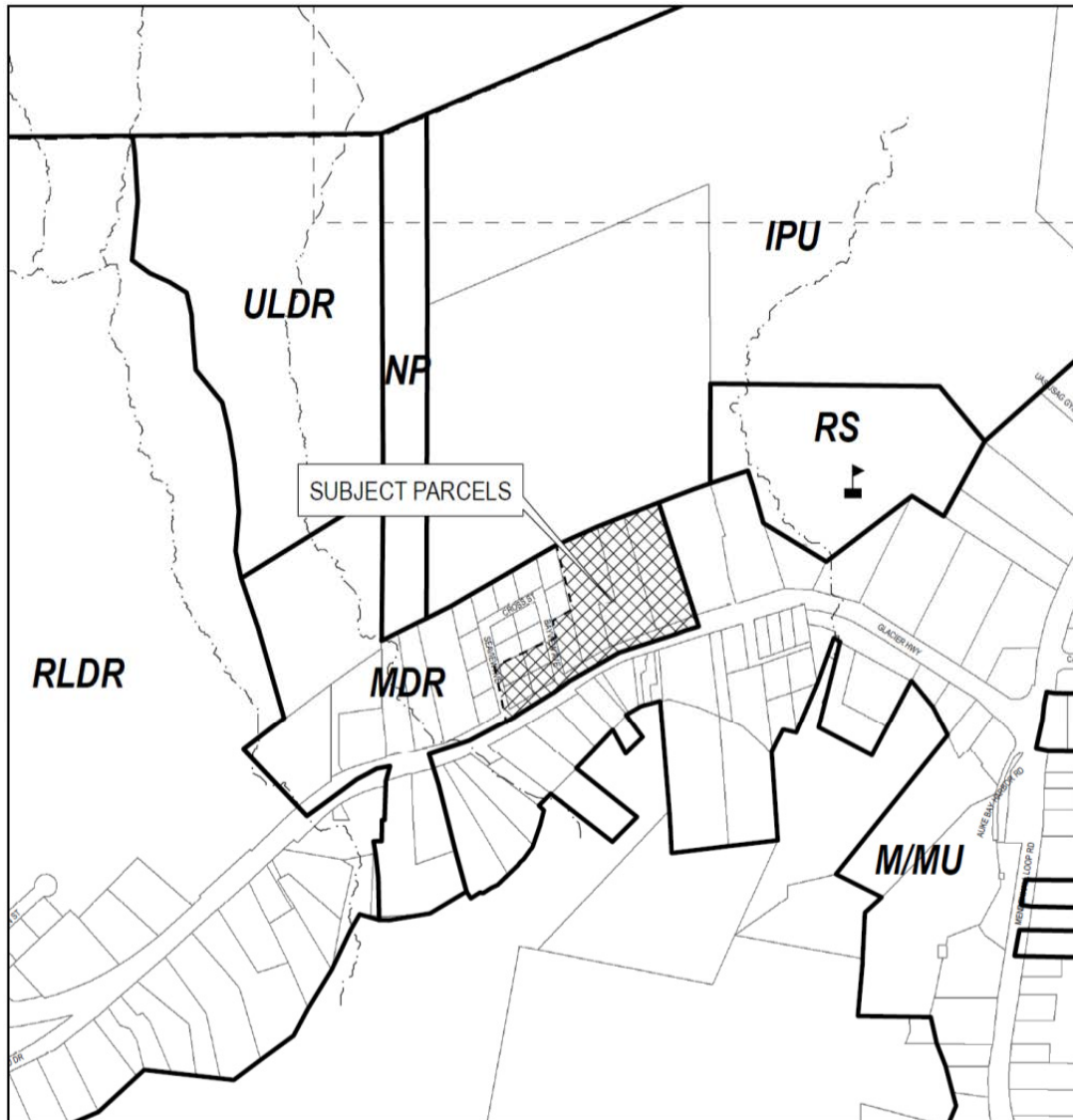
CBJ 49.75.120. *RESTRICTIONS ON REZONINGS. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.*

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for 7.06 acres, which exceeds the two acre minimum requirement. In addition, the rezone is an expansion of the adjacent, existing Light Commercial zone.
2. No similar request has been made in the past year.

COMPLIANCE WITH THE 2013 CITY AND BOROUGH OF JUNEAU COMPREHENSIVE PLAN

Comprehensive Plan designations are shown in the map below:



NATURAL RESOURCE	REC	Recreation Resource	RESIDENTIAL	RDR	Rural Dispersed Residential
	RD	Resource Development		RLDR	Rural Low Density Residential
	SP	State Park		ULDR	Urban Low Density Residential
	NP	CBJ Natural Area Park		MDR/SF	Medium Density Residential-Single Family
	RS	CBJ Recreational Service Park		MDR	Medium Density Residential
NATURAL RESOURCE	CA	CBJ Conservation Area	RESIDENTIAL	HDR	High Density Residential
	SC	Stream Protection Corridor		MU	Traditional Town Center
				MMU	Marine Mixed Use
COMMERCIAL INDUSTRIAL	GC	Commercial	PUBLIC USE	IPU	Institutional and Public Use
	WC	Marine Commercial			Existing School
	WCI	Waterfront Commercial Industrial			Potential School Location
	LI	Light Industrial			
	HI	Heavy Industrial			

**2013 COMPREHENSIVE PLAN
BOUNDARIES**

Note: This is not the actual adopted comprehensive plan map. This is for general reference only.

0 250 500
Feet



In Chapter 11, Comprehensive Plan Land Use Maps, the following guidance is offered in regard to rezoning:

In considering a re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards (p.143).

Chapter 1 of the Comprehensive Plan further supports the flexibility of the plan, but emphasizes that it should be used when considering community growth, along with other current information. Specifically, the Plan states:

Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan.[The Plan] should...bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date. [The Plan]....provides a logical, consistent, and purposeful approach to managing community growth and development (p. 1).

When considering this request it is important to understand what the Comprehensive Plan intends with land use designations. The Plan states that the designations are intended to describe the overall character of development for each land use category. The Plan definitions are not intended to be firm or restrictive definitions. However, in contrast, zoning uses that are allowed outright, or allowed through a Conditional Use Permit, are firm and restrictive. The designations are to be used to guide the formation of zoning regulations. The land use designations and their allowed uses reflect cultural values and economic and societal needs, and over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances (p. 144).

CBJ 49.75.120 partially incorporates those Comprehensive Plan policies and directs that, "A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the Comprehensive Plan." Thus, the issue is whether this rezone request substantially conforms with the land use maps of the Comprehensive Plan.

"Substantial conformance with the land use maps of the Comprehensive Plan" means the proposed zoning district (Light Commercial) needs to substantially conform with the

Comprehensive Plan land use map designation (Medium Density Residential). The term “substantial conformance” means that the proposed zoning district may deviate slightly from the Comprehensive Plan land use map designation but must be materially the same. The Auke Bay Area Plan is an adopted element of the Comprehensive Plan; therefore the rezone must substantially comply with that designation as well, which is Traditional Town Center. The Auke Bay Area Plan will be addressed later in this report.

Comprehensive Plan Land Use Designations

The four rezone properties are located in Subarea 3 of the 2013 Comprehensive Plan (map E). The plan designates these lots as MDR, Medium Density Residential. Page 147 of the 2013 Comprehensive Plan describes MDR as follows:

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 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 Use (CBJ 49.25.300).

The parcels immediately east and south of the subject parcels, which are zoned Light Commercial and Waterfront Commercial respectively, are designated in the Comprehensive Plan as Marine Mixed Use (M/MU). M/MU is described as:

These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhood-serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium and high-density residential uses at densities ranging from 10 to 60 residential units per acre. Ground floor retail space facing roads with parking behind the rail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas (p. 148).

The CBJ Land Use Code defines the proposed Light Commercial zoning district as follows:

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of

development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district (49.25.230(a)).

The proposed Light Commercial (LC) zoning district allows residential use at 30 units per acre, a 45-foot height limit, and less-intensive commercial use. This density is higher than the Medium Density Residential range of 5-20 units per acre, but may be appropriate as an expansion of the adjacent Light Commercial zoning district and the adjacent Marine Mixed Use Comprehensive Plan designation which recommends high densities of 10-60 units per acre.

Most commercial uses in the LC zoning district require a Conditional Use Permit, with notice to neighbors and a public hearing before the Planning Commission, which allows the Commission to specifically address neighborhood harmony, a key component of ensuring that, “Any commercial development should be of a scale consistent with a single-family residential neighborhood,” as noted in the Medium Density Residential designation definition. The Background section of this report describes the Atlin Drive rezone, AME2013 0006, which established that Light Commercial “substantially conforms” with the Medium Density Residential designation.

AME2017 0002, the Vintage Park rezone from Light Commercial to Mixed Use zoning, established that the Mixed Use zoning district substantially conforms with the Medium Density Residential Comprehensive Plan designation. Staff will address conformance with alternate zoning districts of Mixed Use and Mixed Use Two, as options for the Planning Commission to consider.

Mixed Use is defined as:

The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.

The MU2, mixed use 2 district, is intended to place a greater emphasis on residential development than is the case in the MU district. A range of residential development types is allowed. Multifamily residential uses are allowed at a density of up to 80 units per acre (CBI 49.25.220).

The Mixed Use zoning district has no maximum density, and no maximum height. The Mixed Use 2 zoning district has a maximum density of 80 units per acre and a 45 foot height limit. Both districts have fewer commercial options than the Light Commercial zoning district, but have the odd quirk of allowing Medium Manufacturing with a Conditional Use Permit where Medium Manufacturing is not allowed in Light Commercial zoning districts. These differences will be discussed in depth in the Land Use Code section of this report.

As noted earlier, Chapter 11, Comprehensive Plan Land Use Maps, states that “In considering a re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land....In some cases, the highest and best use may be increased density or more intensive use of the land...” The requested LC zone would allow for increased use of the property with higher residential densities, up to 30 units per acre, in a central area adjacent to Glacier Highway. While this is higher than the 5-20 units per acre noted in the Medium Density Residential designation, it follows the Comprehensive Plan directive of highest and best use, and is in substantial conformance with the designation. In addition, the Auke Bay Area Plan, an adopted component of the Comprehensive Plan, designates this area as Traditional Town Center, suitable for higher density. The Auke Bay Area Plan designation and policies will be addressed later in this report.

As noted earlier, AME2017 0002 concluded that MU zoning did substantially conform with Medium Density Residential. However the MU and MU2 zoning districts may not substantially conform with the Medium Density Residential designation in this location due to the much higher densities (no maximum density for MU, and 80 units/acre for MU2) adjacent to a residential neighborhood with much lower densities. The 13 residential lots closest to the rezone area, along Seaview Avenue, Cross Street, and Bayview Avenue, are zoned D-10 with typical lot sizes of 8-11,000 square feet. Most of these lots are eligible for two units, but have only one.

Comprehensive Plan Policies, Guidelines, and Considerations

While CBJ Title 49 specifically requires a proposed rezone to substantially conform with the Comprehensive Plan **maps** (CBJ 49.70.120), a number of policies, guidelines, and considerations in the plan also provide some context.

Subarea 3 Guideline 1 calls for development of an area plan for the Auke Bay area “with a goal of creating a...transit and pedestrian oriented village.” This has been completed with the adopted Auke Bay Area Plan.

Subarea 3 Guideline 3 states, “Encourage high-density, transit-oriented residential and/or mixed use developments in the Auke Bay “village area” and around the University, particularly for student and faculty affordable housing.”

Subarea 3 Guideline 12 states, “Allow development of in-fill residential development, such as apartments, condominiums, efficiency or Single Room-Occupancy (SRO) units, and loft-style housing within new and existing shopping centers.”

These policies substantially support the increased residential density, combined with retail use, which the proposed LC zoning district would allow, particularly in the Auke Bay “village area” which includes the subject parcels.

The applicant has provided an analysis of Comprehensive Plan policies relevant to the proposal in the Project Narrative, Attachment 3, pages 2-4. In addition to the policies mentioned above, the applicant has noted a paragraph from Chapter 10, Land Use, under the "Residential Land Availability and Density" section which states, in part:

"Higher density residential developments along public transit routes are needed to satisfy affordable housing needs, to make the most efficient use of a limited amount of buildable land, and to provide public services efficiently therein."

This again supports the higher residential density allowed by the proposed Light Commercial zoning, as well as the highest densities of the MU and MU2 zoning districts.

The Mixed Use Development section of Chapter 10 (page 140) states that:

Mixed use development is also seen as an avenue to implement several Comprehensive Plan policies, notably those pertaining to compact development, energy efficiency/sustainability, efficient transit services, and affordable housing. Locations outside of the downtown core that are suitable for mixed use development include downtown Douglas, the village center of Auke Bay near the University, and areas in and around shopping malls and near major employment centers.

Implementing action 10.13-IA3 states that an Auke Bay area plan should be conducted to create an attractive, pedestrian-oriented Marine Mixed Use village that promotes affordable housing and accommodates the space and livability needs and objectives of residents, fishermen and women, business operators, property owners and area fish and wildlife. As stated above, the Auke Bay Area Plan has been adopted as an element of the comprehensive plan, and designates the area of the requested rezone as Traditional Town Center.

The applicant states that light commercial development of the properties would conform to the standards of Comprehensive Plan Policy 10.4, which states:

To minimize conflicts between residential areas and nearby recreational, commercial, and industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures.

The applicant further cites Development Guideline 10.4 DG1 which states:

New development...should be designed in such a way as to promote compatibility in scale and massing as the adjacent or nearby built environment.

This is followed by Implementing Action 10.4-1A1:

Seek to reduce or eliminate conflicts between medium or high-density residential uses in established low density residential neighborhoods by encouraging the design of higher density housing to be compatible in scale, massing, and orientation with the adjacent, lower-density housing and to hide or screen the parking behind or within the structure.

The applicant states that if commercial development is restricted to parcels immediately adjacent to the roadway and waterfront properties, as allowed by the proposed zone change to LC, “conflicts will be minimal and likely non-existent” (attachment 3, p. 3).

Chapter 8, Transportation, has two general implementation items about working with the Alaska Department of Transportation and Public Facilities (ADOT/PF) to follow recommendations in the Auke Bay Area Plan, including extension of sidewalks and other safety projects (8.8 – 1A15 and 1A17, pages 119-120). The chapter also says the CBJ should continue to explore the feasibility of the Auke Bay Bypass Road. The 2009 Juneau Non-Motorized Transportation Plan, adopted as part of the Comprehensive Plan, also includes general language promoting sidewalks and pedestrian safety measures in the Auke Bay area. This issue is discussed further in the Auke Bay Area Plan section of this report.

Chapter 3, Community Form, mentions the village area of Auke Bay as an urban area, described as:

Urban areas are represented by downtown Juneau and Douglas, West Juneau, medium-density areas of Lemon Creek and Switzer Village, the mixed use area around and between the Mendenhall Mall and Nugget Mall, and the village area around Auke Bay Harbor and the University. In these urban areas, residential, commercial, mixed use and/or public facilities share land and utilities in a compact area. Urban areas are characterized by low- to mid-rise residential and commercial structures, often with the uses mixed within the same structure or with commercial uses lining the edges of residential neighborhoods. Typical mass and scale of these urban neighborhoods are 2 to 3-story structures separated by parking lots, roads, sidewalks and landscaping or small yards. Medium to high residential densities of 10 to nearly 400 residential uses per acre can be found in the downtown Juneau area; densities of 14 units per acre can be found in the West Juneau Area; densities of seven units per acre can be found in the Lemon Creek and Switzer Creek areas and in the Auke Bay area.

Low to mid-rise structures of two to three stories are generally more indicative of LC zoning or MU2 zoning, which each have a 45-foot height limit, as opposed to unlimited height in MU zones. However as noted in the definition, MU2 focuses more on residential development, with

more residential options and a density of 80 units/acre. LC zoning, at 30 units/acre and many commercial options with a Conditional Use Permit, would seem to match the Auke Bay Village urban area more closely regarding both density and height.

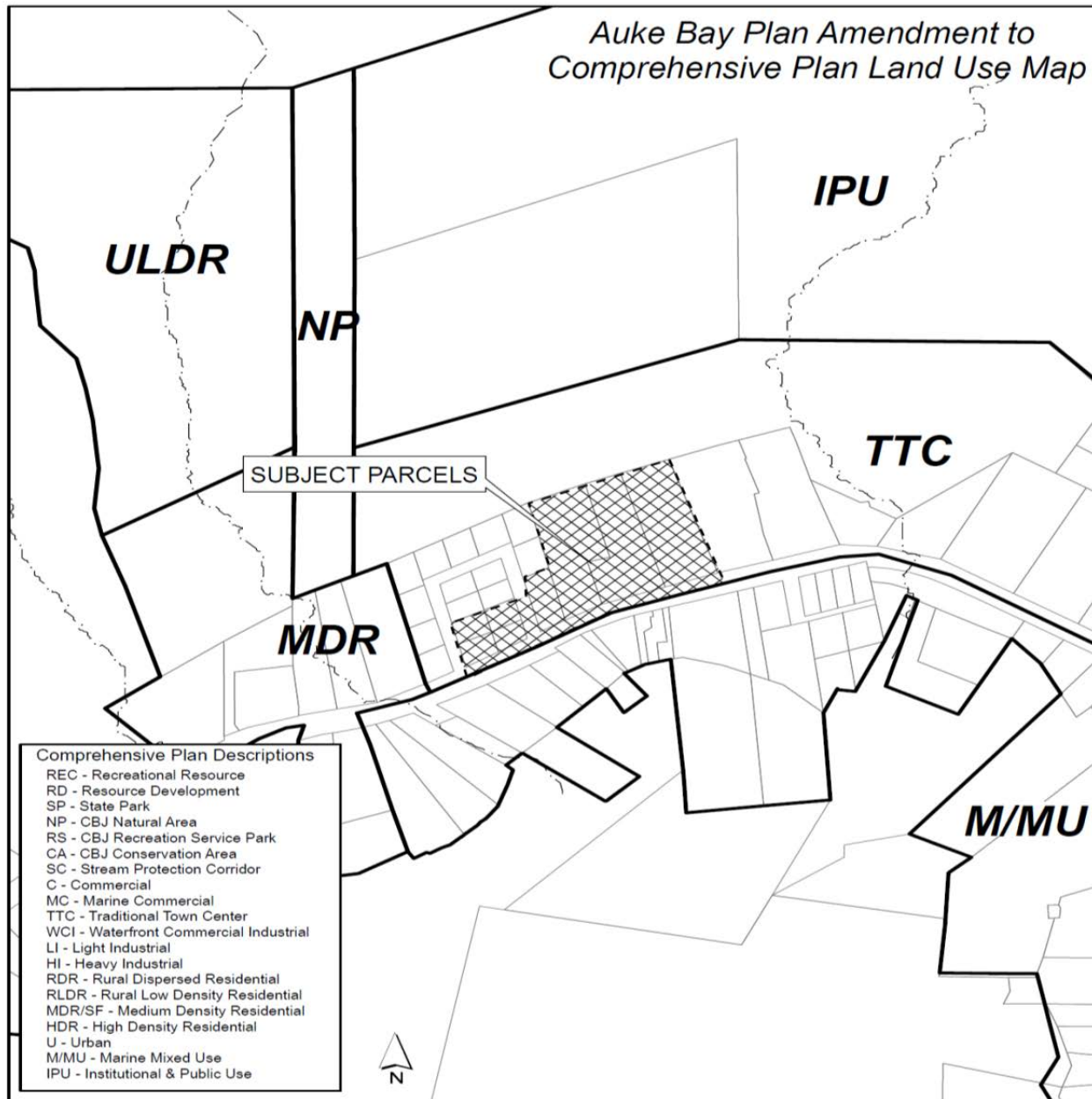
In summary, the proposed zone change to LC substantially conforms with the Comprehensive Plan land use designation of Medium Density Residential, and is further supported by several Comprehensive Plan policies. Staff concludes that the MU and MU2 ZONING districts may not substantially conform, due to high residential densities and the unlimited height allowance in MU.

