

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

May 14, 2019
Assembly Chambers
7:00 PM

- I. ROLL CALL
- II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - A. April 9, 2019 DRAFT Minutes - Planning Commission Regular meeting
- IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE
 - A. Additional Materials, May 14, 2019 Meeting
- V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- VI. ITEMS FOR RECONSIDERATION
- VII. CONSENT AGENDA
- VIII. UNFINISHED BUSINESS
 - A. Title 53 Lease Review Process Presentation - continued (Updated Ordinance re: Planning Commission Review of CBJ Land Conveyances)
- IX. REGULAR AGENDA
 - A. AME2019 0004: Amend the Comprehensive Plan Map G to designate lots 8479, 8477, 8476 Thunder Mountain Road to Medium Density Residential
 - B. AME2018 0014: A request to rezone 28 acres from D5 to D18 near Vista Drive
- X. BOARD OF ADJUSTMENT
- XI. OTHER BUSINESS
- XII. STAFF REPORTS
 - A. Directors Report: Zoning upgrade for twelve transitional zone lots
- XIII. COMMITTEE REPORTS
- XIV. LIAISON REPORT
- XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XVII. EXECUTIVE SESSION
- XVIII. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
April 9, 2019

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, (telephonically); Nathaniel Dye, Ken Alper, Andrew Campbell, Travis Arndt

Commissioners absent: Shannon Crossley, Dan Hickok

Staff present: Jill Maclean, CDD Director, Alex Pierce, Planning Manager; Allison Eddins, Planner II, Jane Mores, Assistant City Attorney; Greg Chaney, Lands and Resources Manager

Assembly members: Wade Bryson, Assembly Liaison to the Planning Commission

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES

A. March 12, 2019, DRAFT Minutes – Planning Commission Regular Meeting and COW meeting

MOTION: *by Mr. Dye, to approve the Planning Commission March 12, 2019, regular Planning Commission meeting minutes, and the March 12, 2019, Committee of the Whole Planning Commission meeting minutes with any minor changes by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

USE2019 0006: A Conditional Use Permit for a mobile home caretaker's unit/office
Applicant: Ken Williamson
Location: 5446 Commercial Boulevard

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 caretaker unit/office space in a mobile home in an industrial zoning district.

The approval is subject to the following conditions:

1. The applicant must receive an after-the-fact building permit to verify the placement of the mobile home on the subject lot.
2. An allowed primary use must remain active on the subject lot. Without an active allowed use, the caretaker unit is not permissible.

CSP2019 0002: Review of Lease and Use Permit (Title 53) for Docks & Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack
Applicant: CBJ Docks & Harbors
Location: 470 S. Franklin Street

Staff Recommendation

The Director recommends that the Planning Commission adopt these findings and analysis and recommends the Assembly adopt Ordinance 2019-18 and that a Title 53 Temporary Use Permit is issued per CBJ 53.09.310 with the following conditions:

1. Propane tanks must be enclosed and disguised from view and must meet Fire Code standards.
2. Any signs planned shall receive a sign permit prior to installation.

MOTION: *by Mr. Dye, to approve USE2019 0006 and CSP2019 0002 accepting staff's findings, analysis and recommendations.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA - None

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS

A. Ordinance 2019-12: An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium

Ms. Maclean said the Assembly has requested that the Planning Commission render its opinion on a one-year moratorium on dockless vehicles. (These are typically scooters and bicycles which can be picked up and left without having to use traditional bike or scooter racks. They are typically located by an application on the user's phone and left at a location convenient to the user). These vehicles may be either used manually or with electric power, said Ms. Maclean. Once the user has identified a vehicle, it is paid for and then the vehicle is unlocked for use., said Ms. Maclean, similar to paying for an Uber.

The idea behind this ordinance, said Ms. Maclean, is to give the City the opportunity to judge the impacts this use is having on other communities, and to have time to study the issue before approving its implementation in Juneau, said Ms. Maclean.

Commission Comments and Questions

Mr. Alper asked if Ms. Maclean could repeat the purpose of this ordinance.

Ms. Maclean said the City may want to have particular guidelines or regulations pertaining to this vehicle use and wants to take the time to study this new vehicle use before allowing its implementation in the community.

Mr. Dye asked how the use of dockless vehicles would comport with the zones forbidding the use of skateboards, for example.

This has not yet been decided. Ms. Moers said she has not yet had the opportunity to research the issue.

Mr. Voelckers asked exactly what action the Assembly was asking of the Commission on this ordinance.

This item is on the agenda to inform the Commission of its content, and to garner any comments the Commission may have, said Ms. Maclean. There is no direct action needed from the Commission on this topic, she added.

Mr. Alper asked if there are any current restrictions in Juneau concerning dockless vehicles, and if not, will there be any in the future.

Ms. Pierce said there are not currently any restrictions.

Mr. LeVine asked if there are currently locations within the City for docked vehicles.

Ms. Maclean said there are currently options for vendors to obtain a permit through CDD for locations that can be identified in larger parking lots and some sidewalk locations. A bike could be picked up and returned at a specified location, she said. This ordinance under consideration is specifically for the dockless vehicles, she added.

Mr. Campbell asked if this could have any impact on the peddle cab business or any other currently operating transport business.

Ms. Maclean said there would not be a conflict. The intent of this ordinance is just for dockless vehicles, she said. Users leave the vehicles wherever it is convenient for them, said Ms. Maclean. Some users are courteous, and leave the vehicles out of the way of the public, and others are not, she added, perhaps leaving the vehicles in the middle of the sidewalk, where they can be obstacles for people using wheelchairs and the general public, she said.

Ms. Mores said she did not see this ordinance in conflict with the ordinance for skateboards. It stands on its own, she said.

Mr. Dye clarified that his question was if these dockless vehicles were enabled, how they may interface with the section of code which addresses skateboards, for example.

Chairman Haight said he could understand the concern that the vehicles may be left in inconvenient locations for the public.

B. Early entry to the sites to be leased by Deckhand Dave's and Juneau Composts for utility and grading purposes

Mr. Campbell recused himself from the above item due to a conflict.

Both Deckhand Dave's and Juneau Compost have been approved by the Assembly for their sites in Pocket Park. They are waiting for that to come into effect, she said. Both businesses are asking for early entry to the site so they may get utility work or grading work accomplished, said Ms. Maclean. They are not allowed to start operations or erect any structures, she said. This is preparatory work for the season, she explained.

The Assembly is seeking any comments the Commission may have on these requests, said Ms. Maclean.

Ms. Mores said there is authority in the code when there is a lease to use this mechanism.

Ms. Maclean said that the Assembly did approve these uses for this site, and they also made the exception to allow alcohol use for Deckhand Dave's.

Mr. Voelckers clarified that if something did happen to forestall the businesses at this site, this preparatory work would be at the applicant's risk.

Ms. Maclean said it would be at the applicant's risk.

Mr. Voelckers said he thought it made perfect sense for the applicants to do preparatory work prior to installing their structures.

Mr. LeVine said he concurred with Mr. Voelckers.

Mr. Chaney said the use permit does not specify that the buildings would not be installed until the ordinance came into effect. He said he does not see this as a huge issue, but that he did not want it to be on the record, incorrectly.

Ms. Maclean said it was her understanding that this is for the utilities and grading, only.

Mr. Voelckers said he would have some concerns if construction was actually to commence before the ordinance came into effect.

Mr. Dye clarified that prior to installation, the structures would require building permits. He asked for the date when actual installation of the structures could begin.

Mr. Chaney said that date is May 1, 2019.

Mr. Dye said he saw no problems if construction actually began a bit early as long as the building permits were in place.

Mr. LeVine said in this particular context, since the structures were mobile, he did not foresee any problems. He added since there is a waiting period that he felt they should maintain that period, rather than set a precedent that the waiting period is meaningless.

Mr. Arndt said normally with the lease process they would not be able to do any of this action. He said the early entry permit stipulates what they are allowed to do. Subsequent permits for other projects would be evaluated on their own merit, he said. He said he did not see this as setting a precedent.

Mr. Chaney apologized for the oversight in the ordinance, necessitating this item coming before the Commission tonight. It could have all been incorporated in the ordinance, he said.

XI. STAFF REPORTS

Ms. Maclean said the Auke Bay neighborhood meeting is scheduled for Wednesday, April 10, 2019, at 6:30 p.m. at UAS.

On April 11, the Title 49 Committee meets at noon at the CDD.

The next Blueprint Steering committee meeting is April 25, 2019, at 6:00 p.m. at the Fire Station.

The Assembly has decided to hear the Mountainside Estates appeal.

Mr. Alper asked about how long the appeal process takes.

Ms. Maclean said it typically takes from six to nine months. The next step is to set the dates, she said.

Mr. Alper asked if everything is on hold for the developer until the appeal is heard.

Ms. Mores said any action the developer takes on the project would be at their own risk pending the outcome of the appeal.

Ms. Mores said on April 23, 2019, they will set all of the deadlines for the appeal process.

XII. COMMITTEE REPORTS

Rules Committee

Mr. LeVine said the Rules committee met, and took up operating rules. When complete, they will bring a draft back for a Committee of the Whole review.

Lands Committee

Mr. Voelckers said the Lands committee met April 8, 2019, and that the City is considering purchasing land near Vintage Park, and donating it for an assisted living home. They asked Scott Ciambor to address tax abatements specific for assisted living, said Mr. Voelckers.

Public Works and Facilities Committee

Mr. Campbell said he attended a Public Works and Facilities committee meeting several weeks ago, at which they discussed special funding for the JACC (Juneau Arts and Cultural Center).

Juneau Commission on Sustainability

Mr. LeVine said at this meeting they heard remarks from a former employee of a shipping company on air emissions and they spent time discussing the LEAD (Licensee Education on Alcohol and Drugs) certification for the airport. They also heard some interesting comments about cruise ships and expect to take that up at some future date, he said.

XIII. LIAISON REPORTS

Mr. Bryson reported that on March 27, 2019, there was a special meeting of the Public Works and Facilities committee. On Friday, March 29, he had a meeting with Pete Comstock of Juneau

Hydro on how close they are to bring this \$200 million project to Juneau. On April 1, 2019, the Human Resource Committee appointed Ryan Bear to the Wetlands Review Board. At the regular Assembly meeting on April 1, 2019, they approved the land sale for the Daughtry family on North Douglas, and they also approved the four lots for sale on Lena. Deckhand Dave's and Juneau Compost including alcohol for Deckhand Dave's were approved for the pocket park. They also approved the Bartlett Detox rebuild. They also received the information for the Mountainside Estate appeal. On April 2, 2019, Juneau Parks and Recreation informed the Assembly on the different trail repairs which are taking place. On April 3, 2019, there was the meeting of the Juneau Economic Development Council (JEDC). This will be the first quarter of the Amazon sales tax which is due. They will find out later this month how much sales tax was collected through Amazon.

At the Lands committee meeting on April 3, 2019, it was projected that the mill rate is to go down .1 mill.

*It may be expressed as a per **mil** (amount of **tax** per thousand currency units of property value), which is also known as a **millage rate** or **mill** (one-thousandth of a currency unit). To calculate the **property tax**, the authority multiplies the assessed value by the **mill rate** and then divides by 1,000.*

At the Public Works and Facilities meeting on April 8, 2019, they had a presentation on the airport, which includes runway improvements and the terminal rebuild. They also requested a more thorough renovation list for Centennial Hall. At the Committee of the Whole meeting on April 8, 2019, they discussed the sleep-off center being removed from Bartlett Hospital to the Fire Department. After Housing First opened, they only had a total of 288 uses last year. This meant there were some nights with two to three people, and many nights with no people. This was an \$800,000 project for 288 sleep-offs. They also had a presentation on drought conditions. They also reviewed onsite marijuana consumption. That was sent back to the City legal staff for further study. The Assembly considered a moratorium on dockless vehicles. Other communities have related how dockless vehicles left in inappropriate places have caused problems.

Mr. Voelckers asked if the reduction in the mill rate is due to bonded debt being paid.

Mr. Bryson said that \$2.8 million dollars in City sales tax has been freed that will not need to be allocated for 2019.

Mr. Dye asked about the use of marijuana indoors.

Mr. Bryson said that is currently with the City attorney.

Mr. Alper asked how close the hydro project is from implementation.

Mr. Bryson said with the proper authorization they are ready to start construction.

Mr. Alper asked if there is an estimate about how much the City will receive in Amazon sales tax this quarter.

Mr. Bryson said they do not have an estimate at this time. He added there are no rules in the State of Alaska for collecting online sales tax.

Mr. Campbell asked about the work being performed at the Archipelago lot.

Mr. Voelckers said it is a blend of land ownership in that area.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: May 14, 2019

1. AME2019 0004:

- a. Excerpt from March 26, 2019, Regular Planning Commission meeting minutes re: AME2019 0002
- b. Public Comment from Daniel Parks, received 5/9/19

2. AME2018 0014:

- a. Public Comment from Jack Kreinheder, received 5/8/19
- b. Public Comment from Dave Hanna, received 5/14/19

VIII. REGULAR AGENDA

AME2019 0002: A rezone of 3 lots, 8479, 8477, and 8476 Thunder Mountain Road, from D5 to D18

Applicant: Wright Services Inc.

Location: 8479, 8477, and 8476 Thunder Mountain Road

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 41,985 square feet located at 8479, 8477, 8476 Thunder Mountain Road from D5 to D18.

Ms. Liu told the Commission that the applicant is requesting a rezone to address some nonconforming uses, with the possibility of addressing higher density development in the future.

The assessor's database shows a discrepancy because it combines lot 10 and a fraction lot 11, said Ms. Liu. The remainder of lot 11 is its own lot, she said. These discrepancies date back to a document in 1964, she said. That 20-foot portion on the west side of lot 11 was reserved for lot 10, she said. This may have been done to address an encroachment of an existing structure, she said. This does not meet Title 49 for a lot line adjustment, she said. The staff accepts the recording made in 1963 as the acceptable record, she said.

D18 is an adjacent zone to this D5 piece of land, she said. Lot 10 has storage and a single-family dwelling or an apartment above the garage, she said. It has one former plumbing and electrical shop and four connexes, said Ms. Liu. The shop is not operational. It is used for storage for equipment that serves the park, she said. Lot 11 has a laundry facility and wells which supply water to the mobile home park, said Ms. Liu. The laundry facility is not operational, she said. Lot 12 has one office and one mobile home, she added. The office and mobile home are owned by the applicant and office is used to support the park, she said.

Many of the uses are nonconforming for both D5 and D18, said Ms. Liu. Most buildings appear to be in conformance with current dimensional standards. The mobile home setback is undetermined due to the structure not appearing on site plans or CBJ area imagery from 2013. The shop encroaches onto lot 11 and therefore is nonconforming, she said.

While the requested rezone to D18 does not address all of the nonconforming uses, the applicants are requesting this because it either sets them up for a conditional use permit to incorporate uses into the park, or to terminate nonconforming uses and pursue something that is allowed in the D 18 zoning district, Ms. Liu said.

A developer or property owner may only make rezone requests during the months of January and July, said Ms. Liu. Notice of a neighborhood meeting regarding the rezone request was

mailed to all property owners within 500 feet of the subject parcel, said Ms. Liu. Notice of the public hearing was mailed to the same owners advising them of the March 26, 2019, hearing date, she said. Public notice was also provided in the March 5, and March 15, 2019 issues of the Juneau Empire, she said. A public notice sign was posted as well on the site on March 13, and it was visible from the right-of-way, which was at least two weeks prior to the scheduled Planning Commission hearing, she said.

The rezone request meets the requirement that the land is adjacent to an existing zone that is requested, she said. It is adjacent to a D18 zone, she added. The adjacent mobile park is a D18 zone, she said.

The Planning Commission and Assembly are required to meet the findings of the Comprehensive Plan land use map, said Ms. Liu. The Commission and the Assembly have the discretion to base findings in conformance with the Plans' recommended policy, she said. Rezones should also result in the best use of land and be in conformance with the Comprehensive Plan, said Ms. Liu.

The rezone does not substantially conform to the land use maps, said Ms. Liu. The property is under the Urban Low Density Residential (ULDR) portion located in Subarea Four of the Comprehensive Plan Map G, she said. The D18 zone of the mobile park corresponds to Medium Density Residential (MDR), said Ms. Liu. In this area there is a policy guideline that states that it is important to maintain the density of existing neighborhoods while encouraging in fill development for low to moderate income affordable housing, said Ms. Liu.

There are policies relevant to the proposed rezone such as policies 3.2, 4.1, 4.8, 10.1 and 10.2, said Ms. Liu. Policy 3.2 promotes compact urban development within the designated urban service area. Policy 4.1 is to facilitate the provision and maintenance of affordable housing. Policy 4.8 is for the protection and preservation of the character and quality of life of the neighborhood. Policy 10.1 is to promote the availability of sufficient land with adequate public facilities and services for a range of affordable housing. Policy 10.2 recommends flexibility and creative solutions in residential development.

The findings can be based on both maps and policies, said Ms. Liu. The proposed rezone does not conform to the land use maps. However, a guideline for the land use map of the area also supports in fill development of low to moderate income affordable housing, she said. The previously mentioned five policies also support diverse and affordable housing, she said.

The Table of Permissible Uses supports multifamily structures such as rooming houses and mobile home parks, said Ms. Liu.

These lots could be served with City water and are served with City sewer, said Ms. Liu. They could be upgraded to meet the utility demands of more intense uses, she said.

D5 lots are typically larger than D18 lots, said Ms. Liu. However, some of the setbacks and dimensional standards are similar, she said. These lots conform to both D5 and D18 dimensional standards, said Ms. Liu. A lot zoned D5 could have one single family home with an accessory apartment, or a duplex or a common wall structure, she said. D18 zoning supports 18 units per acre. This zoning would allow each lot to have six units or 18 units for the combined three lots, she said.

The proposed zoning would not generate enough daily trips to require a Traffic Impact Analysis, said Ms. Liu. The engineering department indicated that more intense development would require an upgrade of the utilities, said Ms. Liu.

Three people attended the public meeting, said Ms. Liu. It was brought up at this meeting by the staff that the rezone itself would not generate changes to the lots. Further action would be required by the administration, said Ms. Liu. No one expressed disfavor with the rezone request, said Ms. Liu.

Commission Comments and Questions

Mr. LeVine asked what the ineffective boundary change has to do with the Commission's consideration.

The conveyance to which Mr. LeVine refers does not affect the rezone, said Ms. Liu. That issue may come up at a later point should the applicant apply for a building permit, she added.

Mr. LeVine said he had concerns over the Commission recommending a rezone of lots that the owners think are different, he said. He said it appears the staff is confident that the conveyance in 1964 is ineffective and that the legal definition for these three lots is in accordance with the original plat and that it should not be concerned about that, he said.

Ms. Liu said she concurred with Mr. LeVine's analysis.

Mr. LeVine asked about the composition of the adjacent lots.

Ms. Liu said the majority of the adjacent lots have single-family homes.

Mr. LeVine asked if the lots which appear to be wooded have homes in the front or if they are undeveloped.

Ms. Liu said those lots are developed with single-family homes.

Mr. Alper said if the area is served by City water and sewer how that fits with the mention that the mobile home park is served by wells. He asked if the wells are still functional.