(Continued on the following page.)

Compliance with the Auke Bay Area Plan

The Auke Bay Area Plan was adopted by ordinance (Serial No. 2015-13) as part of the Comprehensive Plan, effective April 16, 2016.

Auke Bay Area Plan designations are shown in the map below:



As shown above, the Auke Bay Area Plan land use designation for the subject properties is Traditional Town Center, which is defined on page 147 of the Comprehensive Plan as:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

The Traditional Town Center designation applies to the Auke Bay Area Plan “center” on the area plan maps. Page 11 of the plan states that:

The Auke Bay Center should be designed for higher residential density to create a town center setting that would attract a mix of shopping, dining, arts, music, and marine and education related services and events. Without high density, the Center could not attract certain desirable types of uses nor achieve a desirable town center lifestyle and quality.

The Traditional Town Center designation continues past the subject properties to the east, and for just one street past the subject properties to the west, where it becomes Medium Density Residential.

The parcels immediately east and south of the subject parcels are designated as M/MU (Marine Mixed Use) described as:

These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhood-serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium and high-density residential uses at densities ranging from 10 to 60 residential units per acre. Ground floor retail space facing roads with parking behind the rail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas (p.148).

The proposed rezone to LC substantially conforms to the Traditional Town Center land use designation, as well as the plan’s description of the Auke Bay Center. Light Commercial zoning

would support higher residential densities of 30 units/acre, as well as a mixture of office and commercial space.

As noted in the Background Section, AME2016 0008 established that the MU zoning district may substantially conform with the Traditional Town Center designation. However the MU and MU2 zoning districts may not substantially conform with the Traditional Town Center designation in this location, for several reasons. The Auke Bay Area Plan articulates a desire to preserve views, which is most easily accomplished through height limitations. The Traditional Town Center designation is described as suitable for a mixture of uses such as high density (18 units or more/acre), office, general commercial, and retail. The plan describes parking in the rear, non-residential uses on the ground floor, and residential above. MU and MU2 zones can accommodate this mixture of uses, but the absence of a height limit in MU is problematic. Further, the high densities of both MU and MU2 zones, at unlimited and 80 units/acre respectively, have a greater emphasis on residential development than commercial.

Staff notes that though LC zoning may “substantially conform” with the Traditional Town Center designation and seems to be a better option than MU or MU2 zoning in this location, it is not a perfect fit. It lacks the requirements in the Table of Permissible Uses and Table of Dimensional Standards to specifically promote key elements of the Traditional Town Center definition regarding mixed use, with retail below and housing above, and parking in the rear. In addition, the 45-foot height limit may present implementation challenges for the Community Development Department (CDD) when CDD must enforce the specific views the Auke Bay Area Plan identifies for protection. CDD recognizes that a new zoning district is needed, specifically in response to this designation in the Auke Bay Area Plan. However until that district is developed and adopted, LC may be the closest fit.

Auke Bay Area Plan Goals and Policies

Relevant goals and policies in the Auke Bay Area Plan include the following:

- Goal 4: Ensure zoning changes in the Auke Bay area conform to the goals and policies of the Auke Bay Area Plan.
- Goal 5, Policy 5.1: Review the Auke Bay Area Plan when considering zone changes in the area.
- Goal 5, Policy 5.2: Promote zone changes that conform to the Plan and further advance the goals and policies of the plan.
- Goal 8: Preserve unique views that make the Auke Bay area a truly special place.
- Goal 8 Policy 8.1: Identify, map, and preserve key view points in the Auke Bay area, as depicted in Appendix C.
- Goal 8 Policy 8.3: New development should be evaluated for its impact on the viewpoints shown on the map.

Regarding Goal 4 and 5, the proposed zone change to LC substantially conforms to the Traditional Town Center designation for the properties. Regarding Goal 8 and Policies 8.1 and 8.3, the proposed zone change would change the D-10 residential height limit of 35 feet to the Light Commercial height limit of 45 feet. This increase has the potential to negatively impact Viewpoint One in Appendix C of the Auke Bay Area Plan, which is a view of the harbor. However, this review addresses the proposed zone change, not a development plan. Any proposed development on the subject properties would be separately evaluated for conformance with these policies and potential impacts on Viewpoint One.

Chapter Five, Transportation, addresses traffic and pedestrian safety in the Auke Bay Area. This chapter contains a number of recommendations to address safety issues, including intersection improvements, a new grid street network, speed limit reductions, traffic calming measures, and more. Many residents have expressed concern about these issues at the two neighborhood meetings and in public comments. CDD and the ADOT/PF will address traffic and pedestrian safety issues when a new development proposal is proposed. Any development that significantly increases traffic will require a Traffic Impact Analysis, which may lead to implementation of some of the recommendations noted in the plan.

ADOT/PF's Fritz Cove Road to Seaview Avenue project will provide 6-foot wide sidewalks and 8-foot wide shoulders westbound and eastbound. The project will be constructed in the 2018 building season. Seaview Avenue is the westernmost boundary of the proposed rezone, so the project would significantly improve pedestrian, bicycle, and vehicle safety throughout the area.

The applicant has addressed conformance with the Auke Bay Area Plan designation and policies in the Project Narrative, Attachment 3. The Project Narrative includes an explanation of mixed use development to promote affordable housing and retail/commercial development, supported in the Plan and by the proposed Light Commercial zoning designation.

In summary, the proposed rezone conforms to the policies in the Auke Bay Area Plan, to the extent that it can be determined in absence of a development proposal.

2015 Juneau Economic Development Plan

The 2015 Juneau Economic Development Plan is incorporated into the Comprehensive Plan in CBJ Code 49.05.200(b)(1)(N). The proposed rezone does not specifically address any of the eight economic development initiatives identified in the plan. However the rezone indirectly addresses one of the economic development planning concepts and practices listed in Chapter Two, as follows:

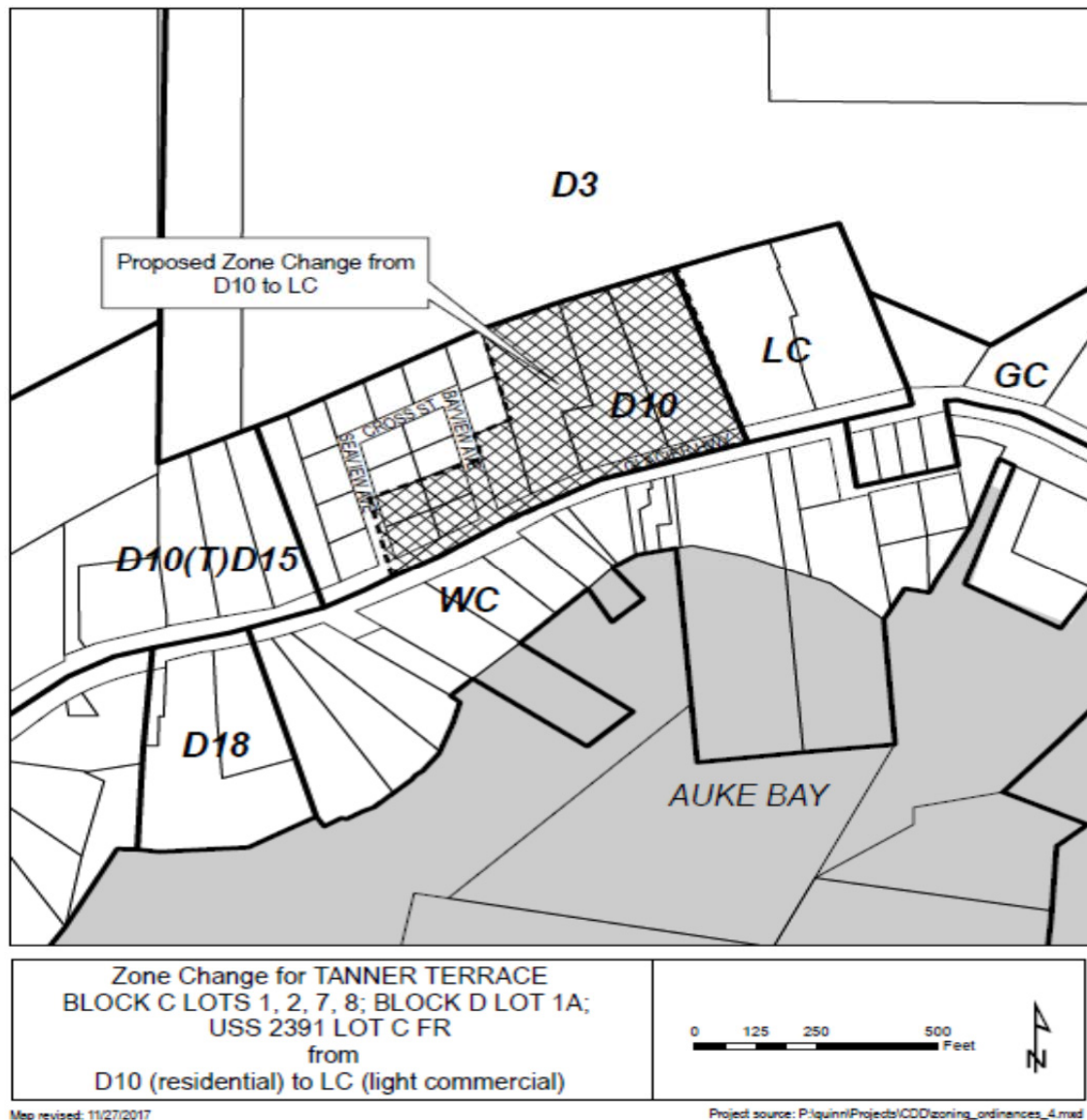
Land availability - an adequate supply of appropriately zoned land is available for commerce and industry, as well as residential development. This includes access to the land needed to support commercial, industrial, and other development. This also includes zoning that supports neighborhood- based small

business growth that creates jobs and provides services which area residents and the community need. This type of small business development and growth also supports quality of life and walkable mixed-use neighborhoods.

The proposed zone change from D-10 to LC may create more opportunities for higher density residential development and low impact commercial use, in substantial conformance with the plan.

COMPLIANCE WITH TITLE 49 LAND USE CODE

The map below shows existing zoning in the area:



The subject parcels are surrounded by D-10 residential zoning to the west, D-10 and D-3 residential zoning to the north, LC zoning to the east, and Waterfront Commercial (WC) to the south. The proposed rezone would expand the existing LC zoning district.

As noted earlier, the CBJ Land Use Code describes Light Commercial zoning as:

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district (49.25.230(a)).

The Land Use Code states that rezones must substantially comply with the Comprehensive Plan maps, which designates the subject properties as Medium Density Residential. The Auke Bay Area Plan, adopted as part of the Comprehensive Plan, designates the subject properties as Traditional Town Center. As discussed in the preceding analysis, the LC zoning district substantially complies with both the Medium Density Residential and Traditional Town Center designations on the Comprehensive Plan and Auke Bay Area Plan maps. In addition, the proposed zone change meets the intent of many Comprehensive Plan and Auke Bay Area Plan policies which encourage commercial, mixed use development and higher residential densities. The MU and MU2 zoning districts have also been evaluated, however these zoning districts may not substantially conform due to the high residential density allowed and the unlimited height for MU zones and a greater emphasis on residential development instead of commercial. These issues will be addressed in detail in the Discussion section of this report.

Agency Review

An agency review period was conducted from August 4, 2017 through August 25, 2017. Staff received the following comments:

- CBJ Engineering and Public Works: "It is reasonable to zone property that borders a highway as Light Commercial. Utilities exist or upgraded if needed that are adequate for a Light Commercial Zone. GE has no objection to the zone change."
- CBJ Assessors Office: "Completely makes sense to me. No questions."
- CBJ Fire Department: "I do not think there are any fire dept. or fire code concerns with this at this time."
- Alaska Electric Light & Power (AEL&P): "No objection from electric."

- Alaska Department of Environmental Conservation (ADEC): “The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with this rezone application from the D10 zoning district to the Light Commercial zoning district, on these properties along Glacier Highway in Auke Bay. However, I have the same questions raised during the previous rezone application in Auke Bay. Please see the attached email.” [ADEC’s additional email asked whether the rezone conforms with the Auke Bay Area Plan, and whether the application was provided to the Auke Bay Steering Committee. These questions have been addressed in the Public Notice and Comprehensive Plan sections of this report.]
- Alaska Department of Transportation and Public Facilities (ADOT/PF): “DOT does not have any comments regarding the proposed rezone for these four properties. If any development (new or a modification to existing) is proposed, we may require permits that could include the requirement of a TIA. At this point, the change in the rezone does not prompt any further review or new permits from our end.”

DISCUSSION

Uses in the D-10 Residential, Light Commercial, Mixed Use, and Mixed Use Two Zones

The subject properties are located along Glacier Highway, with commercial uses such as an RV park, restaurants, and retail located to the south and east. Low to medium density residential properties are located to the west, in addition to a few single family homes to the south in the Waterfront Commercial zoning district. The properties are within the Auke Bay Center as defined by the Auke Bay Area Plan.

The residences in closest proximity to the rezone area, along Bayview Avenue, Seaview Avenue, and Cross Street, include 13 lots that are zoned D-10. These lots all have single-family dwellings on lots of 8,000-11,000 square feet. Staff notes that most of these properties are eligible for two units, but have only one.

The table below illustrates a variety of uses that might be permitted in the current D-10 zoning district, as well as the Light Commercial, Mixed Use, and Mixed Use Two zones. This table does not include all uses that may be permitted in these zoning districts. The full Table of Permissible Uses, CBJ Code 49.25.300, has been attached for reference with these zoning districts highlighted (Attachment 7).

A Sample of Permissible Uses in the D-10, LC, MU, and MU2 zones

	D-10	Light Commercial (LC)	Mixed Use (MU)	Mixed Use Two (MU2)
Duplex	1	1		
Hotel		1, 3		
Light manufacturing		1, 3		
Medium manufacturing			3	3
Heavy manufacturing				
Restaurant/bar		1		
Restaurant with drive-through		1,3		3
General Retail		1	1	1
Marijuana Retail		3	3	3
Marijuana Cultivation		3		
Gas station		3		
Motor vehicle sales		1,3		
Veterinary clinic		3	3	3
Commercial greenhouse	3	1, 3	1	1
Health care clinic		1,3	1, 3	1, 3
Child care	1	1	1	1

Blank space - Use not allowed

1 – Allowed with a building permit

3 – Allowed with an approved Conditional Use Permit

The table illustrates that some commercial uses, such as day care and commercial greenhouses, are allowed in all four zones with building permits and Conditional Use permits respectively. Retail use is not allowed in D-10, but is allowed in LC, MU, and MU2 zones with a building permit. All manufacturing is prohibited in D-10. Light Manufacturing is allowed in LC zones with

a Conditional Use Permit, while Medium and Heavy Manufacturing are prohibited. Curiously, Medium Manufacturing is allowed in MU and MU2 zones. Gas stations and motor vehicle sales are allowed in LC with a Conditional Use Permit, but are not allowed in MU or MU2 zones.

In general, the LC zoning district allows some higher impact commercial uses through the Conditional Use Permit process and allows a broader variety of commercial uses, consistent with the Land Use code definition of commercial development near residential areas. MU and MU2 zones focus more on housing, but still allow for many commercial uses.

Some uses in LC, such as gas stations, do not conform with the Auke Bay Area Plan vision of a mixed use, walkable community and as such are not a perfect fit with the Traditional Town Center designation. A new zoning district needs to be developed to promote the village atmosphere of the Auke Bay Plan.

Another way to evaluate the differences between the current zoning district and the requested zoning district, as well as the MU and MU2 zoning districts, is to review dimensional standards, vegetative cover, and density as shown below:

	D-10	LC	MU	MU2
Setbacks*				
Front	20'	25'	0	5'
Rear	20'	10'	0	5'
Side	5'	10'	0	5'
Street side	13'	17'	0	5'
Minimum Lot Size	6,000 sq. ft.	2,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
Lot coverage				
Permissible uses	50%	None	None	80%
Conditional uses	50%	None	None	80%
Building Height	35'	45'	none	45
Vegetative cover	30%	15%	None	5%

*Where one zoning district abuts another, the greater setback applies.

The chart demonstrates that the LC zoning district has half the minimum lot size of the Mixed Use and Mixed Use Two zoning districts, as well as significantly greater setbacks and vegetative cover requirements. These features may be more supportive of the pedestrian-friendly village atmosphere that the Auke Bay Area Plan seeks to promote.

As noted earlier, adjacent property owners have expressed concern about potential impacts to their view if the zone change is approved. The Auke Bay Area Plan specifically protects Viewpoint One, a view of the harbor. The Light Commercial zoning district allows a building height of 45' versus 35' in the existing zoning district. The MU zoning district has unlimited

height, while MU2 is 45'. If the rezone is approved, CDD will specifically evaluate any new development to determine if the Viewpoint One in Appendix C of the Auke Bay Plan is negatively impacted, which may be challenging. However the MU zoning district, with unlimited height, creates the potential for unacceptable conflict between the Auke Bay Plan and the Land Use Code.

PUBLIC COMMENTS

Residents who attended the neighborhood meetings expressed concerns regarding vehicular and pedestrian safety and the need to preserve the adjacent residential area. In addition to verbal comments, staff have received six written and phone comments which are included in Attachments 8-13.

One commenter, who is the owner of one of the properties proposed for the zone change, wrote in support of the proposal to allow upgrades of the properties (Attachment 8).

The comments in Attachments 9-13 are from residents opposed to the rezone. Several of these letters are quite detailed and staff encourages the Commission to read each letter individually. In general, residents have noted impacts to views and property value and the need to preserve the character of the existing residential neighborhood. Many residents feel that increased development in this area will bring traffic, noise, and congestion. Several commenters specifically disagreed with the Auke Bay Area plan approach of creating a retail town center with mixed use, noting the vacant retail spaces throughout town and the population decline.

As described in the preceding analysis, traffic impacts will be specifically addressed by CDD and ADOT/PF when a development is proposed. In addition, ADOT/PF plans to develop sidewalks and shoulders along this section of Glacier Highway in 2018. Developments must also be evaluated for conformance with the Auke Bay Area Plan, including potential impacts to the viewsheds listed in Appendix C of the Auke Bay Area Plan. The proposed LC zoning district is the zoning district most compatible with the Auke Bay Area Plan designation of Traditional Town Center, until such time as CDD develops a new zoning district that more closely supports the Auke Bay Area Plan. By code definition (49.24.230(a)), LC zoning districts are intended to be adjacent to residential neighborhoods, to promote low intensity development.