Ms. Liu said the wells currently serve the mobile home park. The engineering department has advised that the applicants hire an engineer to further assess if any changes to the water service would be necessary with further development, said Ms. Liu.

Mr. Alper asked if those City services would be accessible by the mobile home park.

Ms. Liu said that would be for the applicant to explain.

Mr. Voelckers asked what the actual purpose of the rezone request is.

The applicants are interested in using the shop for another use, said Ms. Liu. It was brought to their attention by CDD staff that nonconformities need to be resolved prior to any new development, said Ms. Liu.

Mr. Dye asked why a small triangle of land was conditioned for traffic for Valley Boulevard and Mendenhall Loop road, and what the "T's" stood for. He asked how the utility service and pedestrian access on that portion of land was to be used.

Ms. Liu said she did not currently have those details.

Applicant

Applicant Charles Collins said he is the general manager of Wright Services and the owner of Thunder Mountain Mobile Park. Wright Services purchased the park several years ago, he said. They have five working wells that serve the park, he said. They keep the heavy equipment in the shop, he said. Mr. Collins said it is his goal to get all of the lots attached to the park. They do have a future plan of hooking up to the City water service, he said. His goal for the immediate future is to have everything in compliance and in accordance with the park, he said.

Commission Comments and Questions

Mr. Hickok asked who owns the property.

Mr. Collins said that Wright Services is a property management company set up by the owners. The trailer park was sold to Wright Services, said Mr. Collins.

Mr. LeVine clarified with the applicant that they do not currently have plans to expand the park, but at some point, in the future, may want to engage in future development.

Mr. Collins agreed with this assessment. At some point, they may want to add apartments. He said he understood that a Conditional Use Permit would be required for this, even if the lots were rezoned to D18. He said at this stage he just wants to bring the lots into conformance for their actual use.

Mr. Voelckers said the staff report mentioned there was some precipitating reason the applicant wanted to rezone the lots. He asked what this was.

Mr. Collins said for example he wanted to add on to the old laundry building for added workspace, but was told by CDD that was not an allowed use. He said everything he considered for this area was not an accepted use.

Mr. LeVine asked if there was a title search performed when Wright Services purchased the property, and if so, if it revealed the problems with the zone at that time.

Mr. Collins said he did not know why the zoning of the lots was never an issue before. He said they do not actually own the lot with the shop on it. They have a contract to take it over as soon as they can rectify the zoning.

Mr. Campbell asked when the current zoning of the lots was initiated.

Mr. Collins said he does not know. He said the lots have always been a part of the park.

Ms. Liu said the current zoning was put into effect in 1987.

Mr. Campbell asked if the D5 zoning was an error.

Ms. Liu said the current zoning does not correspond with the existing use.

Mr. Dye asked if the staff knows the history of the zoning of the lots in question.

Ms. Liu said she does not have an exact answer but that the zoning of the lots was enacted to what is now known as D5.

Mr. Campbell asked if the owner would have been notified in the 1980's that the use of their property was nonconforming, or if it could have been put into effect without their knowledge.

The previous zone of the lots still would have not allowed a commercial use, she said.

Mr. Campbell said since there was a commercial operation going on at the property, if permits were put in place for the use.

Ms. Liu said the laundromat does not have a permit, and that she was not sure if the shop had a permit.

Ms. Crossley asked if the property was ever attached to the mobile park, or if it was just adjacent property.

Ms. Liu said the lots were never attached to the park.

Mr. LeVine asked Mr. Collins if he knew if the lots have had the same use since the inception of the trailer park.

Mr. Collins said this property has always had the same use, as far as he is aware. He said he is not aware if the shop was ever permitted or legal. The shop existed in 1989, he said, and the laundromat was in operation at that time, he said.

Mr. Alper asked if the mobile park is connected to the City sewer.

Mr. Collins said it was connected to the City sewer.

Mr. Alper asked if there were structures on the part of the lot that protrudes.

Mr. Collins said there were not structures at that location, but some rotting timber. They do not plan on expanding the park into that area at this time, he said.

Public Comment

There was no public comment.

In answer to a question by Mr. Alper, Mr. Voelckers said the action required of the Commission on this item was to approve or deny the request, which would then go to the Assembly for final approval.

Ms. Mores clarified that the applicant could appeal the Commission's decision to the Assembly, should it not approve the rezone request.

Mr. LeVine said several years ago the Commission approved both a rezone and also a change to the Comprehensive Plan Map to bring it into compliance for property containing the Catholic Diocese in town. He said he cannot recall how the Commission accomplished this action procedurally.

Ms. Boyce said as part of the rezone the Commission recommended that a concurrent Comprehensive Plan Map amendment move forward as well.

Mr. Voelckers asked if that action by the Commission several years ago established a precedent for its potential action on this item before them this evening, since the circumstances were similar.

Ms. Boyce said the Commission also approved a rezone in Douglas with a Comprehensive Plan Map amendment, so the zone and the map would match.

Mr. Dye said he recalled the Douglas rezone was sent to the Assembly for approval, and it came back to the Commission several months later with the request that the map be amended so that it would match the new zone.

Ms. Mores said the actions are separate procedures.

Mr. LeVine said the Comprehensive Plan states that a procedure be developed for amending the maps in conjunction with rezones, but that this has not occurred at this time. He said he feels the Diocese rezone was similar to this situation, in which there is a clear error in the zoning. He said if someone had actually looked at the lots up for a rezone this evening that it would have been clear they should be zoned the same as the mobile home park. Mr. LeVine said this use should clearly be allowed. He said this is an error in the underlying Comprehensive Plan map.

Ms. Mores said the Commission does have the ability to review and direct change in the Comprehensive Plan maps.

Mr. LeVine said he thought the Commission could direct both actions; the rezone to D18 and recommend the Comprehensive map change to the Assembly to reflect the new zone. The Assembly could ask for more analysis and request public comment when the rezone was before it for approval, he added.

Mr. Arndt said he would like to see the recommendation to amend the Comprehensive Plan map go with the rezone request, but that he did not want to hold up the rezone process for the applicant.

Mr. Campbell said he would hate to see the application for a rezone delayed for a map amendment.

Mr. LeVine said he thought that they should have the rezone accompanied by a request for an underlying change to the Comprehensive Plan maps. He said he felt they were contingent upon each other.

Mr. Dye said he agreed with Mr. LeVine, that the two actions of a rezone request and Comprehensive Plan map amendment should be tied together.

Mr. Voelckers said he agreed that the two actions should happen contemporaneous with each other. The line is simply drawn in the wrong place, he said.

Mr. Campbell asked if the Commission recommends the Comprehensive Plan map be amended to match the rezone, if that would make a future Conditional Use permit request by the applicant more difficult to obtain in the future.

Ms. Mores said she was not sure how much accompanying information the Assembly might want for both actions to be presented to it simultaneously.

MOTION: *by Mr. LeVine, to recommend to the Assembly that it amend the Comprehensive Land Use Map (g) to designate lots 8479, 8477 and 8476 as MDR and recommend that the Assembly approve the rezone request to change those same lots from D5 to D18.*

Speaking in favor of his motion, Mr. LeVine said he feels there is an error in Comprehensive Land Use map (g). These three lots have been used to support the mobile home park as long as anyone can recall, and these lots are necessary and integral to the operation of the park. Mr. LeVine said he does not agree with the analysis in the staff report that they could approve this rezone without changing the underlying map. Therefore, said Mr. LeVine, his motion does not rely upon staff findings but instead thinks the underlying Comprehensive Land Use map should be amended to match the rezone to MDR.

Mr. Arndt asked if this could be taken care of during this meeting, or if it would have to go back to the staff for another report.

Mr. Voelckers said he feels it is simply one more condition on the action the Commission is approving.

Mr. LeVine said he feels the Commission has sufficient justification based upon the information in the staff report and the information supplied by the applicant this evening. He said he feels the record clearly indicates the zoning of these lots was a mistake. The Assembly could request further analysis and public comments if it felt that was necessary, said Mr. LeVine. He said he does not feel the Commission needs to do that.

Mr. Dye said he agreed with the findings of Mr. LeVine, and that this item would be an ordinance at the Assembly level, with further opportunity for public comment at that time. It was a mistake, and should have carried an MDR use with D18 zoning, he said.

Mr. Hickok agreed with the motion. He asked if the Commission has in the past approved rezones without accompanying amendments to the land use maps.

Mr. Voelckers said previous recommendations of the Commission for a rezone with map amendments to match have created a precedent for future action of the Commission in these instances.

Mr. LeVine said there are rezone requests that are in alignment with the Comprehensive Land Use maps, so the second action would not be necessary. In this instance, he said, it is best to bring the maps into alignment with the rezone, since it was a mistake.

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

From: Dan Parks <dan.aaron.parks@gmail.com>
Sent: Thursday, May 9, 2019 5:57 PM
To: PC_Comments
Subject: Thunder mountain Road Rezone comment.

Amy Liu, Planning Commission,

My name is Daniel Parks and I live on Easy street near the proposed Rezone. I am opposed to changing the zoning for Lots 8479, 8477, 8476 on Thunder Mountain Road. I think the lots should remain D5 and in general I would rather see less dense development and more single family homes.

Thank you,
Daniel Parks

Subject: FW: Comment on Vista Drive rezone (Case AME2018 0014)

From: Jack Kreinheder [<mailto:jack.kreinheder@gmail.com>]
Sent: Wednesday, May 08, 2019 9:48 AM
To: Beth McKibben
Subject: Comment on Vista Drive rezone (Case AME2018 0014)

I am writing to oppose the proposed rezone of this property. While I support more low income housing in Juneau, south Douglas Highway is reaching its traffic capacity, particularly during the morning rush hour when long backups at the roundabout occur every day. Additional development of existing vacant property is inevitable, and traffic will continue to get worse. CBJ should not add to the problem by rezoning this property for high density housing.