Residents often ask for specific development plans when a rezone is under review. For the benefit of the public as well as the Planning Commission, an explanation regarding why CDD does not review development plans with rezones, and why the applicant is not required to state their intentions for development, may be helpful.

CDD is required to evaluate rezones based on all development that can be permitted within the requested zoning district and their conformance with the Comprehensive Plan maps and the Land Use Code. While residents' concerns about not knowing the specific development

proposal are understandable, CDD must evaluate the proposal based on potential uses of the proposed zoning district. As noted in the previous section, each zoning district has a list of uses that are permitted “outright” and others that require a Conditional Use Permit. Conditional Use Permits require a public hearing and notices to property owners within 500 feet of the proposed development. Some uses may require a traffic impact analysis, and other approvals such as driveway permits.

In this rezone, the applicant has provided a general statement about how the proposed rezone would allow the property owners to “achieve the highest and best use of their properties,” along with a description of the Auke Bay area and mixed use developments. CDD’s analysis has focused on the code requirement of “substantial conformance” with the Comprehensive Plan and Auke Bay Area Plan land use designations, along with a review of relevant policies, rather than specific uses allowed within the LC zoning district. Specific developments would be evaluated on a case by case basis in accordance with review requirements in code.

RESTRICTIONS AND PROCEDURE

CBJ 49.75.120. RESTRICTIONS ON REZONINGS. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

The intent of the Land Use Code 49.05.100 is shown below.

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;*
- (2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- (5) To provide adequate open space for light and air; and*
- (6) To recognize the economic value of land and encourage its proper and beneficial use.*

The request meets the two requirements to be considered for rezoning, in accordance with CBJ 49.75.120, because request is greater than 2 acres, constitutes an expansion of the existing LC zoning district, and the request is not substantially the same as a rezone request rejected in the past 12 months.

As discussed in the preceding analysis, the rezone request meets the intent of the Land Use Code, item 1, because it substantially conforms with the Comprehensive Plan and the Auke Bay Area Plan designations of Medium Density Residential and Traditional Town Center, and meets the intent of many Comprehensive Plan and Auke Bay Area Plan policies. There are no habitat issues or coastal management program policies relevant to the request. Code setbacks and the Conditional Use Permit process for the LC zone ensures the beneficial impacts of growth while minimizing the negative impacts. The rezone request meets the intent of the Land Use Code, item 6, by recognizing the economic value of the subject property and allowing potentially expanded development within a zoning district that meets the intentions of Comprehensive Plan and Auke Bay Area Plan maps and policies.

ZONE CHANGE OPTIONS AND ALTERNATIVES

The applicant has requested to have 7.06 acres rezoned to Light Commercial.

Options are to approve the request as submitted, deny the request as submitted, or recommend an alternative to the Assembly.

FINDINGS

After review of the application materials, the CBJ Land Use Code, and the CBJ 2013 Comprehensive Plan the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code, as the application was submitted timely, is not similar to a request made in the previous two years, is greater than 2 acres, and is an expansion of an existing zoning district.
2. Based on the preceding analysis, rezoning 7.06 acres from D-10 to the LC zoning district is in substantial conformance with the Land Use maps of the Comprehensive Plan and Auke Bay Area Plan.

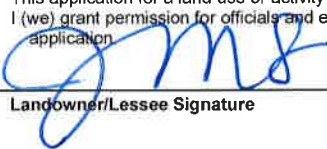
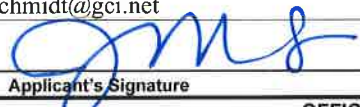
STAFF RECOMMENDATION

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for a rezone request to change 7.06 acres

located at 3853 Bayview Avenue, 12020 Glacier Highway, 11998 Glacier Highway, and 11950 Glacier Highway from D-10 to LC (Light Commercial).

DEVELOPMENT PERMIT APPLICATION

Project Number AME 17-13	CITY and BOROUGH of JUNEAU	Date Received: 7/31/2017
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Request for rezone from D10 to LC.		
	PROPERTY LOCATION		
	Street Address 3853 Bayview Avenue	City/Zip Juneau, AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 2391 Tanner Terrace BLC, LTS 1, 2, 7 & 8		
	Assessor's Parcel Number(s) 4B2801040170		
	LANDOWNER/ LESSEE		
	Property Owner's Name Douglas Island Development LLC	Contact Person: Joanne Schmidt	Work Phone: 907-723-6803
	Mailing Address 5405 North Douglas Highway Juneau, AK 99801	Home Phone: 907-723-6803	Fax Number:
	E-mail Address joanne.schmidt@gci.net	Other Contact Phone Number(s):	
	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	 Landowner/Lessee Signature	7/31/2017 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" and sign and date at X below			
Applicant's Name Douglas Island Development LLC		Contact Person: Joanne Schmidt	Work Phone: 907-723-6803
Mailing Address 5405 North Douglas Highway Juneau, AK 99801		Home Phone: 907-723-6803	Fax Number:
E-mail Address joanne.schmidt@gci.net		Other Contact Phone Number(s):	
X	 Applicant's Signature	07/31/2017 Date of Application	

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		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)			
		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		7/31/17	AME 2017 0013	
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials ANE	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
 I:\FORMS\2010 Applications

Revised November 2009

Attachment 1

Applicant has spoken w/ Beth.
 This communication will count

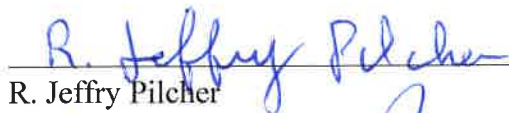
ZONE CHANGE APPLICATION

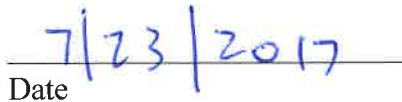
Project Number	Project Name (15 characters)	Case Number AME 20170013	Date Received 07/31/2017	
LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED: <u>See Attached</u>				
IS THIS AN EXPANSION OF AN EXISTING ZONE? ☒ Yes ☐ No				
Total Land Area of Proposed Change <u>7.06</u> acres		Comp Plan Designation <u>TTC</u>		
Current Zone(s) <u>D10</u>		Comp Plan Map _____		
New Zone Requested <u>Light Commercial</u>				
TYPE OF ZONE CHANGE REQUESTED: ☒ Regular ☐ Transition				
HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS? ☐ Yes ☒ No				
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site				
PURPOSE OF THE REQUESTED ZONE CHANGE: <u>Conform with Anker Bay Sub-area Plan (2015) proposed zoning designation of Traditional Town Center (TTC) and expand the zoning designation of the area of Light Commercial.</u>				
IS THERE A PROPOSED USE OF THE LAND? ☐ Yes ☒ No				
PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☒ No				
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT): _____ _____ _____				
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:				
STREETS: <u>Increased Use</u>				
WATER: <u>Increased Use</u>				
SEWER: <u>Increased Use</u>				
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.	ZONE CHANGE FEES			
		Fees	Check No.	Receipt
	Application Fees	\$ <u>600</u>	_____	_____
	Admin. of Guarantee	\$ _____	_____	_____
	Adjustment	\$ _____	_____	_____
	Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____
	Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____
Total Fee	\$ <u>750.00</u>	_____	_____	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

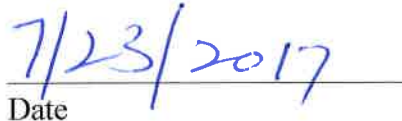
ADDENDUM TO ZONE CHANGE APPLICATION

1) 12020 Glacier Highway, Parcel No. 4B2801040070, USS 2391 Tanner Terrace BL D, LT


R. Jeffry Pilcher


Date


Leanne Pilcher


Date

2) 11998 Glacier Highway, Parcel No. 4B2801040060, USS 2391 LT C FR


Gospel Mission Union, Inc.

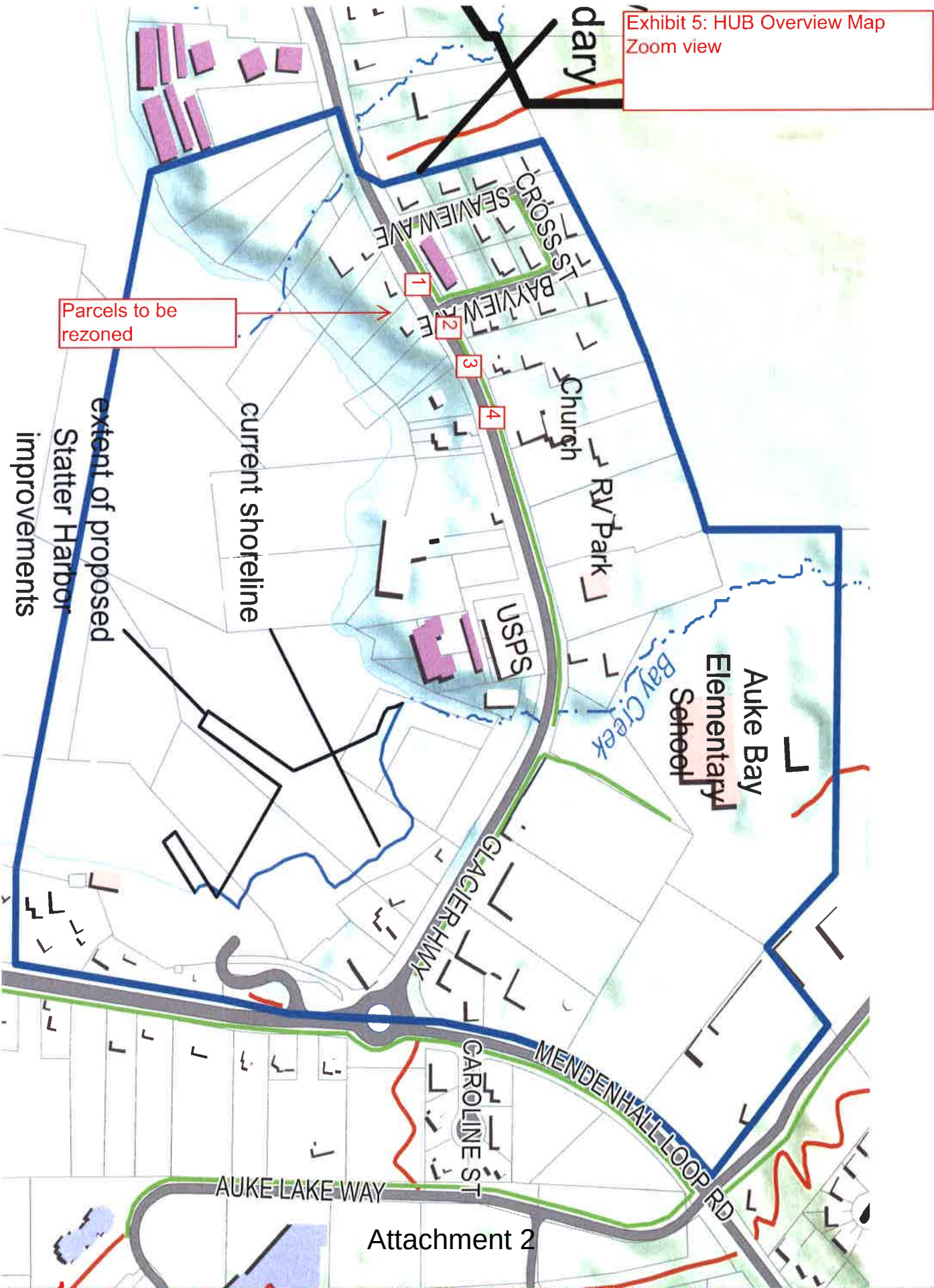

Date

3) 11950 Glacier Highway, Parcel No. 4B2801040050, USS 2391 LT C FR


Auke Bay Bible Church
Deacon Chairmen


Date





ADDENDUM TO ZONE CHANGE APPLICATION

Introduction

The applicants submitting this Zone Change Application and requesting that their properties to be rezoned from D10 to Light Commercial are: Douglas Island Development, LLC, Jeff and Leanne Pilcher, Gospel Missionary Union, Inc. (dba Echo Ranch Bible Camp), and Auke Bay Bible Church. All properties lie adjacent to each other and along Glacier Highway between 11950 Glacier Highway to 3853 Bayview Avenue, and all are on the road side of Glacier Highway (see Exhibit 1, Rezone Parcels Map and Exhibit 2: Auke Bay Area satellite image, enlarged). The total acreage of land subject to this request is 7.06 acres.

Legal Descriptions/Limits on Property to be Rezoned

The Property Owner names and addresses, parcel numbers, legal descriptions and lot sizes of the properties included in the rezone request are listed in the table below.

	Property Owner/Address	Parcel Number	Legal Description	Lot Size
1	Douglas Island Development LLC 3853 Bayview Avenue	4B2801040170	USS 2391 Tanner Terrace BL C, LTS 1, 2, 7, & 8	0.73 acres
2	R Jeffry and Leanne Pilcher 12020 Glacier Highway	4B2801040070	USS 2391 Tanner Terrace BL D, LT 1A	0.36 acres
3	Echo Ranch Bible Camp 11998 Glacier Highway	4B2801040060	USS 2391 Tanner Terrace LT C FR	1.79 acres
4	Auke Bay Bible Church 11950 Glacier Highway	4B2801040050	USS 2391 Tanner Terrace LT C FR	2.94 acres

Plans and Diagrams

The following plans, diagrams and images are included in this application and incorporated by reference or as an Exhibit:

- Auke Bay Area (ABA) Plan, 2015
- Comprehensive Plan of the City and Borough of Juneau (CBJ Comp Plan), 2013 Update
- Exhibit 1: Rezone Parcels Map, satellite image
- Exhibit 2: Auke Bay Area satellite image enlarged
- Exhibit 3: CBJ Comp Plan Map F, Subarea 3
- Exhibit 4: ABA Plan, Hub Overview Map
- Exhibit 5: ABA Plan, Hub Overview Map, enlarged
- Exhibit 6: ABA Plan, Amendment to Comp Plan Zoning Map

Project Description

The applicants seek to have their properties rezoned from D10 to Light Commercial. While the applicants do not yet have any specific development plans for their properties, the change in zoning designation will allow them to develop their properties in a manner aligned with the goals and objectives of both the CBJ Comp Plan and the ABA Plan and achieve the highest and best use of their properties. Rezoning these properties will make the zoning designations consistent with the other Auke Bay area properties with direct road frontage along Glacier Highway.

It was determined that the residential properties north of 3853 Bayview Avenue and residing on Bayview Avenue, Seaview Avenue and Cross Street would not be included in the rezone request in accordance with Policy 10.3 from Chapter 10: LAND USE of the CBJ Comp Plan, under the Avoiding Residential Land Use Conflicts section, which states:

“A major concern expressed by Juneau residents is the need to protect the character of existing neighborhoods from incompatible uses. Their primary concern is to minimize the intrusion of heavy traffic on neighborhood streets and avoid conflicts related to parking congestion, noise, glare, loss of privacy and other factors associated with higher intensity uses.”

To be responsive to this concern, light commercial development of the subject parcels should conform to the standards set out in Policy 10.4, TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL AND INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES, Development Guidelines 10.4-DG1 which states,

“New development, particularly in-fill development on vacant land within established neighborhoods, should be designed in such a way as to promote compatibility in scale and massing as the adjacent or nearby built environment.”

The Implementing Action for this same section, under 10.4-1A1 further supports this approach with a recommendation to

“seek to reduce or eliminate conflicts between medium or high density residential uses in established low density residential neighborhoods by encouraging the design of higher density housing to be compatible in scale, massing and orientation with the adjacent, lower-density housing....”¹

¹ 2013 CBJ Comprehensive Plan Update, Chapter 10, pp 131-132.

If commercial development is restricted to parcels immediately adjacent to the roadway and waterfront properties only, conflicts will be minimal and likely non-existent.

Land Use and Facilities: Existing Conditions

Auke Bay currently offers a mixture of land uses ranging from condominiums and single family housing to fish-processing facilities and educational centers. During the 20th century, Auke Bay started to develop into a key population node of the community. Three major roads converge in Auke Bay (Glacier Highway (north- and south-bound and Mendenhall Loop Road) and bring people from all over the Borough. These roads carry a high volume of traffic. Commercial businesses, places of residence and boat harbors have all been developed along this highway.

Auke Bay also receives high marine traffic from commerce, private yachts, the State ferry dock, and recreational boaters. These facilities attract residents, workers and tourists from all over the state and beyond. Current educational opportunities in Auke Bay include the University of Alaska Southeast, a public and a private elementary school, and a pre-school co-op. Land use regulations in Auke Bay are fragmented due to the many different districts. This has resulted in some property's regulations promoting a suburban, auto-dependent setting with large parking lots and limited uses; while others promote a small downtown feel with a mix of uses and pedestrian-emphasized designs. Because of this, neighboring uses may easily conflict which can make coordination for future planned growth between land owners challenging. Taking a balanced approach by ensuring that zoning designations are consistent is a key step in reducing conflict and promoting sensible, planned growth that meets the needs of the adjacent property owners and the broader community of Juneau.

Conformance to the CBJ Comp Plan, 2013

The 2013 Comprehensive Plan for the City and Borough of Juneau describes Auke Bay and UAS as "Urban" in form, "characterized by low- to mid-rise residential and commercial structures, often with the uses mixed within the same structure or with commercial uses lining the edges of residential neighborhoods. Typical mass and scale of these urban neighborhoods are 2 to 3-story structures separated by parking lots, roads, sidewalks and landscaping or small yards." The CBJ Comprehensive Plan encourages in-fill development within the Urban Service Area in order to take advantage of existing urban services and utilities.

The CBJ Comp Plan, 2013 Update, in Chapter 10: LAND USE, under the RESIDENTIAL USE OF LAND, "Residential Land Availability and Density" Section recommends that

"The CBJ government should continue to conduct re-zoning processes to reflect the land use designations and densities recommended in this 2013 update. Most specifically, higher density residential developments along public transit routes are needed to satisfy affordable housing needs, to make the most efficient use of a limited amount of buildable

land, and to provide public services efficiently therein. Availability of lands for residential use should continue to be monitored and adequate public service and facilities provided to accomplish the objectives of assuring safe, sanitary and affordable housing for all income levels and household types in the community.”

The CBJ Comp Plan also identifies in Chapter 10 LAND USE, under the Mixed-Use Development section, that

“Mixed use development is also seen as an avenue to implement several Comprehensive Plan policies, notably those pertaining to compact development, energy efficiency/sustainability, efficient transit services, and affordable housing. Locations outside of the downtown core that is suitable for mixed use development include downtown Douglas, the village center of Auke Bay near the University, and areas in and around shopping malls and near major employment centers. It should be noted that in mixed use areas around the airport, owners should be required to notify prospective tenants and buyers of aircraft noise impacts.”

The Implementing Action that provides the basis for this Rezone Application request is in 10.13-1A3, which recommends [that CBJ]:

“Conduct an area plan for the Auke Bay community to create an attractive, pedestrian-oriented marine mixed-use village that promotes affordable housing and accommodates the space and livability needs and objectives of residents, University students and faculty, recreational enthusiasts, fishermen and women, business operators, property owners, and area fish and wildlife.”

The CBJ Comp Plan, under Chapter 11: LAND USE MAPS depict the subject parcels as being located within the Medium Density Residential (MDR) boundary (see Exhibit 3: CBJ Comp Plan Map F, Subarea 3). These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

The MDR designation provides support for rezoning the subject parcels from D10 to Light Commercial, and would create opportunities for the applicants to achieve the highest and best use of their properties in accordance with the intended designations as identified in the CBJ comp Plan and consistent with the uses of other adjacent MDR properties.

Future Vision: An Active Auke Bay Center

Auke Bay has grown from its early years as being home to the Áak’w Kwáan tribe and a fisheries port to a much larger and more diverse economic hub of Southeast Alaska. Significant

growth in the tourism industry, boating and fisheries commerce, marine transportation, education, and housing developments has resulted in increased demands in services, varied land regulations, a mixture of new transportation challenges, and pressures on the environment. Coordinating and addressing these demands and challenges through the creation of an Auke Bay Area Plan, led by Auke Bay citizens and property owners, will ensure future growth is responsible, sustainable, and desirable.

Auke Bay is home to many businesses, residents, students, and transient guests. The public and private harbors establish a strong and unique maritime component for not only commercial fisherman, but also local sport fisherman, sailors, and those traveling through Southeast Alaska. Auke Bay boasts a rich mixture of densities that can accommodate many housing needs, from detached homes to condominium. There continues to be a strong housing demand in the Auke Bay area. Businesses are attracted to meet the growing demands of Auke Bay by way of engineering, marine use, transportation, retail/restaurants, services, and more. As Auke Bay grows, it will be important to attract businesses that not only supply the demand in the area but also compliment the design of growth.”²

Conformance to the (CBJ) Auke Bay Area Plan, 2015

The Auke Bay Area Plan, 2015 was a multi-year community wide effort to further clarify the goals, objectives and future vision for the Auke Bay area in accordance with the development guidelines set out in the CBJ Comp Plan, 2013 Update.

There are three planning areas of the ABA Plan: (1) the Planning Area Boundary, (2) the Hub and (3) the Center (see Exhibit 4: Hub Overview Map, and Exhibit 5: Hub Overview Map, enlarged). Each planning area represents a different type of anticipated growth based on public services, land use demands, and future needs of Auke Bay.

The subject parcels are all located within the “Center”, and are identified in the Plan as “the focal point of Auke Bay”. The Small-Town Center is an area intended to create a setting for a new ‘Small Town Center’ containing multi-story buildings with a mixture of uses, with an emphasis of ground floor commercial and residential above. This area provides efficient vehicular access and safe and accessible pedestrian access to nearby uses such as Statter Harbor, UAS, and nearby neighborhoods. This same area was identified in the CBJ Comp Plan as M/MU, and in the ABA Plan was designated as Traditional Town Center (TTC) with the recommendation that the CBJ Comp Plan be updated to reflect this designation (see Exhibit 6: Proposed Amendment to Comprehensive Plan Land Use Map).

² Auke Bay Area Plan. Adopted March 16, 2015. City and Borough of Juneau, Community Development Department, Planning Division.

Traditional Town Center (TTC) lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

The ABA Plan identified that the Auke Bay Center area should be designed for higher density to create a town center setting that would attract a mix of shopping, dining, arts, music, and marine and education-related services and events. Without high density, the Center cannot not attract certain desirable types of uses nor achieve a desirable town center lifestyle.

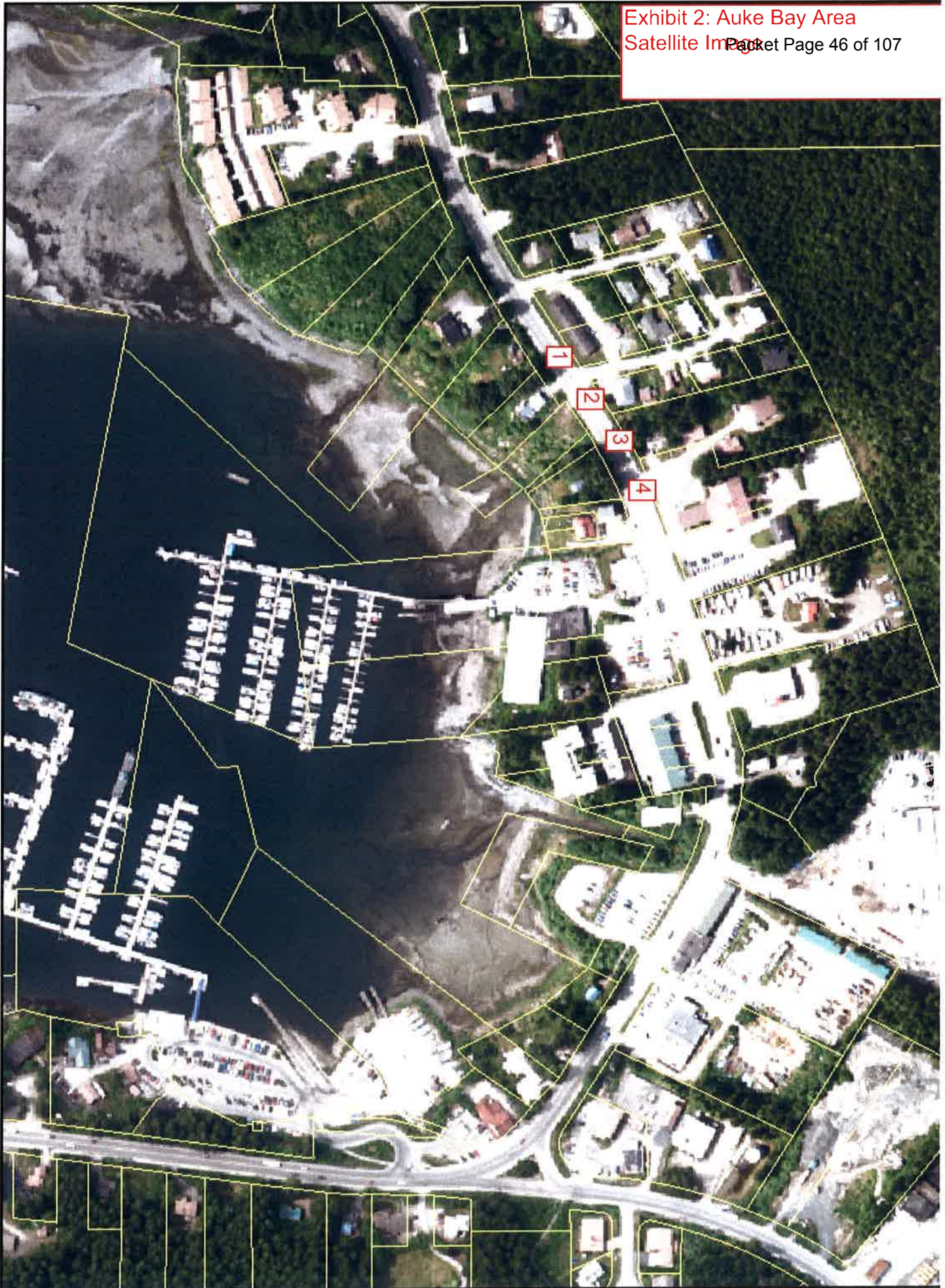
Mixed-use development having ground floor restaurant/retail/offices and upper floor residences will be critical for establishing a small-town center setting, and will potentially be the scope and focus of any new development of the subject parcels. The ground floor uses can create a vibrant and energetic street atmosphere. The upper floors provide a separated use away from street noise and activity that is more appropriate for residential use. Mixed-use development may provide more affordable housing opportunities as density increases. Higher-density, in-fill development reflecting an appropriate mix of residential and light commercial uses will offer more housing choices for Juneau residents, create jobs in the area, stimulate the local economy, and will breathe life into an area well-poised for growth and change.

Rezoning the subject parcels from a D10 residential designation to Light Commercial supports the CBJ's goal of creating an active Auke Bay Center that reflects a mix of residential and commercial uses that will meet the future development needs of the area. The subject parcels are all located within the designated Traditional Town Center (TCC) and are well-situated to modify or expand upon existing uses which would conform well with the intended character and mixed residential and commercial uses desired for this up and coming area of Auke Bay.

Exhibit 1: Rezone Parcels Map



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AUKE BAY REZONE REQUEST – SITE PHOTOS



Fig 1: Douglas Island Development LLC - 3853 Bayview Avenue



Fig 2: Jeff and Leanne Pilcher - 12020 Glacier Highway



Fig 3: View from 3853 Bayview and Pilcher Properties



Fig 4: Road frontage *west to east* view



Fig 5: Echo Ranch Bible Camp - 11998 Glacier Highway



Fig 6: Auke Bay Bible Church - 11950 Glacier Highway



Fig 7: Road frontage, east to west view



Fig 8: View from Echo Ranch-Auke Bay Church properties

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

			Zones														
Use Description			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL																
1.100	Single-family dwellings:																
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 A	1 A
	1.120	Single-family detached, two dwellings per lot	1	1	1												
	1.130	Single-family detached, accessory apartments X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.140	Single-family detached, two dwelling per lot, accessory apartment X	1, 3	1, 3	1, 3												
1.200	Duplex		1	1	1	1		1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.500	Child and Day care homes:																
	1.510	Child; 12 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
	1.520	Reserved															
	1.530	Adult; 12 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
	1.540	Reserved															
1.550	Child care residence, 6 to 9 children under 18 years of age			3	3	3	3	3	3	3	3	3	3	3			

1.600	Miscellaneous, rooms for rent situations:																	
	1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3 N			
	1.620	Hotels, motels	3							1, 3	1, 3	1, 3	1, 3	3 N	3 N			
	1.630	Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3				
1.700	Home occupations		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes:																	
	1.810	Residential mobile homes on individual lots E	3	3	3													
	1.815	Caretakers mobile homes on individual lots E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.820	Mobile home parks E				3	3	3	3	3	3							
	1.830	Mobile home subdivision E				3	3	3	3	3	3							
	1.840	Recreational vehicle parks F	3 F	3 F	3 F													
1.900	Common wall development:																	
	1.910	Two dwelling units				1	1	1	1	1								
	1.911	Accessory apartments X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
	1.920	Three or more dwelling units				1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3				
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3				
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT G																	

2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods:																
	2.110	Reserved															
	2.120	Miscellaneous									1	1	1	1	3 N	3 N	3
	2.130	Marine merchandise and equipment	3 T								1, 3	1, 3	1, 3	1, 3	1, 3	3 N	3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods										1, 3	1, 3	1, 3	1, 3	3 N	3 N	3
2.300	Marijuana retail store		3								3	3	3	3	3	3	3
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES G																
3.050	Offices of not more than 1,000 square feet			3	3	3	3	3	3	3	1	1	1	1	1 N		
3.100	Offices greater than 1,000 but not more than 2,500 square feet							3	3	3	1	1	1	1	3 N		
3.200	Reserved																
3.300	Research, laboratory uses		3 T								1, 3	1, 3	1, 3	1, 3	1 N, 3 N	1 N, 3 N	1, 3
3.400	Offices greater than 2,500 square feet										1, 3	1, 3	1, 3	1, 3	1 N, 3 N		3 S
3.500	Marijuan testing facility		3								3	3	3	3			3
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS G																
4.050	Light manufacturing		3 T						3	3	1, 3	1, 3	1, 3	1, 3	1 N, 3 N	1 N, 3 N	1, 3
4.070	Medium manufacturing		3 T									3	3	3	3 N	1 N, 3 N	1, 3

4.100	Heavy manufacturing	3 T	3 Q													3 N	3
4.150	Rock crusher	3 T	1 Q	1 Q												3 N	3
4.200	Storage of explosives and ammunition	3														3 N	3
4.210	Seafood processing	3 T													3	1, 3	1, 3
4.220	Marijuana product manufacturing facility	3 AC									3	3					3
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES																
5.100	Schools:																
	5.110	Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3			
	5.120	Trade, vocational schools, commercial schools	3 T								3	3	3	3	3 N	3 N	3
	5.130	Colleges, universities	3 T	3	3	3	3	3	3	3	3	3	3	3	3 N	3 N	3
5.200	Churches, synagogues, temples	3 T	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 N, 3 N	3 N	1, 3
5.300	Libraries, museums, art galleries	3 T	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 N		
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs	3 T									1, 3	1, 3	1, 3	1, 3	1 N, 3 N	3 N	1, 3
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT																
6.100	Indoor activity conducted entirely within building or substantial structure:																
	6.110	Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3

	6.130	Theaters seating for 200 or fewer	3	T							3	3	1	1	1	1	3	N		3	
	6.135	Theaters seating from 201 to 1,000											3	1	1	1	3	N		3	
	6.140	Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people												3	3	3	3	N			
	6.150	Indoor shooting range	1, 3											3						3	
6.200	Outdoor activity conducted outside enclosed buildings or structures:																				
	6.210	Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3		3	3	3	3	3	3	3	3	3	1, 3				3	N		3
	6.220	Miniature golf courses, skateboard parks, water slides, batting cages	3		3	3	3	3	3	3	3	3	3	1, 3	3	3	3	N		3	
	6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks	3											3						3	
	6.250	Reserved																			
	6.260	Open space	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	6.262	Parks with improved facilities, not approved in conjunction with a major subdivision																			
	6.264	Capacity for up to 20 people W	1	T	1	1	1	1	1	1	1	1	1	1	1	1	1	3	N		
	6.266	Capacity for more than 20 people W	3	T	3	3	3	3	3	3	3	3	3	3	3	3	3	N	3	N	
	6.270	Aerial conveyances and appurtenant facilities	3		3	3	3	3	3	3	3	3	3	3	3	3	3	N	3	N	
	6.280	Shooting ranges	3																	3	
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES																				
7.100	Hospital												3	3	3	3					

7.150	Health care clinics, other medical treatment facilities providing out-patient care							3	3	1, 3	1, 3	1, 3	1, 3			
7.200	Assisted living		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3			
7.300	Day care centers						3	3	3	1, 3	1, 3	1, 3	1, 3			
7.310	Child care centers	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			
8.000	RESTAURANTS, BARS, NIGHTCLUBS															
8.050	Small restaurants, less than 1,000 ft 2 without drive through service	3 T						3	3	3	1	1	1	1	1 N	3
8.100	Restaurants, bars without drive through service	3 T									1, 3	1	1, 3	1, 3	1 N, 3 N	3 N 3
8.200	Restaurants, coffee stands with drive through service										1, 3	1		3	1 N, 3 N	3 N 3
8.300	Seasonal open air food service without drive through	3									1, 3	1	1, 3	1, 3	1 N, 3 N	3 N
9.000	BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS															
9.050	Motor vehicle, mobile home sale or rental										1, 3	1, 3	3	3		1, 3
9.100	Motor vehicle repair and maintenance, including body work											3				1
9.200	Automotive fuel station	3 T									3	1				1
9.300	Car wash										3	1				1
9.400	Boat sales or rental	3 T									3	1			1	1 1
9.450	Boat repairs and maintenance	3 T										3			1	1 1

9.500	Marine fuel, water sanitation	3 T													1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3													3	3	
10.000	STORAGE, PARKING, MOORAGE																
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3				1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored:																
	10.210 All storage within completely enclosed structures	1, 3	3							3	1	1 U, 3 U	1 U, 3 U	1 N, 3 N	1 N	1	
	10.220 General storage inside or outside enclosed structures	1, 3	3								1, 3			1 N, 3 N	1 N	1	
	10.230 Snow storage basin																
	10.232 Neighborhood, less than ½ acre	3	3	3 Z	3 Z	3 Z	3 Z	3 Z	3 Z	3 Z	1			3 Z	1	1	
	10.235 Regional, ½ to 1 acre	3	3	3 Z						3 Z	3			3 Z	1	1	
	10.237 Area wide, over 1 acre	3	3 Z	3 Z							3 Z				3	3	
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3			1 N, 3 N	1 N, 3 N	1	
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 N	1	
10.500	Moorage:																
	10.510 Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3	

12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 N		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	EMERGENCY SERVICES															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 N	3 N	1, 3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING															
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations:															
	14.210 Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
	14.220 Including farm animals M	1, 3	3													1, 3
	14.230 Stabling of farm animals M	3	3	3	3					3	3					1, 3
	14.240 Marijuana cultivation (500 square feet or more under cultivation)	3								3	3					3
	14.245 Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 AB							3	3					3
14.250	Personal use agriculture:															
	14.253 Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1
14.300	Silviculture and timber harvesting J	3	3													3

14.400	Mining operations						2, 3 K	3	3							3 N	3 N	2			
14.500	Sand and gravel operations I						3	3	3				3	3			3 N	3 N	3		
14.800	Spring water bottling						3	3			3	3	3	3	3			1, 3			
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES																				
15.100	Post office						3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 N	3 N	1, 3		
15.200	Airport						3											1, 3			
15.400	Military reserve, National Guard centers						3	3	3					3	3			3 N	3 N	3	
15.500	Heliports, helipads						3								3			3 N	3 N	3	
15.600	Transit facilities:																				
	15.610	Transit center							3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3
	15.620	Transit station						1	1	1	1	1	1	1	1	1	1	1	1	1	1
	15.630	Park and ride not associated with transit station					3	3	3	3	3	3	3	3	1	1	3	3			1
15.700	Public works facility						3	3	3	3					3	3				1, 3	
16.000	DRY CLEANER, LAUNDROMAT																				
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process													1, 3	1, 3	1, 3	1, 3	1, 3	1 N, 3 N	1 N, 3 N	1, 3

16.200	Full service onsite laundry and/or dry cleaning																				3	1, 3	3	3	3 N	1 N , 3 N	1, 3		
17.000	UTILITY FACILITIES																												
17.100	Minor										1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.150	Intermediate										3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1, 3	1	1
17.200	Major										3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
17.300	Driveways and private roads																												
18.000	TOWERS AND RELATED STRUCTURES																												
18.100 AA	Towers and antennas 35 feet or less										1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
18.200 AA	Towers and antennas 35 to 50 feet										1	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3		
18.300 AA	Towers and antennas more than 50 feet in height										3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3		
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height R										1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
18.500	Wireless Communication Facilities										See CBJ 49.65, Wireless Communication Facilities																		
19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES																												
19.100	Open air markets (farm, craft, flea, and produce)										1, 3	1, 3																	
19.200	Nurseries, commercial greenhouses:																												
	19.210	Retail sales								3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3		

19.220	Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 V	1 V			1
19.230	Marijuana cultivation (500 square feet or more under cultivation)	3										3	3				3
19.240	Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 AB									3	3				3
20.000	CEMETERY, CREMATORIUM, MORTUARY																
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium	3															1, 3
20.300	Funeral home	3	3	3	3	3	3	3				1, 3	1	3	3		
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES																
21.100	Resort, lodge	3	3														
21.200	Campgrounds	1, 3	3														
21.300	Visitor, cultural facilities related to features of the site	3	3									3	3	3	3	3 N	
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION																
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

KEY:

1	Department approval requires the department of community development approval only
1, 3	Department approval required if minor development, conditional use permit required if major development
2	Allowable use permit requires planning commission approval
3	Conditional use permit requires planning commission approval
2, 3	Allowable use permit required if minor development, conditional use permit required if major development

NOTES:

- A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- B. Reserved.
- C. Reserved.
- D. Reserved.
- E. See special use regulations for mobile homes, chapter 49.65, article III.
- F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- G. All uses subject to additional performance standards, chapter 49.65, article VIII.
- H. Reserved.
- I. Reserved.
- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.