Thank you,
Jack Kreinheder
2544 Douglas Highway

**JCL Properties, Inc.****Box 20834 Juneau, AK 99802**

Phone: (907) 789 1902

Thank you for the opportunity to speak about this. There is not too much to say as Ms McKibben and her staff did a very thorough job on their staff report.

I know there will be folks who want to protest this re-zone and I understand that they are concerned. I believe that they are mostly afraid of the unknown. Change can be scary, especially if it effects where you live. But as you commissioners understand, this is just the first step in a lengthy process and I hope the good folks here can understand that any project that is proposed still has to go through a very lengthy process before it can be approved. All the concerns that have been voiced will need to be specifically addressed in those permit reviews.

Many of these folks would like to see a specific project proposed before the re-zone. Any of these projects will need survey work, civil engineers to design it, mechanical engineers to design the water and sewer, electrical engineering for the power and communication and a storm water pollution prevention plan done by an engineer. This is a tremendous expense that would be foolish to incur if one did not even know if the zoning would allow it. No, the process the city has is a practical one and it works well.

So most the concerns are hypothetical ones and can certainly be addressed when the time comes. The only current complaint I heard was about traffic. Some say that is has become intolerable waiting to get out of Vista Drive. Even though I spend a lot of time there I don't live there so I decided to investigate more.

This morning I went to Vista Drive at 7 AM and set up on a vantage point where I could watch the intersection and also see where the cars were coming from and going to on Vista Drive. Attached are my traffic counts. As you can see, in an hour and 15 minutes from 7:05 till 8:20 only 46 cars left the area. Now if one averages out all the times it comes to a 17 second average wait but there were some anomalies. One car came into Vista Drive, turned around and went down and dropped off their child at the bus stop and waited for no apparent reason. One sketchy looking car came racing up to the VOA project, came back down and then waited at the intersection, also for no apparent reason. And then three different cars had to wait extended times due to busses backing up traffic. When I took these anomalies out the average wait time was 5.1 seconds. And as



JCL Properties, Inc.

Box 20834 Juneau, AK 99802

Phone: (907) 789 1902

you see on the sheets, many cars had no wait time at all. Not to be too flippant, but if these wait times are intolerable I strongly advise these folks against moving to the valley.

Juneau needs more housing. I believe the biggest single factor in the high cost of housing in Juneau is the cost of land and its' development. In our property on Vista Drive we have the opportunity to provide some land that has a street already to it, utilities already to it, is close to a school and to town. It only makes sense to try to develop it to its' best potential and since the surrounding properties are already zoned D-18 it would not make sense make this any different. I ask you to follow the staff recommendation and approve my zone change.

Thank you,
Dave Hanna
JLC Properties Inc.

5/14/2019

STF_AME18-14 - thedavehanna@gmail.com - Gmail

Packet Page 23 of 158

Apr 22, 2019, 5:35 PM

Beth McKibben

to me

Hi Dave

Attached is a drafty staff report. Its long and complex.

At the moment I am recommending rezoning to D10(T)D18. The transition to D18 would be when street improvements are made. I'm not attached to that recommendation and I've asked for feedback from the Director and Planning Manager. They may have different ideas. It's a starting point. I'm also interested in hearing your thoughts. I'm happy to talk w/you about this.

Thanks!



STF_AME18-14.d...

STF_AME18-14.d...

Apr 23, 2019, 11:29 AM

Dave Hanna <thedavehanna@gmail.com>

to Beth

Beth,

I never got a chance to thank you for facilitating the neighborhood meeting and stepping in when the folks got a little off topic. I guess it's always to be expected though and you handled it very well. On the subject of the transition recommendation I am strongly not in favor of that approach. There is enough uncertainty in trying to develop a piece of property without adding another layer of it. If I was to have to testify on this I would simply say that this would effectively stop any efforts on my part to develop it and I would simply put it up for sale. There is a considerable amount of money to be spent and effort to put forth to bring forth a development plan and go through the conditional use process. With a transition process it appears to me that I would have to do all this and develop the streets and then hope the current department and planning commission could act at breakneck speed to effect the rezone when we know it has to go through a process and is not guaranteed. Time is money when the process actually starts and having the additional time and uncertainty of getting the zoning to fit a project that one has so heavily invested in basically shelves it. One would have to possess much deeper pockets and have much more faith in the resurgence of the housing market than I have to proceed under these conditions. Please share these thoughts with Your Director as you work through this and any of you are very welcome to call.

Thanks,

Dave Hanna

JLC properties Inc.

Time	Vehicle	Color	Direction	Count	Notes
705	GRN	PV	?	705	NW
712	BLK	SUV	CARST	712	NW
714	GRY	SUV	VOR	714	NW
716	RD	SV	VOR		NW
716	DN	MIN	VOR	18	
719	RD	SUV	VOR	5	
719	CA	PV	VOR	8	
720	SCHOOL	BUS	VOR		NW
723	RD	SUV	VOR		NW
	GRN	CAR	726	3	
724	RD	SUV	CARST		
725	SILVER	CAR	VOR	7	
725	SILVER	CAR	VOR	2	
727	SIL	CAR	VOR	50	SCHOOL BUS TRAFFIC
728	RD	PV	VOR	7	
729	RD	SV	VOR	8	
729	SIL	SUV	VOR	3	
730	RD	SV	VOR	3	
731	DRK	MIN	CAR IN		
732	GRY	PV	CARST	7	
734			VOR	29	CITY BUS TRAFFIC
734	WHITE	CAR	VOR	12	
734	WHITE	SUV	CARST	3	
736	RD	CAR	VOR		
737	BRN	PV	CARST		NW
738	GRY	CAR	VOR		NW
739	RD	CAR	OUT	14	
740	SCHOOL	BUS	IN		
740	GRN	UNIT	VOR		NW
743	SCHOOL	BUS	VOR		NW

746	WHITE SUV	VOA	NW
	BLK CAR IN	VOA	
747	WHITE SUV IN	VOA	
748	BLK CAR OUT	VOA	2
749	BLK CAR IN - LEFT, RND		31
750	BLK SUV	CARST	10
752	WHITE PU	CARST	15
	BLK CAR	VOA	13
755	WHITE BK	VOA	7-8
757	BLK SUV	CARST	3
758-759	CAR	CARST	19
	BLK SUV	" "	6
	GRAY PU	" "	6
800	BLK CAR	VOA	7
801	GRAY MV	VOA	NW
807	BLK TRIP IN PAST	VOA	
808	BLK TRIP OUT	VOA	NW
809	BLK CAR IN	VOA	
809	GRAY MV IN	VOA	
811	WHITE PU	VOA	2
812	BLK SUV	VOA	3-4
812	BLK SUV CAR	VOA	NW
815	CARTRIP IN	CARST	
817	BLK MV IN	VOA	
	GRAY SUV IN	VOA	
818	BLK MV OUT		7
820	BLK S. PU	VOA	25
830	BLK IN	VOA	
821	BLK MV OUT	"	4



MEMORANDUM

DATE: May 3, 2019
 TO: Planning Commission
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Updated Ordinance re Planning Commission Review of CBJ Land Conveyances

The Assembly authorized Assemblymember Jones to work on code amendments related to Planning Commission review of CBJ land conveyances. Upon presentation to the Planning Commission on April 23, 2019, I understand the Planning Commission had two questions:

1. What is the origin of the Planning Commission reviewing CBJ land conveyances?
2. What type of CBJ land conveyances would the Planning Commission still review after this ordinance?

I'll briefly answer those questions in light of the attached updated draft ordinance (version 2).

1. Origin of the Planning Commission reviewing CBJ land conveyances

The Planning Commission fills important regulatory and quasi-legislative roles. On the regulatory front, the Planning Commission adjudicates permits for applications such as conditional uses and subdivisions pursuant to Title 49. On the quasi-legislative front, the Planning Commission makes recommendations to the Assembly on rezone applications, code amendments to Title 49, and CBJ land conveyances. While the Planning Commission is well suited to apply the rezone standards (CBJC 49.75 Article 1) and works with Title 49 so much it knows when to make amendment recommendations, the CBJ land conveyances are different.

The Planning Commission's role of reviewing CBJ land conveyances has evolved since 1970. Upon unifying as the CBJ, the Assembly tasked the Planning Commission with broad land management authority over CBJ land conveyances to facilitate the orderly unification of the Cities of Douglas and Juneau and to keep up with the municipal land selection process created by the Alaska Land Act of 1963. For example, the Planning Commission was tasked with reviewing every land acquisition to recommend what land should be devoted to public use, what land should be reserved for future public use, and what land should be available for sale, lease, or other disposal. Ordinance 1971-45 (CBJC 53.05.020). The Planning Commission was also tasked with reviewing disposals to determine if disposal was in the best interest of the CBJ. Ordinance 1971-45 (CBJC 53.10.010). In essence, the Planning Commission of the 1970s was used like the Assembly Lands Committee of today: make recommendations to the Assembly related to land conveyances.

Although the original reasons for having the Planning Commission review land conveyances have waned over the last fifty years, Title 53 still tasks the Planning Commission with reviewing CBJ land conveyances.