P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.

R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.

S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.

T. Must be associated with a unique site specific feature in order to function. Example: Glacier research station - Juneau Icefield location.

U. No storage permitted on the first floor of a building.

V. Primarily intended for rooftop locations in urban areas.

W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.

X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).

Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.

AA. Does not apply to wireless communication facilities.

AB. Use is prohibited in the urban service area but allowed outside the urban service area. An owner or manager must live on site.

AC. Use is prohibited within 1,000 feet of recognized neighborhood association established in accordance with CBJ chapter 11.35.

TABLE OF DIMENSIONAL STANDARDS – CBJ 49.25.400

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 ₁₀	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling				7,000	3,600 ₁₀	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'

Maximum lot coverage																
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'								
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷						

Notes:

1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.

4. (Height Bonus) Reserved.
5. (Pedestrian Amenities Bonus) Reserved.
6. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.
7. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.
8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.
10. For lots adjacent to an alley, the following reductions to the dimensional standards apply:
 - (a) Minimal lot area includes 50% of adjacent alley (see graphic).
 - (b) Minimal lot depth includes 50% of the width of adjacent alley.
 - (c) Minimum front yard setback of ten feet.

From: Pilcher
To: [Teri Camery](#)
Subject: rezone request AME2017 0013
Date: Thursday, September 28, 2017 4:27:47 PM

I support rezone request AME2017 0013.

The action will allow the owner to upgrade the 8-plex property within the scope of the Auke Bay Plan.

Our home in the Tanner Terrace neighborhood joins the others in this high-demand residential area.

The bay view Southeast of Bayview Street is the #1 scenic view recommended for continuance in the Auke Bay Plan.

The efforts of the new owner to improve the property is noted.

Thank you. Leanne Pilcher

Sent from [Mail](#) for Windows 10

From: Richard A. Currier <ricklisa@gci.net>
Sent: Monday, November 13, 2017 9:00 PM
To: PC_Comments
Subject: Re-zoning Request:Case umber AME2017 0013

Hello Teri,

Lisa and I would like to make some on the record comments about the proposal to re-zone the properties at 3853 Bayview Ave and 11950, 11998, and 12020 Glacier Highway from D10 to LC.

While we don't consider ourselves NIMBYs, we do have concerns about commercial development at the foot of our neighborhood:

- Over the years, we have spent nearly \$10,000.00 to remove trees on our downslope neighbors' lots to improve our water view. We like looking at the water as well as our sailboat at Statter Harbor, and we believe that our investment has raised the eventual sale value of our property. Current building codes allow for a forty-five foot maximum height for commercial buildings. A four-and-a-half story building will adversely effect the view that we have paid a lot of money to improve and negatively affect our property's value.
- Even though the existing apartment complex at the foot of Bayview and Seaview Avenues isn't an upscale building, a commercial retail operation such as liquor store, pot store, or restaurant would change the character of the neighborhood. The views and residential quiet of our downslope property owners would be adversely affected.
- The recently enacted Auke Bay neighborhood plan considers the Auke Bay "town center" to extend from the the former Horton's Hardware/Dehart's buildings at the Glacier Highway--Back Loop roundabout to the west side of Seaview Avenue. We consider that definition to be faulty. A town center is a retail district. We are a residential neighborhood. This isn't like other town centers such as the Mendenhall Hall Mall/ Valley Chevron area. It also isn't downtown Douglas, where commercial buildings have long resided on Douglas Highway with residential properties one or two blocks up or downslope. This proposal involves creating NEW commercial buildings in a long existing neighborhood.
- We are not opposed to replacing the apartments with an upscale condo complex as long as it doesn't interfere with our view or those of our neighbors. Water view property is precious and expensive; please don't ruin our investment or that of our neighbors.
- There are empty commercial buildings all over town. There are currently long term vacancies at the Horton's Hardware and Squire's Rest buildings. The financial news shows that we watch frequently discuss the Retail Ice Age" that is becoming more apparent as consumers shop online rather than in physical stores. Why would CBJ authorize projects that will potentially ruin the quality of life in long term residential neighborhoods when there is decreasing demand for commercial space?
- The community planner's ideal of pedestrian friendly neighborhoods with retail shops on the first floor and residential space on upper floors may work in urban places such as Brooklyn, New York, but this isn't Brooklyn. Auke Bay may be a destination, but it is not a retail destination. The shops in the Squire's Rest building and DeHarts meet what retail needs are desired. If there was more demand, there wouldn't be the empty spaces in the core Auke Bay "city center."
- The seawalk that will be developed during the summer of 2018 sounds like just another expensive boondoggle project that the State and City can't afford and probably won't meet projected use estimates. Some independent travelers may use it. However, cruise ship passengers are shuttled to and from shore

side excursions. They won't have time to do the sea walk and visit retail shops before or after whale watching or charter fishing. It's not going to generate much traffic or potential revenue in the Auke Bay corridor. However, It will be an effective incinerator of State funds.

- Bottom Line: Please don't authorize this proposed zoning change. Let us continue to live in our quiet neighborhood. We've paid a lot of money to do so; please don't ruin our biggest investment and quality of life.

Rick and Lisa Currier
12020 Cross Street
Juneau, 99801
907-789-3977

From: [Teri Camery](#)
To: [Teri Camery](#)
Subject: phone message in opposition to the AME20170013 Schmidt Rezone
Date: Monday, November 13, 2017 12:44:31 PM

Resident Jerry Quigg called today to say that he is opposed to the proposed rezone to Light Commercial because any upgrade to the zoning will bring more traffic to Bayview Avenue and Seaview Avenue on substandard roads.

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801
(907) 586-0755

From: John Barry <jbarrycak@gmail.com>
Sent: Sunday, November 19, 2017 2:08 PM
To: PC_Comments
Cc: Sheri Barry; marna@summitrealtyak.com
Subject: Case no. AME2017 0013

Dear Ms. Camery,

We received the notice inviting comment regarding Case no. AME2017 0013 for the zone change from D10 to LC at 3853 Bayview Ave. and 11950, 11998, and 12020 Glacier Highway.

We request that the zoning classification does not change and that the parcels remain D10. If there was a proposal for the planned development of these properties then we would consider that and could possibly support the zoning change if the new development were to benefit the neighborhood. Until then, we request that the character of the neighborhood is not changed.

Thank you,

John and Sharon Barry
12175 Glacier Highway Unit A 203

Mailing address:
PO Box 25
Gustavus, AK 99826

From: Julie Flint <julie@nuggetoutfitter.com>
Sent: Monday, November 20, 2017 1:42 PM
To: PC_Comments
Subject: Case No.:AME2017 0013 Auke Bay

Teri Camery,

Sorry we couldn't make the last meeting. We have talked with several neighbors and are quite concerned about how changing the neighborhood that we live in to a light commercial.. We feel that our neighborhood is one of the few larger residential areas close to the harbor. Changing it to light Commercial use would impact all of us that live on this one small block! It would change the whole "neighborhood" feel. Several of the reasons we are not in favor are the following:

Parking would be an issue. With very limited parking already and **no** parking Nov.1st to May 1st. greatly impacts the whole neighborhood.

We feel it would make our homes less desirable and harder to sell if more commercial area is approved.

The reason we moved out here was to be away from car and foot traffic.

The other side of the highway is area zoned for commercial use and we don't think this is a necessary plan for a local neighborhood. Also, just down the highway are more commercial areas...bars, restaurants, DeHarts gas, etc.

With all the construction of the highway and roundabout, it has made us realize how much more traffic there really is already after seeing long lines both ways when traffic is stopped.

It is a dangerous corner to exit onto the highway already.

People use our streets as a turnaround often. Would this make more traffic?

More traffic means more issues with small children walking to Auke Bay Elementary. Our kids did and it was a dangerous situation. Not many incoming cars slow down UNTIL they are by the school. There are parents backed up to the highway when dropping off and picking up kids.

We already have a commercial area just a few blocks away...DeHarts, the Marinas, restaurants, post office, gas station, etc.

Those are just a few of our concern. Right now with our declining population, it's not really the right time for this proposition. Retail property all around town has seen a drop in rent and so have apartments. Until there is an upward swing in population, isn't it more appropriate to look at this if and when that happens?

It is of great concern and once again, would change the whole feel of this already small area.

Thank you for your time,

Ron and Julie Flint

1

12070 Cross St. in Auke Bay.

Dear Ms. Camery
Senior Planner
Community Development
155 S. Seward St.
Juneau AK 99801

November 20, 2017

These comments are in reference to the application of four property owners in Auke Bay to have their properties rezoned from D10 to LC: Case No. AME2017 0013.

We **strongly object** to the rezoning of two parcels (3853 Bayview Ave. and 12020 Glacier Highway) in this application from D10 Residential to Light Commercial.

My wife, Deborah Ballam, and I have lived at 12090 Cross Street for the past 28 years. We raised our two daughters in this house. Through our years living here, we have often heard from visitors that our small neighborhood is one of the nicest in Juneau, based on the small number of residents, quiet neighborhood, nice homes, the view shed, and local weather patterns. We certainly agree. We love it here.

Given the designation of our neighborhood as part of the "small town center" in the Auke Bay Plan (ABP), four adjacent landowners in our neighborhood have chosen to seek a rezoning of their properties from D10 residential to LC light commercial.

We only know the reason for one of the requests, that by the Douglas Island Development LLC, owner of the 8-unit apartment complex along Glacier Highway (3853 Bayview) between Bayview and Seaview Avenues. The owner wants to be part of taking the ABP to the next step and put in a new several-story complex with the ground level dedicated for commercial purposes and the upper levels for residences. This could triple the number of people residing there, and bring an array of people into our immediate neighborhood for commercial reasons. This will degrade the environment for the existing residents, increasing noise, congestion, degrading the view for the adjacent residents, thus decreasing our quality of life. The plan has forsaken our micro neighborhood aesthetics.

At the September 27th meeting we attended, the representative of Douglas Island Development said she and her family used to live in downtown Juneau, but escaped the congestion and now live on four acres on north Douglas Island. The implication was clear, they liked the quietness and relative solitude there. Then she said, "Oh wouldn't it be great to have all the hillside behind Auke Bay filled with homes." There is clearly hypocrisy here. She does not want noise and congestion in her backyard, but wants to build it in ours.

There is an abundance of unused retail space in this community now. The population is in decline, jobs are in decline. Why take a special small neighborhood and undermine the attributes that make it a special place? There is no current need to rezone beyond this developer's interest in making more money.

Regarding the other applicants, we can only surmise that rezoning their properties will increase their options, and possibly their property value when it comes time to sell. We **strongly object** to the

request by the owners of the 12020 Glacier Highway property because it is in our immediate cluster of homes with property extending well up Bayview Avenue.

The two church properties (11950 and 11998 Glacier Highway) represent the majority of lands in the combined application. These lands, as they are currently maintained obviously serve a profound need and sense of community for many people in Juneau. However, these parcels could also be considered optimal land for guided development in the future within the “city center” area. They are large, relatively open spaces that currently reduce the number of businesses and residents in an area close to our property, which we like. However, we are neutral on the rezoning of these two parcels.

We understand the ABP was developed with input from residents from throughout the Juneau area, not just residents of Auke Bay, and that is appropriate. That being said, it is clear many of the people that developed the ABP view Auke Bay as a “destination.” Let’s keep our small neighborhood a residential “refuge” rather than a “destination.”

Thank you for the opportunity to comment.

Sincerely,

Mark Schwan and Debi Ballam

12090 Cross Street

scheduled for January 29, 2018, at 5:00 and 6:00 respectively.

V. **RECONSIDERATION OF THE FOLLOWING ITEMS** – None

VI. **CONSENT AGENDA** - None

VII. **UNFINISHED BUSINESS** - None

VIII. **REGULAR AGENDA**

AME2017 0013:	A request to rezone 7.06 acres from D-10 Residential to Light Commercial
Applicant:	Douglas Island Development LLC
Location:	3853 Bayview Ave, 12020 Glacier Highway, 11998 Glacier Highway, 11950 Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for a rezone request to change 7.06 acres located at 3853 Bayview Avenue, 12020 Glacier Highway, 11998 Glacier Highway, and 11950 Glacier Highway from D-10 to LC (Light Commercial).

The Auke Bay area plan aspirational designation for this property is for Traditional Town Center, reported Ms. Camery. The existing uses for these four separate properties include an eight plex, a triplex, a camp office and the Auke Bay Bible Church, said Ms. Camery. These parcels of land are adjacent to properties already zoned Light Commercial, noted Ms. Camery. On the other side of Glacier Highway, the land is zoned Waterfront Commercial, she noted.

Rezoning must be for property over two acres or an expansion of an existing zone, said Ms. Camery. This rezone request meets both prerequisites, she said. Rezoning should only be approved upon a finding that the proposed zoning is in substantial conformance with the Land Use Maps of the Comprehensive Plan, said Ms. Camery. While the Auke Bay Area Plan is a part of the Comprehensive Plan, land use designations of the Comprehensive Plan take precedence over the Auke Bay Area Plan land use designations, she said, because at this point they are only aspirational. The staff has found that the Light Commercial designation is in substantial conformance with both the subsidiary and the primary plans, she said.

The staff held two neighborhood meetings; one on September 27, 2017, and one on October 17, 2017, said Ms. Camery. For both meetings, notice was mailed to property owners within 500 feet of the proposed zone change, and in addition notice was given to the Juneau Empire's "your municipality" section, said Ms. Camery.

Ms. Camery read that the CBJ Land Use Code defines the proposed Light Commercial zoning district as:

The LC, light commercial district, is intended to accommodate commercial development that is less extensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed and single use developments in the light commercial district.

Ms. Camery read that Mixed-Use zoning is defined as:

The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multi-family residential uses are allowed and encouraged.

The MU2, mixed use 2 district, is intended to place a greater emphasis on residential development than is the case in the MU district. A range of residential development types is allowed. Multi-family residential uses are allowed at a density of up to 80 units per acre.

Subarea guidelines for Auke Bay call for development of an area plan with the goal of creating a transit and pedestrian oriented village, said Ms. Camery. Guideline three also states that it is to encourage high density transit-oriented residential and/or mixed use developments in the Auke Bay village area and around the University, particularly for student and faculty affordable housing, she read. Guideline 12 states that it is to allow development of an infill residential development, such as apartments, condominiums, efficiency or single room occupancy units, and lifestyle housing within new and existing shopping centers, she read.

Lower to mid-rise structures are generally attached to Light Commercial zoning, noted Ms. Camery, or to Mixed-Use 2 zoning, she noted. Light Commercial zoning carries with it a 45-foot height limitation, said Ms. Camery. Mixed-Use 2 zoning focuses more on residential development, she noted. That carries a density of 80 units per acre, she said. Light Commercial zoning carries with it a limit of 30 units per acre, she noted.

The proposed zone change to Light Commercial substantially conforms with the Comprehensive Land Use designation of Medium Density Residential, and is further supported by several Comprehensive Plan policies, said Ms. Camery. Staff also concludes that the Mixed-Use and Mixed-Use 2 zoning districts may not substantially conform, due to high residential densities and the unlimited height allowance in mixed-use zones, she said.

The policies were adopted when the Auke Bay Area Plan was adopted, explained Ms. Camery. The intention of the land use designations on the map for Auke Bay is that they will be developed into new zoning districts, she said. The CDD intends to develop a zoning district that matches Traditional Town Center (TCC), she said. This has not yet been accomplished, she said. Light Commercial zoning is the closest and most compatible zoning district that they currently possess to TCC at this time, said Ms. Camery. Traditional Town Center applies to the Auke Bay town center, said Ms. Camery. This would attract a mix of shopping, dining, arts and music, marine and educational related services, she said.

The proposed zone change to Light Commercial substantially conforms with the Comprehensive Plan Land Use designation of Medium Density Residential, and is further supported by several Comprehensive Plan policies, noted Ms. Camery. The staff also concludes that the Mixed-Use and Mixed-Use 2 zoning districts may not substantially conform, due to high residential densities and the unlimited height allowance in mixed-use zoning, said Ms. Camery.

Ms. Camery outlined that the relevant goals and policies in the Auke Bay Area Plan include the following:

- ✓ Goal 4: Ensure zoning changes in the Auke Bay area conform to the goals and policies of the Auke Bay Area Plan
- ✓ Goal 5, Policy 5.1: Review the Auke Bay Area Plan when considering zone changes in the area
- ✓ Goal 5, Policy 5.2: Promote zone changes that conform to the plan and further advance the goals and policies of the plan
- ✓ Goal 8: Preserve unique views that make the Auke Bay area a truly special place
- ✓ Goal 8, Policy 8.1: Identify, map, and preserve key viewpoints in the Auke Bay area, as depicted in Appendix C
- ✓ Goal 8, Policy 8.3: New development should be evaluated for its impact on the viewpoints shown on the map

The view of the harbor is the essential viewpoint that is to be protected, noted Ms. Camery. CDD cannot evaluate the view shed for a rezone request, noted Ms. Camery. When CDD is presented with a new development proposal, at that time it would be appropriate to consider its effect on the view shed, she said.

In general, said Ms. Camery, the Light Commercial zoning district allows some higher impact commercial uses with the Conditional Use Permit process and allows a broader variety of commercial uses, consistent with the land use code definition of commercial development near residential areas. Mixed-Use and Mixed-Use 2 zones focus more on housing, but still allow for many commercial uses, she said.

There are not any substantial comments from public agency review on this zone request, said Ms. Camery. The Alaska Department of Public Transportation stated that if any new development is proposed, that a Traffic Impact Analysis may be required, she said.

CDD received a total of nine public written comments, said Ms. Camery. CDD heard a lot of concerns regarding the preservation of the character of the adjacent residential area, said Ms. Camery. The concerns in these comments referenced traffic and pedestrian safety, she said. Since the creation of the Auke Bay Area Plan there been many requests for the Department of Transportation to lower the speed limit through Auke Bay, said Ms. Camery. Those requests have not been recognized, she said. There are other concerns expressed about potential noise and congestion which would occur in the area with further development, she said. Specific development plans for the property were requested by some of the commenters; however specific development plans are not a part of a rezone, said Ms. Camery.

The options before the Commission are to approve the application as submitted, deny the request, or recommend an alternative to the Assembly, said Ms. Camery.

Commission Comments and Questions

Commissioner Hickok disclosed that he resides within the Auke Bay area and that he also owns a piece of Mixed-Use property in the area. He said that he felt that he could be fair and impartial when considering this rezone request, but that he wanted to present this information to the Commission and to the public in case it felt that it could create a conflict.

The other Commission members and the public expressed no concern over Mr. Hickok remaining on the Commission to deliberate this issue.

Mr. Voelckers asked if the Atlin Drive rezoning truly established a blanket precedent that all cases of MDR zoning essentially equals Light Commercial zoning, or if it was just applicable to that one specific case.

Mr. Palmer said that the Assembly just looked at the facts of that specific rezone, and found in that instance that Light Commercial zoning substantially conformed with the MDR plan designation. It does not prohibit the Commission from reaching an opposite conclusion, added Mr. Palmer.

Mr. Voelckers asked if the view planes referenced in the Auke Bay Area Plan are established, codified and actionable, or aspirational.