MEMO 2 Re Planning Commission Review of CBJ Land Conveyances

May 3, 2019

Page 2

2. Version 2 of the draft ordinance would remove Planning Commission review of leases and easements.

The draft ordinance (v1 and v2) attempts to modernize the code authority related to the Planning Commission's review of land conveyances. The following chart summarizes which conveyances the Planning Commission reviews and would review:

	Current Code	Ordinance v1	Ordinance v2
Leases	PC reviews (53.09.260.b)	No PC review (Section 3)	No PC review (Section 3)
Sale/exchange	PC reviews (53.09.260.b)	No PC review (Section 3)	PC reviews (53.09.260.b, Section 3)
Easements	PC reviews (53.09.300.c)	No PC review (Section 4)	No PC review (Section 4)
Early Entry, Title 53 Temporary use permit	PC reviews (53.09.310)	No PC review (Section 5)	PC reviews (53.09.310)
All D&H land conveyances	PC reviews (85.02.060.a.5)	No PC review (Section 6)	No PC review (Section 5)
Acquisitions	No PC review (53.04.020)	No PC review (53.04.020)	No PC review (53.04.020)

As provided for in the attached ordinance, the Assembly Lands Committee's review was inserted every time the Planning Commission's review was eliminated. Ultimately, the Assembly has broad discretion to determine how CBJ land conveyances are reviewed.

The following summarizes the changes in the draft ordinance from version 1 to 2:

- Section 2: Reinserted disposal provisions to be consistent with other changes below. Page 1 line 24 - Page 2 line 2. Also, deleted a sentence that was redundant for Planning Commission review of capital improvements because of CBJC 49.15.580 and because that sentence causes unnecessary confusion when the Planning Commission reviews land conveyances. *E.g.*, *Zenk v. CBJ*, S-16118, 2017 WL 2825797 (Alaska 2017).
- Section 3: Inserted provision for Planning Commission review of disposals other than leases. Page 3 lines 6-8.
- Section 4: Clarified "planning department" is the Community Development Department and Lands Division would be referring easement applications to the Lands Committee. Page 4 lines 4-14.
- Section 5: Deleted the prior section 5 that would have removed Planning Commission review of Title 53 use permits. Moved D&H material into section 5. No substantive changes.

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-19 PCv2

**An Ordinance Amending the CBJ Codes Related to Planning Commission
Review of CBJ Real Property Transactions**

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 of Section. CBJ 49.10.170 is amended to read:

49.10.170 Duties.

(a) *Comprehensive plan review.* The commission shall undertake a general review of the comprehensive plan two years after the adoption of the most recent update, and shall recommend appropriate amendments to the assembly. Proposed map changes shall be reviewed on a neighborhood or community basis as directed by the planning commission.

(b) *Review of the capital improvements program.* Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the assembly.

(c) *City and borough land ~~acquisitions~~, disposals and projects.* The commission shall review and make recommendations to the assembly on land ~~acquisitions and~~ disposals as prescribed

by title 53, or capital improvement projects by any City and Borough agency. ~~The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.~~

(d) *Development code amendments.* The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezonings, indicating compliance with the provisions of this title and the comprehensive plan.

(e) *Land use actions.*

(1) All plats approved by the platting board prior to adoption of Serial No. 87-49 are ratified, notwithstanding the use of the commission seal or resolution.

(2) The commission shall hear and decide all major development permit applications, density bonus requests, and appeals of decisions made by the director.

Section 3. Amendment of Section. CBJ 53.09.260 is amended to read:

53.09.260 Negotiated sales, leases, and exchanges.

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity, may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon

direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) Review and approval process ~~Planning commission review, final assembly approval.~~

Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, ~~and~~ after review by the assembly lands committee ~~planning commission,~~ and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, ~~or~~ exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

Section 4. Amendment of Section. CBJ 53.09.300 is amended to read:

53.09.300 Easements.

(a) *Authorized.* The manager may convey or lease an easement in City and Borough owned land upon approval by the assembly. Easements shall be nonexclusive unless otherwise provided in the easement document.

(b) *Application and fee.* The applicant for an easement shall apply to the manager on a form prescribed by the manager. The application shall be accompanied by plans, reports, a narrative, and other material sufficient to permit the City and Borough to evaluate need for and the use to be made of the requested easement. The application shall also be accompanied by a base fee of \$15.00 plus an amount determined by the manager to cover the cost of an

appraisal of the value of the easement. From time to time, the manager shall adjust the base fee to reflect changes in the cost of municipal services.

(c) *Review process* ~~Departmental and planning commission action.~~ The application for the easement shall be referred to the community development department ~~planning department~~ and public works department for comment. The manager may refer the application to other departments which may have an interest in the parcel subject to the proposed easement. Upon receipt of the comments of other departments, the lands division ~~planning department~~ shall refer the application and departmental comments to the assembly lands committee ~~planning commission~~ for its recommendation to the assembly. The assembly lands committee ~~planning commission~~ may hold a public hearing on the application prior to making its recommendation.

(d) *Assembly action.* Upon receipt of the assembly lands committee ~~planning commission~~ recommendation, the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly.

(e) *Survey.* Prior to the execution of an approved easement, the applicant shall provide a survey of the easement to the standards required by the manager.

(f) *Easement price.* The sale or lease price of an easement shall be the appraised value established not more than 90 days prior to assembly authorization of the easement. Upon execution of the easement by the City and Borough, the applicant shall pay to the City and Borough the market value of any marketable materials, timber, or other resources within the easement area which will be destroyed, cut, or removed. The manager shall determine the

1
2 value of resources of any marketable materials, timber, or other resources within the
3 easement area which will be destroyed, cut, or removed.

4
5 (g) *Improvements and changes.* No improvements or changes to improvements may be made
6 within an easement unless first approved by the manager.

7 (h) *As-built plans.* Immediately upon completion of the construction of any improvements
8 within the easement area, the easement holder shall provide the manager with accurate,
9 complete, and legible as-built drawings of such improvements. Upon making any changes or
10 additions to such improvements, the permittee shall provide the manager with as-built
11 drawings showing such changes or additions.

12
13 (i) *Relocation.* The assembly, by resolution, may direct the holder of an easement granted
14 under this section to relocate the holder's improvements within the easement or to relocate
15 the improvements to a new easement granted by the City and Borough for that purpose. Such
16 relocation shall be at the sole expense of the easement holder, and the City and Borough shall
17 not be liable to the easement holder for reimbursement of any expenses or compensation for
18 any losses or damages suffered by the easement holder or others arising out of the relocation.
19 Unless the assembly, in the resolution directing the relocation of the improvements, permits
20 otherwise, the easement holder shall remove all improvements he or she has constructed in
21 the area to be vacated. No compensation shall be due the City and Borough for the value of
22 resources which must necessarily be cut, damaged, or removed to permit the relocation, nor
23 shall the easement holder be liable for the cost of any survey required to describe a new
24 easement area.
25

(j) *Restoration.* The manager may require restoration and the posting of such security for restoration as he or she determines necessary.

Section 5. Amendment of Section. CBJ 85.02.060, General Powers is amended to read:

(a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:

(5) Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the Assembly by resolution as subject to Docks and Harbors Board Administration, subject to the following limitations:

(A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands committee ~~planning commission~~ and approval by the Assembly by resolution.

(B) Unless otherwise designated in advance by the assembly by resolution, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.

(C) All land transactions by the board in accordance with this section shall be consistent with the land management plan developed under CBJ 85.02.063.

(i) Land shall be leased as provided in chapter 53.20, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.

(ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by Title 53 of the manager may be performed by the port director.

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



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

DATE: May 6, 2019

TO: Planning Commission

FROM: Amy Liu, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'Amy Liu', is positioned to the right of the 'FROM:' field.

CASE NO.: AME2019 0004

PROPOSAL: Amend the Comprehensive Plan Map G to designate 8479, 8477, and 8476 Thunder Mountain Road as Medium Density Residential

Applicant: Wright Services Inc.

Property Owner: Thunder Mountain MHC, LLC

Property Address: 8479, 8477, and 8476 Thunder Mountain Road

Legal Description: Thunder Mountain Lots 10 and 11 Front, and Lot 12

Parcel Code No.: 5B2401540100; 5B2401540110; 5B2401560010

Site Size: 13,995 square feet each; 41,985 square feet total

Zoning: D5

Utilities: CBJ water and sewer

Access: Thunder Mountain Road

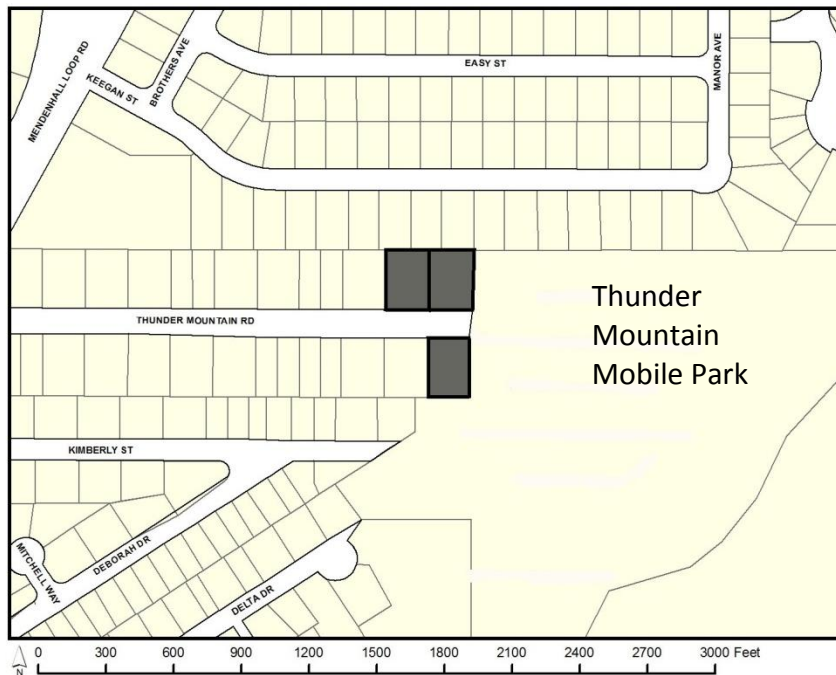
Existing Land Use: Storage, single-family home, water well, office, mobile home, empty former retail building, empty former laundromat

Planning Commission
Case No.: AME2019 0004
May 6, 2019
Page 2 of 3

Surrounding Land Use:

North	- Single-family residential, D5
South	- Single-family residential, D5
East	- Mobile home park, D18
West	- Single-family residential, D5

VICINITY MAP



ATTACHMENTS

Attachment A – Notice of Recommendation for AME2019 0002

PROPOSAL

Amend the Comprehensive Plan Map G to designate 8479, 8477, and 8476 Thunder Mountain Road as Medium Density Residential (MDR).