Ms. Camery said the Auke Bay Area Plan policies were specifically adopted by the Assembly. It does include protection for a series of viewpoints, she said. The viewpoint relevant to this rezone application is the view of the harbor, said Ms. Camery. They do not yet have a clearly defined process as to how those reviews would be accomplished, she said. The key point is that the City is legally obligated to implement the policies in the Auke Bay Area Plan, said Ms. Camery.

Mr. Voelckers said the height of 45 feet is enough to obstruct a view. He asked if there was clear language to designate what was or was not allowed regarding development and its impact on the view sheds.

Ms. Camery said she did not have a thorough answer to that question.

Mr. Palmer said that the Auke Bay policies were adopted. However, he said, the staff has not presented and the Assembly has not enacted an ordinance codifying those policies. Therefore, if this rezone request were to be approved by the Assembly, then Light Commercial would govern the building heights, for example. That would be in effect until a new zoning district was created, said Mr. Palmer. This rezone puts the Commission in an awkward position of having knowledge of the Auke Bay policies but without those standards being yet codified, said Mr. Palmer.

Mr. Hickok asked if it was common for a group of various property owners to come together to request a rezone of their property.

Ms. Camery said this has occurred before. She said since a two-acre minimum must be met, that a property owner with less than two acres could try to obtain a rezone with like-minded, adjacent property owners.

Mr. LeVine asked about the consequences should the Commission rezone this parcel to Light Commercial, and one of the property owners subsequently decided to implement a business which was in alignment with Light Commercial. He asked what would happen to that property if it's particular use was not in alignment with the new zoning once it was put in place.

Mr. Steedle said the department plans to create that new zoning district this coming year. Any development that is permissible under Light Commercial zoning that is not permissible in the new zoning district would become legally nonconforming, he said. They will be informing individuals that their projects could potentially be at risk under the new zoning once it is enacted, he said.

Mr. Palmer said this is one of the really vague areas of law. He said in general a property owner has a vested right after a permit is given and there has been substantial investment made. Prior to that the law is very unclear, he said.

Mr. Dye asked for clarification on what major and minor development would look like in this particular area.

Mr. Steedle said that varies by zoning district. In a commercial district minor development is a residential development with 12 or fewer dwelling units, he said, or for a nonresidential building less than 10,000 square feet, and using less than half an acre of land.

Mr. Dye said he assumed that going through the conditional use process would allow the Commission to review some of this.

Mr. Palmer said this is a speculative area. If someone proposed a project consistent with the current zoning district, the Commission is free to evaluate that request and impose conditions or approve or deny the permit, he said. Since the Auke Bay Plan has been adopted with its

inherent policies, the Commission could consider those policies as a factor in its consideration of that Conditional Use Permit, he said. Conditional Use Permits are discretionary and can be denied even if all of the elements have been met, said Mr. Palmer.

In answer to Mr. Dye's question about what would be considered a front yard setback and a side yard setback using the Seaview complex for an example, Ms. Camery said that the front yard setback is determined by the point of access which is off of Seaview, and the street side setback would be off of Glacier Highway. That results in a 25-foot setback off of Seaview and 17 feet off of Glacier Highway, she clarified.

Mr. LeVine asked if over the course of the year when the new zoning districts are developed for Auke Bay, if there would be the opportunities for public input during that process.

Ms. Camery said there definitely would be a public process during this period of zoning district creation for Auke Bay. She said the zoning would be based upon a Traditional Town Center as outlined in the Auke Bay Area plan.

Mr. Hickok asked if the RV (Recreational Vehicle) park in Auke Bay is one of the participating parcels in the rezone request.

Ms. Camery said the RV Park is outside of the area of the parcels requesting the rezone.

Applicant

Property developer Joanne Schmidt said she is the owner of Douglas Island Development and one of the parcel owners requesting the rezone. She said she felt the Auke Bay Area Plan captures what Juneau could be. She said she felt the concepts in the plan were innovative allowing property developers to "achieve something in an absolute gem of an area". The Auke Bay area has a multimillion dollar harbor with a seasonal business, with mining and fishing providing a pretty powerful resource economy, she said.

Ms. Schmidt said development for the Auke Bay area should be encouraged. She said she did recognize there were concerns by some residents about what type of development might take place. She said that any development which she would undertake for the area would be absolutely consistent with the Auke Bay Area Plan.

Commission Comments and Questions

Mr. Voelckers asked Ms. Schmidt how she felt about the fact that the zoning for the Traditional Town Center would not take effect until after she had possibly begun her development project.

Ms. Schmidt said in her opinion the Auke Bay Area Plan was already mature since it has already been adopted. She said as a developer she wants to achieve the highest and best use of her property. She said she did not understand why she would need to wait on her development until the Traditional Town Center zoning had been established. She said there were more constraints for Light Commercial zoning than for land zoned for a Traditional Town Center. There are zero setbacks recommended for a Traditional Town Center, she commented. She said

some members of the community are not pleased about additional development adjacent to their homes. She asked the Commission to consider communities which are very walkable between residences and businesses, and where a car does not need to be used for transportation.

Mr. Dye asked the applicant what the urgency was to rezone the property now rather than wait until the area is properly rezoned for Traditional Town Center.

Ms. Schmidt said she has owned the property for two years and that she would like to commence work on repositioning it. She said she is not sure if the City will complete its rezone of the district within a year, and that she cannot base her business decisions upon a "maybe". She asked Mr. Dye to keep in mind that it was only after a great deal of research on the part of the CDD staff that it was determined that Light Commercial zoning substantially conforms to that of a Traditional Town Center within the Auke Bay Area Plan and with the Comprehensive Plan.

Mr. Dye said that at this point the highest and best use of that land is not yet defined because it has not yet been determined what the zoning for that area would be once the Auke Bay Area Plan has been implemented.

Ms. Schmidt said the answer to Mr. Dye's question can be found within the staff report where it states that Mixed-Use development is an avenue to develop several Comprehensive Plan policies. This language is basically carried over into the Auke Bay Area Plan, she noted.

Public Comments

Auke Bay area resident David Massey said they bought a home in the Auke Bay area because for them it was the best area in which to purchase a home. He said the proposed rezone would result in a substantial change to their adjacent residential subdivision. He said as far as the neighbors are concerned, they already have the highest and best use for their property. The Auke Bay Area Plan addresses views specifically, he said. Going from a 35-foot to a 45-foot height limit would add a substantial constraint to their views, he said. He said he felt it would be inappropriate to rezone land before the final zoning for the area had been accomplished.

Auke Bay area resident Gerry Quigg told the Commission that he has lived in this area since 1973. He said Tanner Terrace subdivision held covenants, which it now appears are not worth the paper that they are written on. The home owners approved the request for a rezone to allow an eight plex in the area, he said. He asked if the existing covenants are now worthless.

Mr. Palmer said he did not know the answer to that question.

They have an old subdivision with a sub-standard road, said Mr. Quigg. He said the road is not big enough to handle the current development in the area. Mr. Quigg said Ms. Schmidt was the only individual who wanted the zone change and that she convinced other parcel owners to join.

Mr. Voelckers asked if Mr. Quigg was involved in the planning process during the creation of the Auke Bay Area Plan. Mr. Quigg said he had no idea that the plan would have direct effects upon their neighborhood.

Auke Bay area resident Julie Flint said this proposed rezone is literally in the neighborhood's front yard. She said they have concerns that their neighborhood will no longer be a livable residential area if further business developments take place right next to them. They have only been told that there would be development, but they have no idea what that development might be, she said. She said she did not understand that the Auke Bay Area Plan would have a direct effect upon their neighborhood. She said she did attend an Auke Bay Area Plan meeting and that her feeling was that the plan had already been developed, and that residents in her immediate area were not affected.

Auke Bay resident Rick Currier told the Commission that he has lived in the area since 1993. He said like all of his neighbors, he selected this location because he liked the quiet, residential neighborhood and the views. He said he owns a sailboat in Statter harbor and that he likes to wake up every morning and look out over his sailboat. He said that he and his wife have spent thousands of dollars cutting down trees so that their view would not be obstructed. He said the streets are very narrow and it is difficult for two vehicles to traverse the street at the same time. Mr. Currier said that he did not understand that the Auke Bay plan would affect their neighborhood.

Area resident Ron Flint said that he has lived in the Auke Bay residential area for 24 years. Mr. Flint read a letter to the Commission submitted by area resident and neighbor Andi Story. In her letter she asked for height limits to be restricted in the proposed development area. She said in her letter when they purchased their home the existing covenants stated that they are not allowed to build in a height which would prevent the view of neighbors on the uphill side of the residential development. In her letter she stated that she anticipated there would be a drop in property values should their views be negatively affected.

Mr. Flint said the Auke Bay Area Plan has taken many of his neighbors and himself by surprise. He said to him it seems that the plan for a city town center has been overlaid on top of the community, not taking into consideration the existing development such as their residential neighborhood.

Area resident Debbie Ballam told the Commission that they strongly objected to the proposed rezone and that they believe that it would impart a very negative impact upon their residential neighborhood. The quiet and views from their home are something that she and her husband cherish, she said. They strongly object to turning their residential neighborhood into an area with light commercial zoning, she said. She said they did attend the first meeting but they did not feel that their opinions were heard. She said they are a very small neighborhood with very small voices. They want their neighborhood to remain a low density neighborhood and not light commercial zoning, said Ms. Ballam.

Auke Bay area resident Mike Allan said that there is a good reason that people moved to the Auke Bay area, out the road, and to North Douglas. There is not the hustle and bustle of town and the Valley, he said, and those residents experience a somewhat rural feeling. Mr. Allan said quality of life is an important consideration, and that decisions the Commission makes this evening could affect the Auke Bay area resident's quality of life significantly. Mr. Allan said he did attend a few meetings of the Auke Bay Area Plan Committee and that he did not feel it was the intention of the plan to give a strip mall look from the roundabout to the Legion club.

Mr. Miller asked Mr. Allan if he could show the Commission on the map where he wanted the Light Commercial zone to halt. He said that would be at the two lots consisting of the church property.

Applicant

Ms. Schmidt said she had heard the comments that auto repair shops were allowed in a Light Commercial zone and that she did not believe that was the case. She said it appeared from reviewing the materials that an auto mechanic shop was only allowed in a General Commercial zone. She said she felt another important point was that there was no way that construction of her building to 45 feet would interfere with the views of the residences on the hill behind it. There is a public process in place so that people have time to impart their input. The Auke Bay Area Plan was a process which took over two years, she noted. Ms. Schmidt said there had been ample opportunity provided during that plan process for area residents to weigh in on the formulation of the Auke Bay Area Plan. She said she did not feel that the community would be well served should the Planning Commission decide that her project was not possible because the adjacent neighborhood did not like it.

Commission Comments and Questions

Mr. Hickok asked what would constitute a total of two acres including Ms. Schmidt's property. He asked if it was necessary for the Commission to rezone all seven acres when only two acres were required for the rezone request. He asked the applicant why she wanted to incorporate all of the properties that are listed in the rezone request when only two acres were necessary for the rezone.

Ms. Schmidt responded that she spoke with all of the property owners included in this application and that they were all interested in participating in the rezone request.

Mr. Dye said he has noticed that a lot of public testimony has been focused on view sheds. He said the key Auke Bay view sheds were outlined in the Auke Bay Area Plan. He asked how preservation of the view shed would be interpreted in actual building practices.

Ms. Camery said she felt that was an excellent question. She said that she was not aware that a specific interpretation of this mandate within the plan was outlined.

Mr. Palmer said the Auke Bay Area plan is perhaps the only plan of which he is aware that defines and describes a view shed or a view plane. Other scenic corridors are protected in

policy language, but the Auke Bay Area Plan is unique, he said. The community which participated in the Auke Bay planning process wanted specific areas protected. This puts the Commission in the difficult position of dealing with a policy which has been adopted, but the implementation of that policy has not yet happened, he said.

Mr. Dye asked if a development was proposed which did not require approval by the Commission, if there would be no safeguards in place to protect the view shed.

Mr. Palmer said this was correct.

Mr. LeVine asked Mr. Palmer what the Commission's options were in regard to making its recommendation on this rezone request to the Assembly.

The Planning Commission could approve the request, it could deny the rezone request, and procedurally there are a wide spectrum of options between those two avenues, said Mr. Palmer. It could table the rezone request to a time certain if it wanted to give the staff time to work out a zoning ordinance. The Commission could also probably figure out a way to parse the rezone request to a parcel less than the over seven acres being requested, said Mr. Palmer. The Commission could also ask for more analysis from the staff on the bifurcation of the land parcels if it was interested in that possibility, he added.

Mr. LeVine asked if the Commission could grant a rezone subject to conditions that are not inherent in that zoning district.

Mr. Palmer said technically, this could be done, but that it was highly disfavored. Rezones are to be evaluated as a whole with all of the uses considered, and the goal is to treat all properties within the same zoning district the equally.

MOTION: *by Mr. Voelckers, to table the rezone request for a period not to exceed four months.*

Speaking in favor of his motion, Mr. Voelckers said he found this to be a very complex issue. He said he felt both the Planning Commission and the staff felt some burden due to the fact that they seem to be stuck between the aspirational aspects of the Auke Bay Area Plan and how that plan should be specifically implemented. Mr. Voelckers said he felt that four months would be enough time if Commission members and the staff worked together in a concerted effort towards implementation of the plan in terms of zoning and protection of the view shed, to name a few examples. What constitutes a Traditional Town Center can be interpreted in different ways in terms of how it is zoned, said Mr. Voelckers. It could perhaps proceed in a gradation of density working from less density in the residential areas and increased density as it moved towards the center of the Auke Bay commercial district. They have not yet done the work to define exactly where those lines of demarcation would be, said Mr. Voelckers.

Speaking against the motion, Mr. Miller said that the applicant has presented the Commission with a good rezone application following the zoning rules which are already in place. If the applicant would have to wait four months until the issue was revisited, that could feasibly delay

a project through another winter, said Mr. Miller. The ideas within the Auke Bay Plan could be used as tools considering a Conditional Use Permit, said Mr. Miller. There are still safeguards for the plan in place moving forward with this zoning request, he said.

Mr. Dye said that he shared many of the views of Mr. Miller. However, he said, he struggled with the lack of specifics about protecting the view shed that currently exist. He said he did like the idea of Mr. Voelckers to give the CDD the time to come back to the Commission with an outline of what the zoning district actually should be.

Mr. LeVine asked the staff if they could give the Commission their opinion about what could be accomplished in a four-month timeframe in terms of coming up with specific zoning for the area.

Mr. Steedle responded that he did not feel that four months was sufficient to accomplish that task. In addition to the staff work, they also have to adhere to a public process, he said, in order to define what uses would be allowed in the new zoning district and to take into account the difficult question of the protection of the views. Height would be one consideration, but Mr. Steedle said he felt there was more to it than that.

Work has been completed to come up with zoning districts to match Auke Bay, said Mr. Steedle. This work came to a halt when the planner who was working on that project departed, said Mr. Steedle. After the public process has been completed, then the rezone districts would come to the Commission for its input, said Mr. Steedle. It would then go to the Assembly which in turn had to follow its process, said Mr. Steedle. The new zoning district as approved by the Assembly would not be adopted until a month after that approval, said Mr. Steedle. A four-month process is not enough time, he said.

Mr. Dye asked Mr. Steedle if he felt the Auke Bay Plan was adopted prematurely into the Comprehensive Plan.

Mr. Steedle said he did not feel it was adopted too early into the Comprehensive Plan. He said the Comprehensive Plan itself is aspirational. What they have failed to achieve is to develop the implementation in terms of developing that zoning district, he said. The plan is clear as to what the vision is for the Auke Bay community, said Mr. Steedle.

Mr. Dye asked if Mr. Steedle felt there was enough specific information within the Auke Bay Area Plan to protect the view shed areas if these parcels were rezoned to Light Commercial.

Mr. Palmer said at this point he did not think the plan was specific enough to describe what land use regulations should be implemented to protect that view shed. Building height and locations are factors which need to be considered for view sheds which are currently not codified, said Mr. Palmer. One idea which had been considered is floating setbacks, which would provide bigger corridors on the sides of the property for more access to the view sheds, he said. Those are still nascent ideas and are not ready to be presented to the public, said Mr. Palmer. The concept of the view sheds is outlined in the Auke Bay Area plan, said Mr. Palmer,

but how to protect and preserve those view sheds is difficult. One way to give the body some control over the view sheds at this point is to require each development proposed in those view planes to obtain a Conditional Use Permit, he said. There is a strong balancing act between requiring conditional use permits to protect the view sheds and at the same time assuring that property owners are assured of their property rights, said Mr. Palmer.

Mr. LeVine asked Mr. Steedle if he could give some idea about how much time the staff would require to provide some concrete information for the Commission as to how and where they were proceeding regarding rezoning the Auke Bay Traditional Town Center, so the Commission could weigh the options before it regarding the rezone request before them this evening.

Mr. Steedle said it would be sheer speculation as to what the staff could deliver to the Commission within 4 to 6 months. The Assembly made clear at its retreat that reviewing the Comprehensive Plan was a priority, as it is the downtown area plan, as well as an update to the Housing Needs Assessment, said Mr. Steedle. The staff has a lot of priorities which it is currently juggling, he said.

Mr. Miller commented that they were going to have a noise ordinance at one time. It may prove too difficult to figure out how to protect a view plane, said Mr. Miller. How much roof can someone see from their home and have that still not considered as an intrusion on the view shed, said Mr. Miller. Tonight they have a rezone request which is within the ordinance and which is in place, said Mr. Miller.

Speaking against the motion, Mr. Greene said that they have a reasonable request from the applicant, and that while he can appreciate that the neighbors do not want to give up any view or have other intrusions upon their neighborhood, that the rights of the other property owners exist as well. The tools they currently have available are the Auke Bay Area Plan and the Comprehensive Plan, said Mr. Greene. Mr. Greene said it appears that Light Commercial zoning is the best match for that area at this time.

Mr. Hickok said he did not think it was the intent of the Auke Bay Area Plan to break up neighborhoods. He said he would not have approved the Auke Bay Area Plan if the result would be the destruction of neighborhoods. He said he felt the intent of the plan was to revitalize the area, but not to take apart a great neighborhood which has existed within the community for many years.

In answer to a question by Mr. Dye, Mr. Steedle said that the applicant would not be prohibited from getting their property rezoned within a two-year period because it would be the Department itself which would be applying for the subsequent rezone.

Mr. Palmer added that should the department initiate the rezone within a year, it would be a different zone than the one currently recommended, so the applicant would not be applying for the same type of rezone regardless.

Mr. LeVine said he remained troubled about the prospect of rezoning a property which would be up for yet another rezone within a few years' time. Mr. LeVine said he would support Mr. Voelckers because he would like the staff to have some extra time to look at this issue, and that he was very sensitive to the concerns of the neighborhood. The process will work better if they are all working on it together, said Mr. LeVine. They all want affordable housing, they all want successful businesses and they want people to be able to pursue development interests, said Mr. LeVine.

Mr. Dye presented a friendly amendment to the motion of Mr. Voelckers, that the four-month time period be reduced to 30 days for the staff to come up with a schedule as to what effort and time a rezone would take, and the possibilities of conditioning the rezone based upon the view shed.