BACKGROUND

On March 26, 2019, the Planning Commission recommended the Assembly approve AME2019 0002, “rezone request to change 41,985 square feet located at 8479, 8477, and 8476 Thunder Mountain Road from D5 to D18”. The Commission’s motion was, “recommend to the Assembly that it amend the Comprehensive Plan Map G to designate 8479, 8477, and 8476 Thunder Mountain Road as MDR and recommend that the Assembly approve the rezone request to change those same lots from D5 to D18.” The Commission concluded that the rezone proposal met the necessary findings of Title 49, including that the rezone must substantially conform to the Comprehensive Plan land use designation of MDR. An adjacent parcel is designated MDR, but the subject parcels are designated Urban Low Density Residential. By establishing ‘substantial conformity’, staff’s interpretation was that the adjacent parcel’s MDR designation

Planning Commission
Case No.: AME2019 0004
May 6, 2019
Page 3 of 3

supported the rezone proposal. However, the Commission concludes that the proposed Comprehensive Plan map amendment is necessary in order to establish 'substantial conformity'. This would further support the approval of AME2019 0002 rezone proposal from D5 to D18.

ANALYSIS

The following policy of the Comprehensive Plan provides that the Assembly may amend the Comprehensive Plan as necessary to reflect changing conditions and needs.

POLICY 18.2. FOR THE PLANNING COMMISSION TO INITIATE A GENERAL REVIEW OF THE COMPREHENSIVE PLAN TWO YEARS AFTER THE ADOPTION OF THE LAST UPDATE, AND TO MAKE RECOMMENDATIONS TO THE ASSEMBLY TO AMEND IT AS NECESSARY TO REFLECT CHANGING CONDITIONS AND NEEDS AND TO CONSIDER AND ENACT AMENDMENTS TO THE PLAN AND LAND USE MAPS, INCLUDING AMENDMENTS TO THE URBAN SERVICE AREA BOUNDARY, AT ANY TIME THE PLANNING COMMISSION AND ASSEMBLY DETERMINE THAT AMENDMENTS ARE NEEDED. (Page 230)

Comprehensive Plan Land Use Designation of Subject Parcel

Existing: Urban Low Density Residential

Definition: *[ULDR] lands are characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).*

Proposed: Medium Density Residential

Definition: *[MDR] 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).*

Amending the Comprehensive Plan land use designation from ULDR to MDR will update the land use designation so that the rezone proposal may move forward more directly.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend that the Assembly approve the Comprehensive Plan land use map designation amendment for 8479, 8477, and 8476 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.



Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: April 2, 2019
Case No.: AME2019 0002

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a rezone request from D5 to D18 on Thunder Mountain Road

Property Address: 8479, 8477, 8476 Thunder Mountain Road

Legal Description: Thunder Mountain Lots 10 & 11 Front, and Lot 12

Parcel Code Numbers: 5B2401540100; 5B2401540110; 5B2401560010

Hearing Date: March 26, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 18, 2019, and recommended that the Assembly amend the Comprehensive Plan map G to designate subject lots 8479, 8477, 8476 as Medium Density Residential and approve the rezone request to change those same lots from D5 to D18.

Attachments: March 18, 2019 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding AME2019 0002.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

City and Borough Assembly

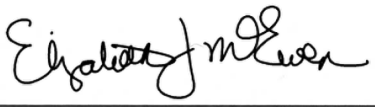
Case No.: AME2019 0002

April 2, 2019

Page 2 of 2

Project Planner: 
Amy Liu, Planner
Community Development Department


Paul Voelckers, Vice Chair
Planning Commission


Filed With Municipal Clerk

4/3/2019
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.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

A request has been submitted for consideration and public hearing by the Planning Commission to **amend the Comprehensive Plan Map G to designate lots 8479, 8477, 8476 Thunder Mountain Road as Medium Density Residential.** If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Staff Report expected to be posted **Monday, May 6, 2019** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through 12 noon, May 10

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

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

HEARING DATE & TIME
7:00 pm, May 14, 2019

May 15

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

Results will be posted online, and if recommended for approval, the case will be sent to the CBJ Assembly.

Case No.: AME2019 0004
Parcel Nos.: 5B2401560010; 5B2401540100;
5B2401540110
CBJ Parcel Viewer: <http://epv.juneau.org>

AME2019-0004 Rezone on Thunder Mountain Rd. Planning Commission Meeting

Assembly Chambers
March 26, 2019
Amy Liu



Recommend Approval for Rezone

On March 26, 2019, the Planning Commission recommended the Assembly approve AME2019 0002, "rezone request to change 41,985 square feet located at 8479, 8477, and 8476 Thunder Mountain Road from D5 to D18".



Recommend Map Change



The Commission's motion was, "recommend to the Assembly that it amend the Comprehensive Plan Map G to designate 8479, 8477, and 8476 Thunder Mountain Road as MDR and recommend that the Assembly approve the rezone request to change those same lots from D5 to D18."



Analysis

The following policy of the Comprehensive Plan provides that the Assembly may amend the Comprehensive Plan as necessary to reflect changing conditions and needs.

- **POLICY 18.2. FOR THE PLANNING COMMISSION TO INITIATE A GENERAL REVIEW OF THE COMPREHENSIVE PLAN TWO YEARS AFTER THE ADOPTION OF THE LAST UPDATE, AND TO MAKE RECOMMENDATIONS TO THE ASSEMBLY TO AMEND IT AS NECESSARY TO REFLECT CHANGING CONDITIONS AND NEEDS AND TO CONSIDER AND ENACT AMENDMENTS TO THE PLAN AND LAND USE MAPS, INCLUDING AMENDMENTS TO THE URBAN SERVICE AREA BOUNDARY, AT ANY TIME THE PLANNING COMMISSION AND ASSEMBLY DETERMINE THAT AMENDMENTS ARE NEEDED. (Page 230)**



Analysis

Existing: Urban Low Density Residential

Definition: **[ULDR] lands are characterized by urban or suburban residential lands** with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

Proposed: Medium Density Residential

Definition: **[MDR] 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).



Analysis

POLICY 18.2. FOR THE PLANNING COMMISSION TO INITIATE A GENERAL REVIEW OF THE COMPREHENSIVE PLAN TWO YEARS AFTER THE ADOPTION OF THE LAST UPDATE, AND TO MAKE RECOMMENDATIONS TO THE ASSEMBLY TO AMEND IT AS NECESSARY TO REFLECT CHANGING CONDITIONS AND NEEDS AND TO CONSIDER AND ENACT AMENDMENTS TO THE PLAN AND LAND USE MAPS, INCLUDING AMENDMENTS TO THE URBAN SERVICE AREA BOUNDARY, AT ANY TIME THE PLANNING COMMISSION AND ASSEMBLY DETERMINE THAT AMENDMENTS ARE NEEDED.

Implementing Actions

...

18.2- IA5 Adopt procedures for considering amendments to the Plan initiated by property owners or residents between major updates, providing that one or more of the following factors can be demonstrated that:

- A. The original decision was in error because important information available at the time was not adequately considered;
- B. Changing conditions and/or new information renders the original decision inappropriate; and/or
- C. The proposed change is consistent with other applicable policies of the Comprehensive Plan, other CBJ adopted Plans, and any specific subarea plans that apply to the site/area.



Recommendation

Staff recommends that the Planning Commission recommend that the Assembly approve the Comprehensive Plan land use map designation amendment for 8479, 8477, and 8476 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.





Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: May 16, 2019
Case No.: AME2019 0004

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding amendment of the Comprehensive Plan Map G to designate 8479, 8477, and 8476 Thunder Mountain Road as Medium Density Residential

Property Address: 8479, 8477, and 8476 Thunder Mountain Road

Legal Description: Thunder Mountain Lots 10 & 11 Fraction, and Lot 12

Parcel Code Numbers: 5B2401540100; 5B2401540110; 5B2401560010

Hearing Date: May 14, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 18, 2019, and recommended that the Assembly approve the Comprehensive Plan land use map designation amendment for 8479, 8477, and 8476 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.

Attachments: May 6, 2019 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding AME2019 0004.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

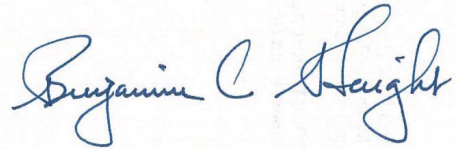
City and Borough Assembly Case

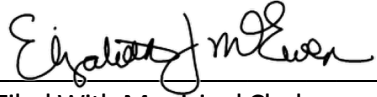
No.: AME2019 0004

May 16, 2019

Page 2 of 2

Project Planner: 
Amy Liu, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With Municipal Clerk

5/20/2019
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.



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

DATE: May 6, 2019

TO: Planning Commission

FROM: Beth McKibben, AICP, Senior Planner
 Community Development Department *BME*

FILE NO.: AME2018 0014

PROPOSAL: A request to rezone ~28 acres near Vista Drive from D5 to D18

Applicant: JLC Properties Inc.

Property Owner: JLC Properties Inc.

Property Address: N/A

Legal Description: Lot 1A, Emerald 3 Subdivision

Parcel Code No.: 2D040C050074

Site Size: 27.88 acres

Comprehensive Plan Future Land Use Designation: MDR – Medium Density Residential – Map O

Zoning: D5 – single family residential, 5 units per acre

Utilities: Public Water & Sewer

Access: Vista Drive

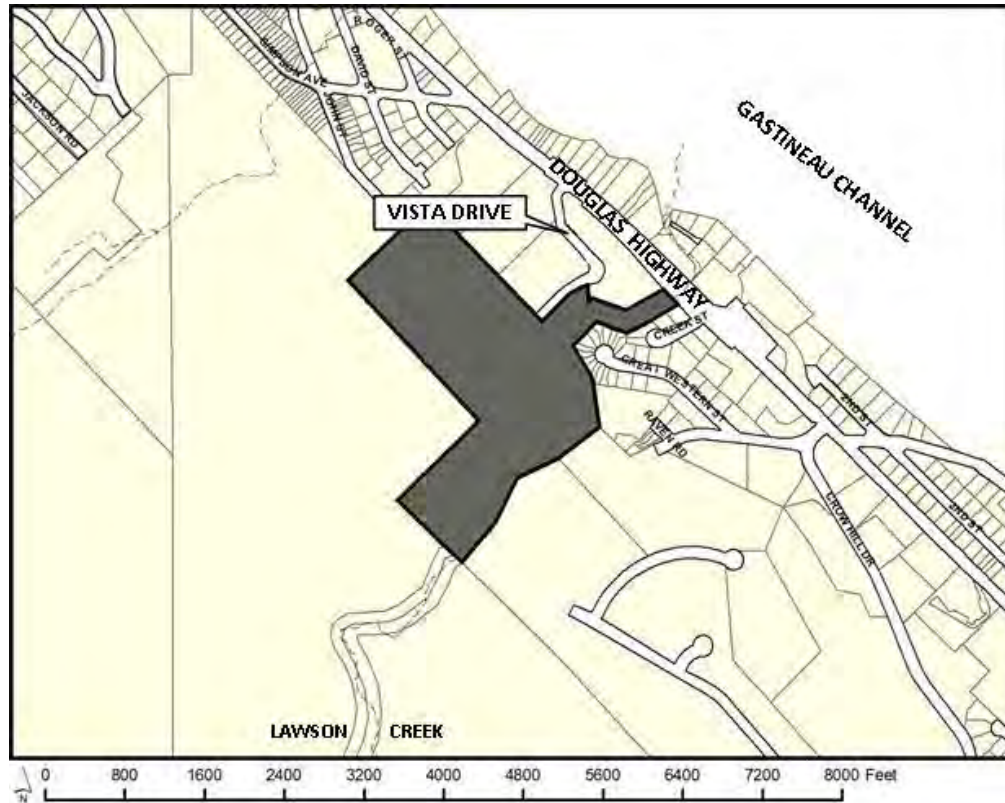
Existing Land Use: Vacant

Surrounding Land Use:

- North - Multifamily Residential (D-18)
- South - Vacant (D-5)
- East - Multifamily & 2-unit common wall Residential (D-18)
- West - Vacant (D-5)

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 2 of 20

VICINITY MAP



ATTACHMENTS

- A – Application
- B – Agency Comments
- C – Public Comments
- D – Neighborhood Meeting Materials
- E – 2013 Volunteers of America Traffic Impact Analysis Current & Projected Level of Service
- F – Site Map

INTRODUCTION

The City and Borough of Juneau (CBJ) Land Use 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.

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 3 of 20

PROPOSAL

The applicant requests a rezone of 27.88 acres from D-5 Residential to D-18 Residential. The rezone request is for one currently vacant tract of land. Initially, the application was for a mix of D-10 and D-18 zoning. After submittal, the applicant amended the application to only seek D-18 zoning. In the project narrative, the applicant states the intent to develop the lower portion of the site with multi-family housing and the upper portion of the site with small, single-family homes, or stand-alone, multi-family housing on commonly owned land. The rezone application was originally submitted in July, 2015. However, the applicant asked CDD to not take action at that time. In July, 2018, the applicant resubmitted the application, and it was given a new case number.

BACKGROUND

The project site is currently vacant. It is accessed by Vista Drive, which dead ends at the edge of the property. It was originally a part of the Crow Hill Subdivision, which was further subdivided several times over the years. Most recently, in 2016, a re-plat of lots 1 and 2 of Emerald 3 Subdivision was completed to dedicate Vista Drive as a public right-of-way through the Volunteers of America (VOA) multi-family housing project.

In 1969, the site was zoned R40, Residential Reserve, which was intended to allow for low density rural development and to also serve as a holding zone “from which changes may be made as the community grows or as needs for various types of land uses are determined.” The 1983 Comprehensive Plan designated the site as Medium Density Residential (MDR). The 1988 Comprehensive Plan update amended the land use designation to Urban Low Density (UDLR). In 1987, it appears the site was zoned both D-5 and D-18. In 1990, Ordinance 90-42 rezoned the entirety of the parcel to D-5. The staff report stated that the reason for the reduction in density was due to poor access. The report stated that the only feasible access was through an extension of David Street, which had poor design characteristics and ran through a residential neighborhood. Since that time, David Street has been paved and the intersection with Douglas Highway was widened to improve visibility. John and David Streets are further discussed in the “Public Services” section of this report. In 1996, Vista Drive was dedicated, and in 2014, as mentioned above, it was extended to the subject parcel. The 1995 Comprehensive Plan land use maps continued to designate the site as UDLR. The 2008 Comprehensive Plan changed the land use designation to MDR.

AGENCY COMMENTS

CBJ General Engineering, Engineering, Lands, the Building Division, and Alaska Electric Light & Power (AEL&P) have no concerns with the rezone request. CBJ Streets & Fleet and Capital City Fire & Rescue comments are addressed under “Public Services”, below. Alaska Department of Transportation and Public Facilities (DOT&PF) comments are discussed below under “Public

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 4 of 20

Services”. The Alaska Department of Fish and Game (ADF&G) comments are addressed under “Habitat”. All agency comments are found in Attachment B.

PUBLIC COMMENTS

At the time of writing this staff report, 19 public comments were received and are included in Attachment C. Public comments cover a wide range of issues and concerns. The majority of comments received are from residents of neighboring condominium developments. Concerns identified include, but are not limited to, impacts to traffic at the intersection of Vista Drive and Douglas Highway, extending right-of-way (and subsequently traffic) onto David Street, traffic at the roundabout, and general concerns of road capacity; hillside development and slope stability/drainage; impacts to Gastineau Elementary School; water and sewer capacity; and impacts to wildlife. Many of the commenters question the consideration of a rezone request without a specific development plan (this is addressed, below, in the “Analysis” section).

PUBLIC OUTREACH

On March 27, 2019, CDD staff hosted a neighborhood meeting at the Douglas Library. Invitations were mailed to owners of properties within 750 feet of the project site; the meeting was posted to the CBJ online calendar, and was noticed in the newspaper 6 days in advance. This meeting was facilitated by CDD Senior Planner, Beth McKibben. Laurel Christian, Planner I, and Alexandra Pierce, Planning Manager, also attended to help and take notes. The meeting was well attended with 30 people signing in. The meeting materials, sign in sheets, and notes are found in Attachment D. The purpose of the meeting was to provide information, respond to questions, and to get a sense of concerns that the neighborhood might have so that issues could be addressed in advance of the public hearing with the Planning Commission. CDD staff explained the rezone process, and the applicant explained his concepts and responded to questions. A short summary of concerns raised include: steepness of the site, Vista Drive, potential impacts to downhill neighbors from uphill development, traffic impacts, and impacts to Gastineau Elementary School.

ANALYSIS

The rezone request for the subject property is for D-18 zoning. As stated above, members of the public have questioned the consideration of a rezone without a specific development proposal. Although understanding an applicant’s development plan may be helpful to the neighborhood, there is no mechanism that CBJ can use to guarantee, or require, that the site be developed with a specific proposal. The review of a rezone evaluates all of the possible uses that may be permitted in a proposed zoning district and their conformance with the Comprehensive Plan maps and policies.

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 5 of 20

Public Services

City sewer and water are available to serve the site. CBJ Engineering (Attachment B) indicates that water capacity is sufficient. Potentially, construction at the higher elevations could encounter water pressure challenges. Because the water pressure to the VOA development is so strong, water pressure has to be reduced; therefore pressure is not expected to be a problem. The site is served by an 8-inch sewer line. It is expected to have adequate capacity and will be evaluated when there is a specific development proposal.

The property is currently accessed by Vista Drive, which has a 50-foot-wide right-of-way. There is a 5-foot-wide side walk on one side of the street. This CBJ maintained street has a 26-foot-wide paved travel way. Vista Drive intersects with Douglas Highway. Douglas Highway is controlled by the DOT&PF and is classified as a Major Collector. Douglas Highway has two 12-foot paved lanes with 8-foot shoulders, curb/gutter, and street lighting. A new sidewalk was recently extended from Vista Drive to Gastineau Elementary School.

Capital Transit provides bus service every half-hour along Douglas Highway seven days a week. Douglas Highway has a daily traffic volume of between 6,000 to 8,500 trips per day. The morning peak hour (7:15 am to 8:15 am) count on Douglas Highway in September, 2013, was 612 vehicles, and the evening peak hour (5:00 pm to 6:00 pm) vehicle count was 647 vehicles. The morning peak hour included seven bikes/pedestrians with the evening peak hour showing four bikes/pedestrians. The bikes used the shoulder area while the pedestrians used the paved pedestrian trail. These 2013 counts were a part of the Traffic Impact Analysis (TIA) completed for the VOA housing project. According to that TIA, the sight distance for vehicles entering Douglas Highway from Vista Drive meets standards in both directions. At the time of the TIA, brush along the west side of Douglas Highway south of Vista Drive was encroaching on that sight distance.