Mr. Voelckers did not accept the friendly amendment of Mr. Dye. He said he was going to suggest later in the meeting that the Commission form a committee to work in conjunction with the staff on Auke Bay rezone issues. He said he would rather work towards identifying a solution rather than a list of the items that they did not yet know how to complete.

Roll Call Vote on the Amendment:

Yeas: Dye

Nays: Green, Voelckers, LeVine, Hickok, Miller, Haight

Motion Failed

Mr. Miller said he did feel the best possible outcome was to make this all work for all the parties involved. His concern with any delay is that they were putting a development corporation's business plans on hold over what is at this point conjecture. What was the Commission looking to get from the staff in four months that would sway its opinion on the rezone that it does not have now, asked Mr. Miller.

Chairman Haight said he felt the Commission had the desire to settle the need for neighborhood harmony, which is typically reviewed during a Conditional Use Permit but that sometimes needed to be considered at the time of rezoning as well. He said perhaps those interested in waiting four months for more information could outline for the staff exactly what they needed to help them with their determination.

Perhaps the demarcation line for the Traditional Town Center zone is not yet in the correct place for example, said Mr. Voelckers. A committee working with the staff should be able to come up with some clear guidelines, said Mr. Voelckers.

Mr. LeVine said he felt given some time and the cooperation between a committee and the staff, that in four months' time they could get closer to a rezone better suited to the neighborhood that they could approve.

Mr. Dye said it seemed to him that the viewpoint and how it is defined in the Auke Bay Plan seems to be the major issue. He said he would like to obtain more information from the staff in a shorter period of time instead of postponing this issue for four more months resulting in the loss of a possible building season for the developers.

Mr. Miller asked Mr. Dye if he was referencing 30 calendar days or 30 working days.

Mr. Dye said he would reconsider a new amendment to state the new date of January 23, (2018) which is the fourth Tuesday of that month.

Mr. LeVine said he did not think that January 23, (2018) was enough time to develop a new plan from which to move forward on the Auke Bay zoning issue. He said that is why he voted against the amendment before and why he would vote against it again.

Mr. Dye said maybe there is a way to condition this rezone that allows it to happen in a more expeditious manner for the property owners to be able to enjoy the rezone in a fashion that alleviates the concerns that are raised by the multiple rezones and what the end product might look like.

Mr. Voelckers said he would like enough time to actually accomplish some work on this matter. He said he had not heard the applicant state that they had any plans to accomplish anything this building season.

Mr. Dye said he did not make another amendment to the main motion.

Roll Call Vote on the Main Motion:

Yeas: Hickok, LeVine, Voelckers, Haight

Nays: Dye, Greene, Miller

The motion failed.

MOTION: *by Mr. Miller, to approve AME2017 0013 and approve staff's findings, analysis and recommendations, and to forward the recommended zone change to the Assembly.*

Speaking against the motion, Mr. Miller said on one hand it could be said that the Auke Bay Area Plan supports the requested rezone, and on the other hand it really does not support the rezone request. There are too many ambiguities with the plan to approve this motion, said Mr. Miller. He added that he also agrees with the assessments that if there is a new zone that is brought forward that does address all of the Auke Bay plan issues, that it should not be substantially similar to this rezone request.

Roll Call Vote:

Yeas:

Nays: Greene, Dye, Hickok, Miller, LeVine, Voelckers, Haight

The motion failed.

Chairman Haight said this has been a struggle, and it will drive the staff and the Commission to work on implementation of the Auke Bay Area Plan rezones.

Mr. Miller interjected to say that he is contemplating a reconsideration of the rezone just turned down by the Commission. He asked when the appropriate time would be to pursue this reconsideration.

Mr. Steedle said this item could be revisited at the end of the meeting.

AME2016 0002:	A text amendment to CBJ code 49.20 regarding variances.
Applicant:	City & Borough of Juneau
Location:	Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

The intent of this ordinance is to make the code more flexible, said Ms. Boyce. There are four key parts to the draft ordinance, said Ms. Boyce:

- ✓ Provide clarity regarding what is and is not variable
- ✓ Remove the variance threshold requirement
- ✓ Amends the variance criteria to provide clarity and reduce subjectivity
- ✓ Deletes the De Minimis variance

Since the land use code was updated in 1987, the following types of design and dimensional standard variances have been approved, noted Ms. Boyce:

- ✓ Lot width
- ✓ Lot depth
- ✓ Yard setbacks
- ✓ Building height
- ✓ Anadromous stream/water body buffer setbacks
- ✓ Vegetative cover
- ✓ Flood zones
- ✓ Eagle nest tree buffers
- ✓ Parking requirements



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TO: Planning Commission

FROM: Teri Camery, Senior Planner

DATE: January 10, 2017

CASE NO.: AME2017 0013 A request for a zone change from D-10 (residential) to LC (Light Commercial)

SUBJECT: Supplementary information on the reconsideration process and findings, rezone review standards, and Auke Bay Area Plan policies

At the December 12, 2017, Planning Commission meeting, the Commission recommended denial of AME2017 0013, a request for a zone change from D10 (residential) to LC (light commercial). At the end of the meeting, a notice of reconsideration was made.

The purpose of this memo is to provide additional information regarding Planning Commission review of rezones in general, to provide additional information on the Auke Bay Area Plan scenic viewpoint protections, and to provide clarification on the reconsideration process. Staff will also provide a proposed condition for the Commission to consider if the Commission chooses to approve the proposed rezone.

Attachments

- Attachment 1 July 20, 2012 Interoffice Memo from Ben Lyman, Senior Planner, to Mary Becker, Chair, Assembly Lands Committee
- Attachment 2 Minutes, Assembly Lands Committee, July 23, 2012
- Attachment 3 Auke Bay Area Plan Appendix C page 63, Viewpoints Map
- Attachment 4 Auke Bay Area Plan Appendix C page 61, Maximum Allowable Heights Map

Reconsideration and Findings

At the end of the December 12, 2017, meeting, a notice of reconsideration was made. The next scheduled meeting is January 23, 2018. At this meeting, Commissioners have several options:

- 1) If a motion for reconsideration is made, it is fully debatable, and a vote is required.
 - a. A majority approval (i.e. five 'yes' votes) cancels the denial recommendation from December 12, 2017, and re-opens USE2017 0013 for further debate and a new vote on a recommendation. (Another vote—approved by six members—would be required to reopen public participation, if desired).
 - b. If the motion for reconsideration does not obtain a majority approval, then the denial recommendation from December 12, 2017, is final.
- 2) If a motion for reconsideration is not made, then the denial recommendation from December 12, 2017, is final.

Rezone Review Standards

Page 7 of the December 1, 2017, staff report describes Comprehensive Plan guidance and Land Use Code requirements regarding rezone requests. The report specifically discusses the CBJ 49.75.120 requirement that rezones may only be approved upon a finding of “substantial conformance with the land use maps of the Comprehensive Plan.”

The language regarding substantial conformance was adopted into code with Ordinance 2012-31. The change was requested by the Planning Commission in response to AME2011 0002, the Atlin Drive rezone. The July 2012 staff memo and Assembly Land Committee minutes provide useful guidance regarding the intent of the ordinance change.

The July 20, 2012, staff memo states:

The purpose of this Ordinance is to improve the ability of staff, the Planning Commission, and the Assembly to consider the intent of the Comprehensive Plan land use maps in rezoning requests without requiring strict application of those maps to the zoning map set. (Attachment 1)

The July 23, 2012 Assembly Lands Committee meeting minutes provide further explanation. An excerpt follows:

Mr. Smith asked about the term “substantial conformance” in Ordinance 2012-31. Mr. Lyman explained that this allows the Assembly to handle “gray areas” in code and to make a decision based on many factors, more than just the Comprehensive Plan Land Use map. (Attachment 2)

The December 1, 2017, AME2017 0013 staff report addressed both Comprehensive Plan Land Use Maps and policies, however the staff recommendation was based primarily on conformance with the Comprehensive Plan Land Use Map designation of Medium Density Residential. After review of the intent behind the ordinance change regarding substantial conformance, it appears that staff, the Commission, and the Assembly have considerably more discretion to base findings on conformance with policies, as well as land use map designations.

Auke Bay Area Plan Viewpoint Protections

Pages 16-17 of the December 1, 2017, staff report discusses Auke Bay Area Plan policies. At the December 12, 2017, Planning Commission meeting, Commissioners expressed particular concern regarding conformance of the rezone with Goal 8, and Policy 8.1, which state:

- Preserve unique views that make Auke Bay a truly special place. (Goal 8)
- Identify, map, and preserve key viewpoints in the Auke Bay area, as depicted in Appendix C. (Goal 8, Policy 8.1)

As described in the staff report, Viewpoint One in Appendix C of the Auke Bay Area Plan is a view of the harbor (Attachment 3). The requested zone change to Light Commercial would increase the D-10 height limit of 35 feet to 45 feet and has the potential to impact this viewpoint.

The Auke Bay Area Plan Appendix C also includes a map with recommendations on the maximum allowable height (Attachment 4). This map recommends a 35-foot height limit for the proposed rezone area.

If the Commission chooses to recommend approval of the rezone, the Commission may wish to consider the following condition to ensure conformance with the Auke Bay Area Plan viewpoint policy:

- 1) Any construction which creates a new structure or increases the height of an existing structure beyond a height of 35 feet shall require a Conditional Use Permit to specifically evaluate conformance with Auke Bay Area Plan Policy 8.1 regarding protection of Viewpoint One, a view of the harbor, as shown in the Auke Bay Area Plan Appendix C. This condition applies to all four properties in the rezone application.

The intent of this condition is to address the total height, as measured per 49.25.420, of any building, new or existing. For example:

- 1) If someone had a building measuring 30' tall and wanted to add 5', no Conditional Use Permit would be required.
- 2) If someone had a building measuring 30' tall and wanted to add 6', then a Conditional Use Permit would be required.
- 3) If someone constructed a new building proposed to be 36'tall, then a Conditional Use Permit would be required.



COMMUNITY DEVELOPMENT DEPARTMENT

230 South Franklin Street, Marine View Center, Fourth Floor
Mailing Address: 155 South Seward Street, Juneau, Alaska 99801

INTEROFFICE MEMO

DATE: July 20, 2012

TO: Mary Becker, Chair
 Assembly Lands Committee

FROM: Ben Lyman, Senior Planner

FAX # (907)586-3365
VOICE # (907)586-0758

SUBJECT: Serial Number 2012 – Rezoning Restrictions

The proposed ordinance would amend CBJ 49.75.120 to clarify that rezonings must be in substantial conformance with the land use maps of the Comprehensive Plan, but that rezonings need not exactly match the designations or the boundaries of the land use maps of the Comprehensive Plan. The purpose of this Ordinance is to improve the ability of staff, the Planning Commission, and the Assembly to consider the intent of the Comprehensive Plan land use maps in rezoning requests without requiring strict application of those maps to the zoning map set.

This amendment was requested by the Planning Commission in the wake of AME2011 0002 and Ordinances 2011-18 and 2011-23, wherein a property was re-zoned and then subsequently un-re-zoned after a legal opinion that the re-zoning was illegal, as it violated the Comprehensive Plan land use maps.

During their Regular Meeting of May 22, 2012, Planning Commissioners discussed rezonings and the Comprehensive Plan land use maps; Chair Satre stated that “Title 49 has to be revised because the Commissioners would never be able to review the Comp Plan maps in enough detail to ensure that they could take into account every potential rezone consideration. They need to look at the Comp Plan maps in sufficient detail for potential conflicts in terms of boundaries within zoning districts.”

The Comprehensive Plan states (Page 1): “This is not to say that the Plan will be infallible or that it is cast in concrete”. Staff has interpreted this to mean that land use designation boundaries shown on the Comprehensive Plan land use maps are general in their boundaries, and that zoning district boundaries will differ from Comprehensive Plan land use map boundaries as needed to accommodate existing development and to recognize the intricate pattern of development that is generally expected on the ground, and that cannot be described exactly on maps intended to be as general as those of the Comprehensive Plan land use maps.

The Planning Commission forwarded the draft ordinance to the Assembly for review on June 12, 2012.

Minutes
Assembly Lands Committee
Monday, July 23, 2012, 5:00 p.m.
Assembly Chambers

I. Call to Order

Chair Becker called the meeting to order at 5:00 p.m.

Members Present: Mary Becker, Jesse Kiehl, Carlton Smith.

Members Absent: Johan Dybdahl

Also attending: Karen Crane, Ruth Danner.

Liaisons Present: Jeff Wilson, Parks and Recreation Advisory Committee;
Nathan Bishop, Planning Commission.

Liaisons Absent: Mike Williams, Docks and Harbors.

Staff Present: Heather Marlow, Lands & Resources Manager; Rob Steedle, Deputy City Manager; Brent Fischer, Parks and Recreation Director, Greg Chaney, Acting Community Development Director; Ben Lyman, Senior Planner; John Vowell, Interim CEO, Bartlett Regional Hospital; Laurie Sica, Municipal Clerk.

II. Agenda Changes – None.

III. Approval of minutes

Hearing no objection, the minutes of July 2, 2012 were approved.

IV. Public Participation – non-agenda items.

No one from the public requested an opportunity to speak. Ms. Marlow asked the committee if it would like Brent Fischer, Parks and Recreation Director, to follow up on the public testimony at the previous meeting about the funding for a second ice rink. Chair Becker asked Mr. Fischer to speak to the committee.

Brent Fischer said he understood that Steve Baseden discussed his concerns about the need for conversations between Parks and Recreation and the Juneau Community Foundation about land use at Dimond Park and its availability for an ice rink. Mr. Fischer had a discussion with Reed Stoops and Eric Kueffner of the Juneau Community Foundation (JCF) regarding the current CBJ projects and the negotiations with the Juneau School District (JSD). Under review are location of a new valley library, the valley Parks and Recreation operations shop, and the questions about use and maintenance of the ball fields with the JSD. With resolution of those issues, he could give JCF more information about a site for an

ice rink. Mr. Fischer also spoke with Cathy Munoz and JCF has applied for the grant for the designated state funds.

Ms. Crane asked if CBJ had committed itself to providing a location at Dimond Park for this project. Mr. Fischer said no. The JCF would accept a grant to look at the design and a feasibility study for an ice arena to be located at Dimond Park. CBJ's first step would be to say if there was room, where it would be. Whether or not the JCF would then move forward with getting money for construction and who would manage the facility was a separate issue. We will review user groups, the type of rink they are looking for, and if there is space available.

Ms. Becker asked about Mr. Kiehl's previous comment about a five-year time span for the project funding. Mr. Fischer said he thought that five years was correct and JCF was moving forward with the grant paperwork. JCF understands our needs and that the entire Assembly would be involved before moving forward.

Mr. Wilson asked if the state funding was restricted to the Dimond Park area, or if other valley locations could be considered. Mr. Fischer said the grant paperwork specifically referred to the "Dimond Park Complex." He did not know if there was another site in the valley with the space needed.

Ms. Becker asked Mr. Fischer how much time he needed to do his study. Mr. Fischer said he had to resolve issues with the JSD regarding the ball fields first. He is moving forward with JCF as if there is property available to keep the project moving forward and it was the top priority for his office.

Ms. Crane asked if Mr. Fischer would also do a cost analysis of siting a second sheet of ice adjacent to the Treadwell Arena. Mr. Fischer said his staff would do a comparison of all scenarios, and he would provide that information to the Assembly.

V. Action Items

A. Treadwell Mine Historic Park – Ordinance 2012-20(C)

Ms. Marlow said that staff was looking for a motion from the Lands Committee to support this appropriating ordinance.

Mr. Gillette said that former City Manager Rod Swope had appointed him as liaison for CBJ to the Treadwell Historic Preservation and Restoration Society. There were many improvements to the Treadwell area – new signs were installed throughout the complex and the next proposed project is a shelter to protect the 5 Stamp Mill as an entryway into the historic mine park. The Juneau Historic Resources Advisory Committee would review draft and final product of the project. The total cost was estimated to be \$27,500. Sixty percent of that would

be provided by a grant from the Federal Historic Preservation Fund and the balance would be in-kind services by the volunteers of the Historic Society. The grant appropriating ordinance would be before the Assembly at the next regular meeting.

MOTION, by Kiehl, to support the grant ordinance and move it forward to the Assembly. Hearing no objection, it was so ordered.

B. Rezoning Restrictions

Ben Lyman reviewed a proposed Ordinance, 2012-31, and asked the Lands Committee for a motion to forward to the full Assembly with a recommendation for adoption. He said this ordinance was in the wake of Ordinance 2011-18 and 2011-23 in which a property on the corner of Atlin Drive and Loop Road was a medium-density residential designation in the comprehensive plan, applied for rezoning from D-5 to Light Commercial. The Planning Commission recommended against the rezoning. The Assembly approved the rezoning, and following a legal interpretation by the Law Department that the rezoning could not be approved because it was not consistent with the Comprehensive Plan Land Use maps; a subsequent ordinance repealed that rezoning. This ordinance is meant to open up the language in Title 49 to allow the Planning Commission and the Assembly to consider more factors beyond just the Comprehensive Plan Land Use maps when looking at rezoning.

Mr. Lyman showed an example by explaining the Comprehensive Plan Land Use maps and the zoning maps in downtown Douglas, and a mock application for a rezoning could be affected by the current interpretation of the code and an interpretation based on the application of Ordinance 2012-31.

Mr. Smith asked about the term “substantial conformance” in Ordinance 2012-31. Mr. Lyman explained that this allows the Assembly to handle “gray areas” in code and to make a decision based on many factors, more than just the Comprehensive Plan Land Use map. He provided examples of a rezoning regarding a lot near the Federal Building for a union office and rezoning to allow a buffering commercial corridor on Old Dairy Road that was previously zoned industrial, which had spurred significant new development.

Mr. Kiehl said he was concerned about the term “substantial conformance” and said he understood the interest in getting away from hard and fast rules for more discretion, but he was concerned that it was “mushy” language

Ms. Danner asked how this change in the code would protect property owners who had purchased property and expected the rules to be applied consistently. She said with more discretion, what would provide the decision makers with the knowledge to make a change that might benefit one property owner over another.

Mr. Lyman said most of the review regarding a zone change happened before the matter was before the Assembly and he explained the rezoning process from the beginning with staff review, public notice, Planning Commission review, and public hearing, and then Assembly action.

Ms. Crane asked if a zoning change could start a chain reaction with the zoning district boundaries extending beyond the original designations. Mr. Lyman said that would be allowed to be a call of the Assembly who represented their constituents.

Greg Chaney said the wording in Ordinance 2012-31 was not a radical change but it was codifying the way the Community Development staff and the Planning Commission had been applying the rules up until the recent opinion from the Law Department regarding the Comprehensive Plan Land Use maps. This ordinance would not give the Assembly untold power to make a decision that was out of compliance with the Comprehensive Plan.

Mr. Bishop said the Planning Commission reviewed Ordinance 2012-31 and was unanimous in support of the ordinance. This did not substantially change the code. The Planning Commission would like to allow a level of gray in order for public discourse to take place on projects. The Planning Commission did not want to see a planning document ruling the situation and binding the political body to a course of action.

MOTION, by Smith, to forward Ordinance 2012-31 to the full Assembly for review. Hearing no objection, it was so ordered.

VI. Information Item

A. Bartlett Regional Hospital – Acquisition Proposal

Bartlett Regional Hospital (BRH) Board Members Linda Thomas and Nathan Piemann, and Interim BRH CEO John Vowell spoke about BRH's interest in purchasing the Juneau Medical Center Building. BRH is interested in this property as it is the last space on the hospital campus with development potential. There is an existing lease of the building on the property, which extends out by 20 years. BRH was moving toward greater outpatient services and this property would give them room to expand those services. The present owners were willing to divest themselves of the property and they spoke about the benefits of purchasing the property now rather than in the future.

Ms. Becker asked about BRH doctors renting off campus space. Ms. Thomas said that BRH did employ doctors that used off campus rental space and this site could be a place for their relocation.

Mr. Wilson asked about the projected life of the building and asked if BRH anticipated removing the building in the future. Ms. Thomas said there were two appraisals that provided a serviceable life of the facility ranging from 15 – 25 years. The Board anticipated removing the building in the future and building outpatient facilities.

Mr. Kiehl asked about the situation of the present tenants. Ms. Thomas said the Board did not anticipate asking them to leave immediately, and a few would be retiring. Their plans are 5 – 10 years out at this point. In response to questions from Mr. Kiehl, Mr. Vowell discussed the rental rates of the property and said that there was a shortage of this type of rental space in the community.

Ms. Crane asked about the current undesignated cash balance of \$17.2 million and if the money for the new youth treatment facility was included in those funds or had been set aside separately. Mr. Vowell said that the undesignated funds had not been slated for a purpose.

Ms. Marlow said this was an opportunity for BRH to present their information and if there were an interest in seeing this item move forward it would be introduced as an Assembly appropriating ordinance for the purchase of the property. Otherwise, this could come back to the Lands Committee as an action item on the next meeting's agenda.

Hearing no objection, the Lands Committee forwarded the matter to the Assembly for introduction of an appropriating ordinance, for the amount identified in the memo from BRH.

VII. Liaison Reports

Mr. Wilson reported that the Parks and Recreation Advisory Committee (PRAC) had met with the whale sculpture committee, which would like to locate the sculpture at the “under bridge” park site.

PRAC also reviewed Dock Project 16b and was looking for ways to increase recreational opportunities within the project.

PRAC heard a presentation from the “Chair Project” which would like to locate a bronzed chair sculpture in Capital Park to honor the Japanese community which were removed from Juneau during WWII. The sculpture would have names of those citizens engraved on the chair.

PRAC reviewed snowmobile issues on Mt. Troy and conflicts with skiers. This situation was similar to ATV users and hikers, boaters, and swimmers, the PRAC was reviewing motorized and non-motorized uses and how to establish and enforce boundaries.

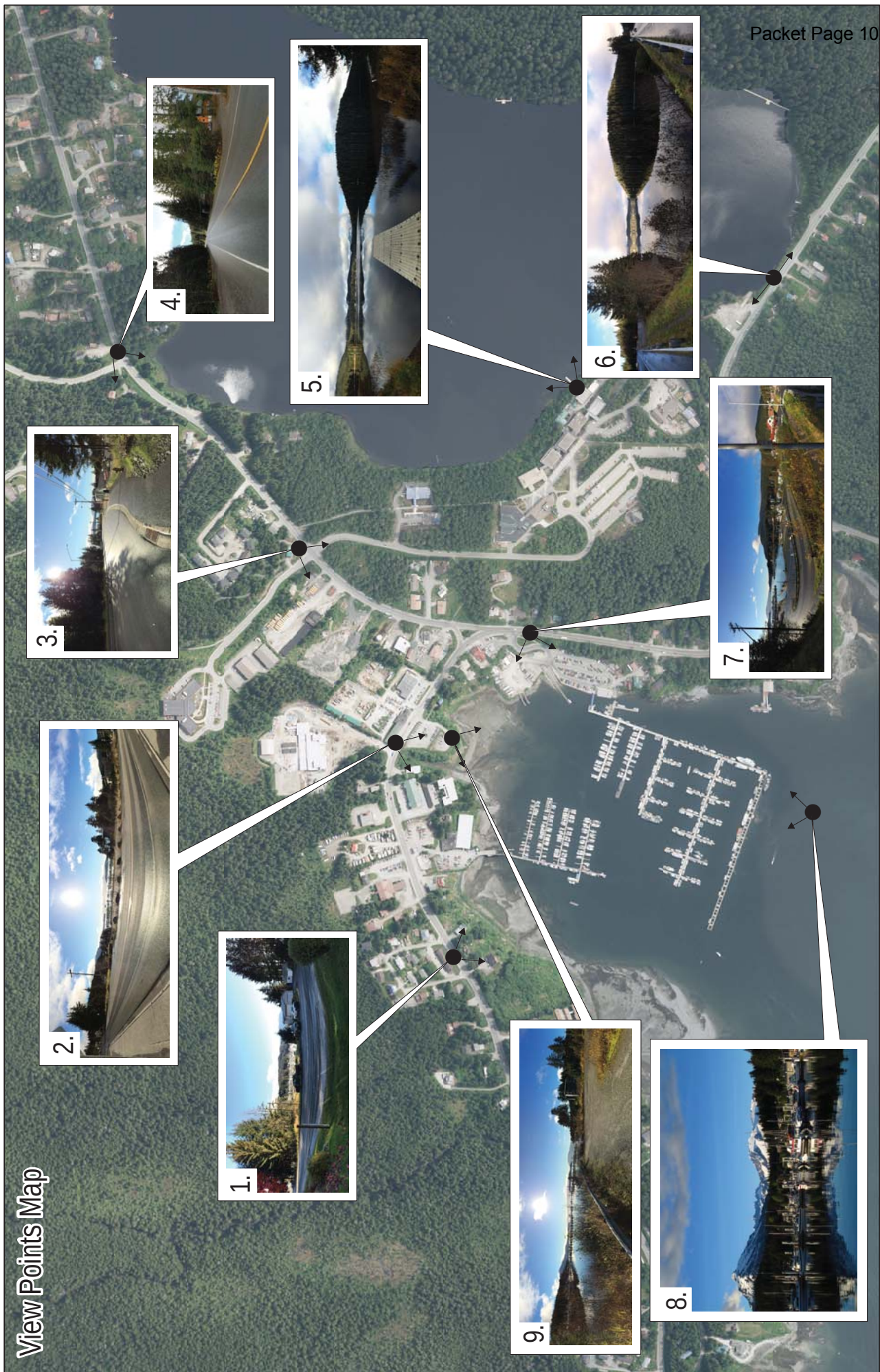
Mr. Bishop said the Planning Commission was continuing its review of the Comprehensive Plan. The economic development section continues to take up a significant portion of time and the Assembly should expect a letter from the Planning Commission recommending that the city develop an economic development plan.

VIII. Next Meeting

August 20, 2012, 5:00 p.m., Assembly Chambers

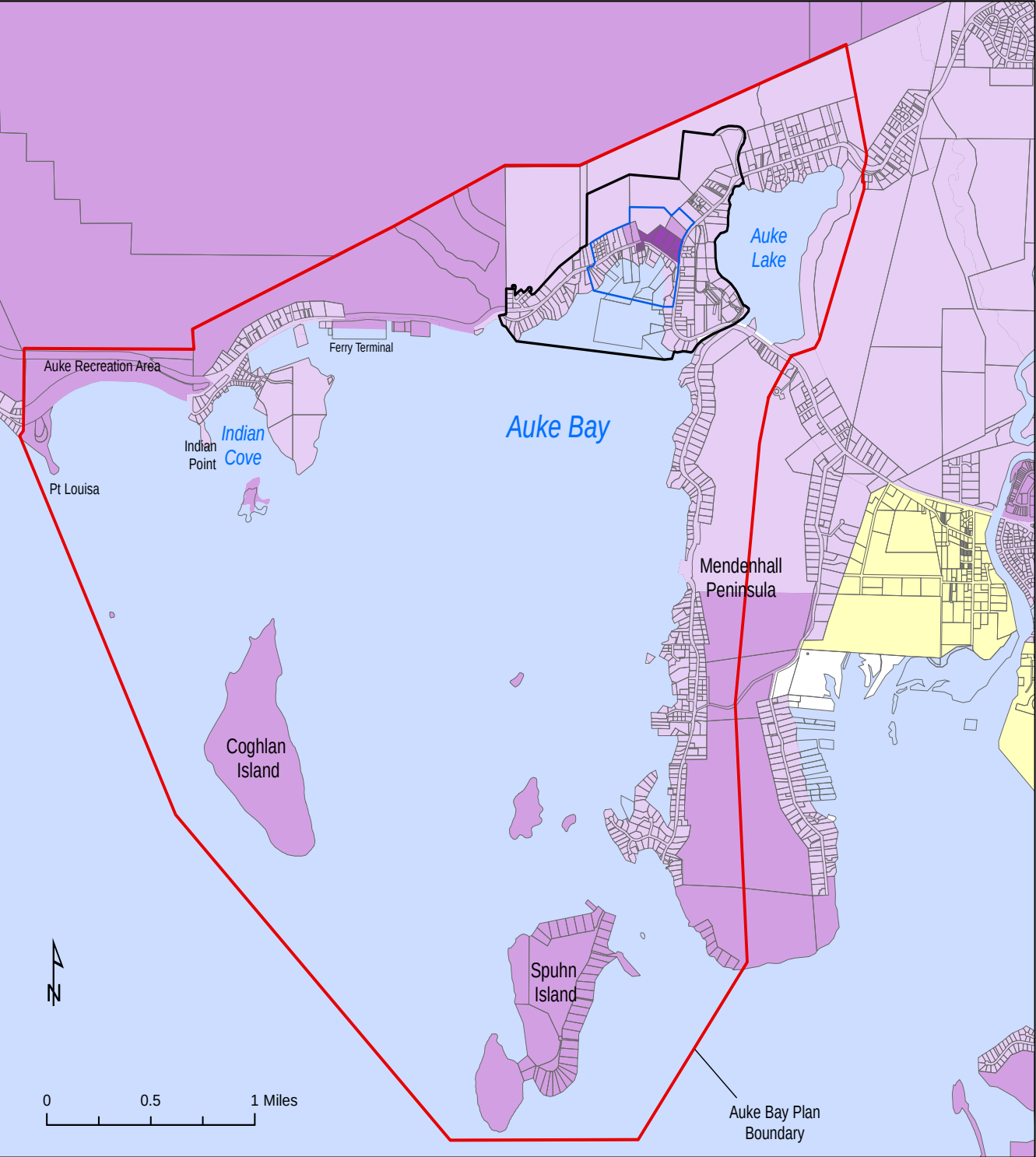
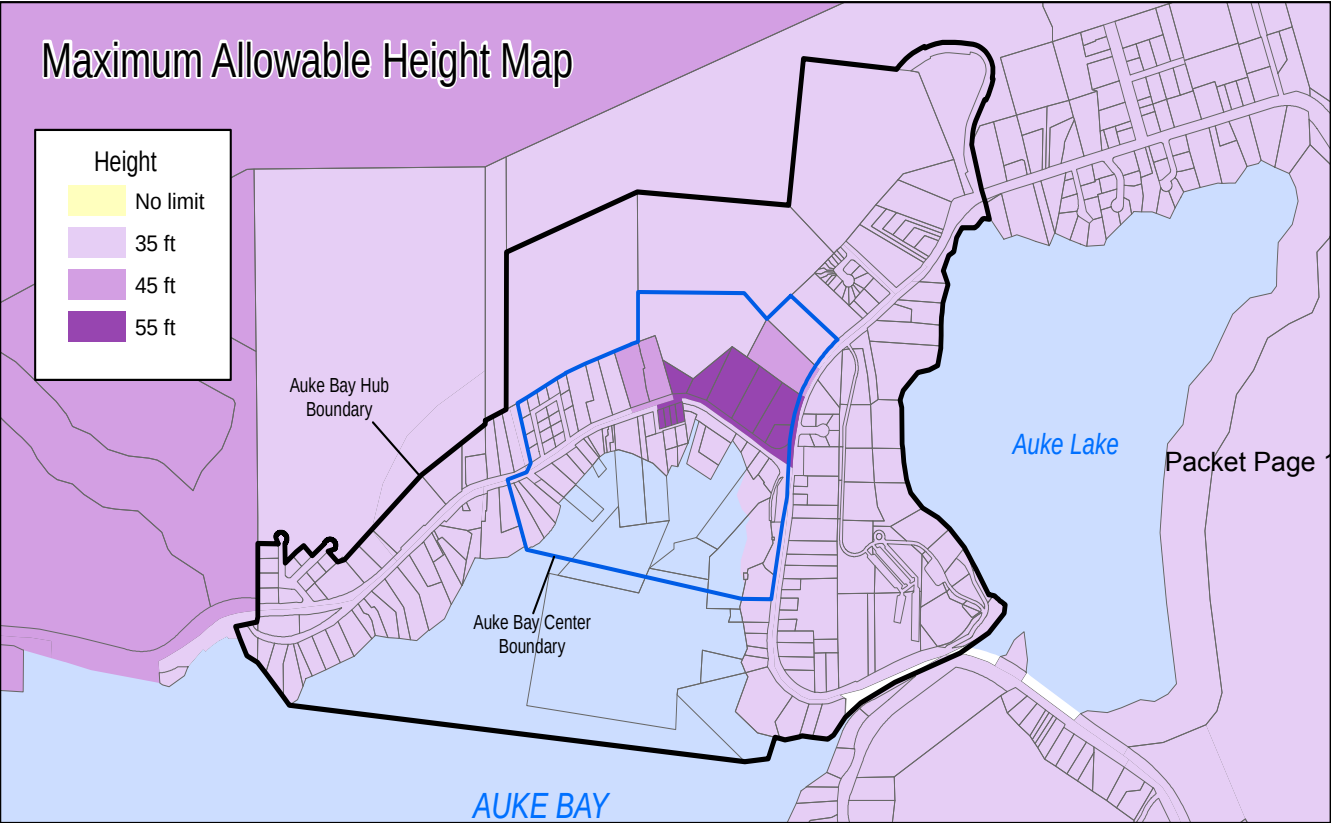
VIX. Adjournment – 6 p.m.

Submitted by
Laurie Sica, MMC
Municipal Clerk



View Points Map

Attachment 3: Viewpoints Map



Attachment 4: Maximum Allowable Height Map

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison to the Planning Commission Beth Weldon reported that on January 22, (2018), the Assembly approved the filing of an annexation petition with the local Boundary Commission. The Assembly is also considering how to participate in the Hydro One AEL&P purchase, she reported. The Assembly passed an ordinance amending the Land Use Code regarding eagle nests and eagle habitats. The Assembly also approved the adoption of the Lemon Creek Area Plan, said Ms. Weldon. The next meeting of the Public Works, Lands Committee, and Committee of the Whole will be Monday, January 29, (2018). The next regular meeting of the Assembly is February 12, (2018).

V. RECONSIDERATION OF THE FOLLOWING ITEMS

AME2017 0013: A request to rezone 7.06 acres from D-10 Residential to Light Commercial
Applicant: Douglas Island Development LLC
Location: 3853 Bayview Ave, 12020 Glacier Highway, 11998 Glacier Highway, 11950 Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for a rezone request to change 7.06 acres located at 3853 Bayview Avenue, 12020 Glacier Highway, 11998 Glacier Highway, and 11950 Glacier Highway from D-10 to LC (Light Commercial).

MOTION: *by Mr. Miller, to reconsider AME2017 0013 for purposes of discussion.*

Mr. Miller said the Ad Hoc Auke Bay Area Plan Committee held a meeting several weeks ago during which the implementation of various actions for the Auke Bay Area Plan were discussed. Another meeting for this committee is scheduled for January 30, (2018), said Mr. Miller, to discuss the creation of a new zone for a Traditional Town Center for Auke Bay, he said. The committee also requested that Mr. Steedle communicate with the CBJ mapping department to discuss the potential for development of a grid-like road system on what is primarily private property.

Chairman Haight noted that Mr. Frisby and Ms. Shelton were absent at the last meeting when this item was discussed. Only Commission members present at the last meeting can vote on this issue at this meeting, he noted.

Roll Call Vote:

Yeas: Miller, Dye, Greene, Haight

Nays: Hickok, Voelckers, LeVine

The motion failed.

VI. CONSENT AGENDA

Mr. Dye said he has a potential conflict which he leaves up to the discretion of the Commission. He said he manages property adjacent to one of the lots being sold under CSP2017 0017.

The Commission voiced no objection to Mr. Dye voting on this item.

Mr. Miller said he has a conflict pertaining to items USE2017 0028 and USE 2017 0029. He owns those properties.

Chairman Haight said in the past he was involved with items USE2017 0028 and USE 2017 0029. His involvement was only with the properties, not the tenants, he clarified.

The Commission voiced no objection to Chairman Haight's participation with those items.

USE2017 0028: A Conditional Use Permit for a marijuana retail store.
Applicant: The Mason Jar
Location: 2771 Sherwood Lane

Staff 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 1,500 square foot marijuana retail facility in the Industrial zoning district.

The approval is subject to the following conditions:

1. Prior to Certificate of Occupancy for development on Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a bioswale shall be installed between the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision and Pederson Hill/ Casa del Sol Creek; and the applicant shall implement storm water best management practices.
2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
3. Prior to the issuance of a Certificate of Occupancy, the applicant must submit a parking plan showing the required number of parking, loading, and accessible



Planning Commission

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

PLANNING COMMISSION NOTICE OF REZONE DENIAL

Date: February 2, 2018
File No.: AME2017 0013

Douglas Island Development LLC
5405 N. Douglas Highway
Juneau, AK 99801

Proposal: A request for a zone change from D10 (residential) to LC (light commercial).

Property Addresses: 11950 Glacier Highway
11998 Glacier Highway
12020 Glacier Highway
3853 Bayview Ave

Legal Descriptions: USS 2391 Tanner Terrace Lot C Fraction (eastern portion)
USS 2391 Tanner Terrace Lot C Fraction (western portion)
Lot 1A, Block D, USS 2391 Tanner Terrace
Lots 1, 2, 7, & 8, Block C, USS 2391 Tanner Terrace

Parcel Code Numbers: 4B2801040050; 4B2801040060; 4B2801040070; 4B2801040170

Hearing Dates: December 12, 2017, and January 23, 2018

For reasons stated by Planning Commissioners at the Planning Commission's regular public meeting on December 12, 2017, the requested rezone from D10 to Light Commercial was denied. For reasons stated by Planning Commissioners on January 23, 2018, the motion for reconsideration failed.

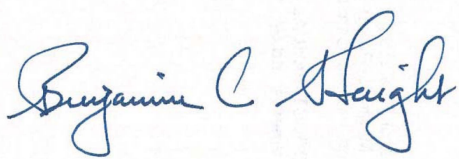
Attachments: Minutes from December 12, 2017; Minutes from January 23, 2018.

This recommendation to deny the rezoning constitutes a final legislative decision of the CBJ Planning Commission. A protest must be brought to the CBJ Assembly in accordance to CBJ 49.75.130(b). Protests must be filed by 4:30 P.M. on the date twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 49.75.130(b).

Douglas Island Development LLC
File No.: AME2017 0013
February 2, 2018
Page 2 of 2

Project Planner: _____


Teri Camery, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

February 7, 2018

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.