The TIA completed in 2013 included existing and projected Level of Service (LOS) for the VOA housing with a maximum build-out of 75 units. The TIA estimated 440 daily vehicle trips at full build (75 units). A copy of those projections is found in Attachment E. LOS was not projected to decline for Vista Drive or Douglas Highway with the additional 75 units.

DOT&PF has noted that a development expected to generate more than 100 trips in a peak hour will be required to provide a TIA. The TIA will also need to show what mitigation steps will be taken, if they are required. DOT&PF also states that more detailed information will be needed regarding driveway approaches on DOT rights-of-way. During the neighborhood meeting, it was asked if DOT&PF would consider installing a roundabout at the intersection of Douglas Highway and Vista Drive. Staff followed up with DOT&PF, and they indicated that mitigation steps could range from the installation of a turn lane to a signalized intersection. DOT&PF is required to evaluate a roundabout before a signalized intersection.

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 6 of 20

Per CBJ Land Use Code Title 49.40.300(a)(3), a TIA is required when a development is projected to generate more than 500 average daily trips (ADT). When more than 250 ADT but fewer than 500 ADT is projected, the CDD Director can determine whether or not a TIA is required.

DOT&PF requires a TIA based on projections for peak hours, and CBJ requires a TIA based on projections for ADT. If the site is not rezoned and remains D-5, there is potential for approximately 140 single family homes. The requested rezone, if approved at D-18 zoning, may allow more than 500 additional units (not taking into consideration the limitations of topography, streamside setbacks, and other requirements such as parking). Additionally, a variety of non-residential uses could be permitted. However, none of these trips are triggered by a rezone; only the development or subdivision of the property would prompt the requirement for a TIA based upon a proposal. At the time an application is submitted for a specific development permit and/or Conditional Use Permit for the subject parcel, the applicant may be required per code to provide a TIA for their proposed development or subdivision on this parcel.

As mentioned above, the site is accessed via Vista Drive. It does not currently have frontage on any other right-of-way. When the VOA project was developed, the waterline was extended from the end of John Street across CBJ land and the subject parcel to the VOA site. Potentially, a right-of-way could be dedicated across this utility line and a street constructed. David Street could also potentially be extended, but there is privately owned property between the end of the street and the subject property and obtaining right-of-way could be challenging. Both John Street and David Street have a 50-foot-wide right-of-way and 24-foot-wide paved travel way, which is maintained by CBJ. David Street has a sidewalk on one side, and John Street does not have any sidewalks. A wall of bedrock exists at the current end of John Street. Widening the road to CBJ street standards would be challenging. Additionally, the intersections of both John Street and Douglas Highway, and David Street and Douglas Highway, have geometry which may need to be improved for better safety if additional traffic is added. Capital City Fire and Rescue stated "the connection between Vista Drive and John Street would take care of fire apparatus access requirements". Two fire apparatus accesses are required for developments with more than 200 units. The ability of this access to provide necessary fire apparatus access will need to be evaluated prior to any development large enough to require two fire apparatus accesses.

CBJ Streets has stated that an extension of Vista Drive into the subject property will require a turnaround unless it ties into John Street or David Street. CBJ Streets prefers a second street access to the parcel to allow future residents options for reaching Douglas Highway. As stated above, this would also be reviewed at the time of application for a specific development permit and/or Conditional Use Permit for the subject parcel.

During the neighborhood meeting, it was asked if Capital Transit would be routed up Vista Drive when it is extended for future development of the subject site. Capital Transit has indicated at

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 7 of 20

this time that buses would not be routed up Vista Drive. There is a Capital Transit bus stop at the bottom of Vista Drive on Douglas Highway, more than 1 mile from the subject property.

Habitat

Lawson Creek borders one side of the subject parcel. ADF&G states the lower reach of Lawson Creek is a cataloged anadromous stream, important for chum salmon, pink salmon, and Dolly Varden. Approximately 1,000 feet upstream from the mouth is a barrier to fish passage, but Dolly Varden may be present above the barrier. The site, and surrounding area, provide habitat suitable to black bear and deer. ADF&G regularly receive calls about black bears in the trash in this area. ADF&G states that future high density development will likely increase impacts on wildlife and increase human/wildlife conflicts. Future development will not likely need ADF&G fish habitat permits.

Slopes and Drainage

There is a steep ravine surrounding Lawson Creek. Other areas of the site are steep. Even the relatively level areas of the site are sloping. Portions of the site contain wetlands. Concerns have been raised from neighboring property owners about drainage and slope stability. Development on hillsides is pursuant to a Hillside Endorsement which must be obtained prior to site work (other than survey, engineering, and soils exploration) if the work is applicable to CBJ 49.70 Article II. Specifically, excavation or creation of slopes in excess of 18% will require a Hillside Endorsement. Due to the topography of the subject parcel, future development will likely be required to comply with this section of code. In general terms, the Hillside Endorsement is intended to address construction on hillsides and to protect both the development and adjacent properties during and after construction. Engineered drawings are required. If a Hillside Endorsement is approved, the applicant may apply for building and grading permits. Grading permits require engineered drawings and involve regular inspections by CBJ Engineering staff and the project engineer. Both of these permitting mechanisms are in place to ensure that drainage and slopes are appropriately addressed both during and after construction. Future development of the site may be subject to a Storm Water Prevention and Pollution Permit from the Alaska Department of Environmental Conservation. The applicant has stated in the narrative that a wetlands delineation has been completed. A US Army Corps of Engineers permit for fill may be required for future development. As with the TIA, only the development or subdivision of the property would prompt the requirements for these permits.

Zoning Districts

The subject parcel is currently zoned D-5, and the applicant is seeking a rezone to D-18. The Land Use Code describes the zoning districts as follows:

Planning Commission
 File No.: AME2018 0014
 May 6, 2019
 Page 8 of 20

49.25.210 Residential districts.

The following districts are established to provide a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive activities:

- (c) *D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.*
- (f) *The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.*

Table of Dimensional Standards Existing site ~28 acres	D-5 (5 du/acre)	D-18 (18 du/acre)
Maximum Number of Units	140	518
Maximum Height Limit	35 feet	35 feet
Maximum Lot Coverage	10%	50%
Vegetative Cover	20%	30%
Minimum Lot Size	7,000 sq. ft.	5,000 sq. ft.
Minimum Lot Width	70 feet	50 ft.
Minimum Lot Depth	85 feet	80 ft.
Minimum Front Yard Setback	20 feet	20 feet
Minimum Street Side Yard Setback	13 feet	13 feet
Minimum Side Yard Setback	5 feet	5 feet
Minimum Rear Yard Setback	20 feet	10 feet

Title 49 provides several opportunities for a developer to obtain density bonuses. CBJ 49.60 allows a density bonus to be granted for major development. A major development is one that requires an approved Conditional Use Permit. In the D-5 zoning district, a residential development with more than 2 dwelling units is a major development. In the D-18 zoning district, a residential development of 9 or more dwelling units, 9 or more bedrooms leased on a daily basis, or a non-residential building with more than 5,000 square feet or more than 10,000 square feet of land is a major development. The residential density may be increased up to 10 percent for every seven bonus points awarded. Bonus points can be earned by protecting sensitive areas, providing public access to sensitive areas, or dedicating sensitive areas to the

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 9 of 20

CBJ. Bonuses can also be earned for other site amenities and improvements for certain public services or increasing vegetative cover.

CBJ 49.15 Article VI, Planned Unit Developments (PUD) also provides a mechanism to earn up to a 15 percent increase in density. PUDs are allowed in D-5 and D-18 zoning districts. The Planning Commission may award density bonuses as an incentive to add enhancements. Enhancements include, but are not limited to, common open space and undisturbed open space along important natural waterbodies.

CBJ 49.15.900 Article IX, Alternative Residential Subdivisions (ARS) provides for an increase in density up to 50 percent of the base zoning in the D-5 zoning district and up to 25 percent in the D-18 zoning district. As with the PUD, density bonuses are awarded as an incentive for enhancements to the development. Enhancements include, but are not limited to, increased open space, undisturbed open space along important natural waterbodies, and preservation of view corridors.

The table on the previous page illustrates the maximum number of dwelling units for the D-5 and D-18 zoning districts. Density bonuses are possible in both of these districts. As discussed above, the site has steep slopes, ravines, and wetlands. Much of site is not suitable for development or easily developed. Additionally, there is a height limit of 35 feet. Given these constraints, combined with the need to dedicate land for parking, streets or public access easements, and meet lot coverage and vegetated cover requirements, it is unlikely that the site could be developed to the maximum number of dwelling units allowed by D-18 zoning. As an example, the VOA project downhill from the project site is zoned D-18 and has a maximum density of approximately 118 dwelling units. It was developed with 75 units at the maximum building height, parking requirements, vegetative cover requirements and hillside protection.

The applicant stated at the neighborhood meeting that D-18 zoning provides the most flexibility for the site. The table above shows how that flexibility can be obtained, with smaller lot sizes and reduced lot depth. Density from the difficult-to-develop areas of the site can be “clustered” in the more easily developed areas.

Examples of Uses in D-5 vs. D-18 Zoning Districts		
	D-5	D-18
Single-family residential, duplexes	Dept.	Dept.
Multifamily	Not allowed	Dept./CUP
Bed & Breakfasts, Rooming Houses	CUP	Dept./CUP
Hotels, Motels	Not allowed	Not allowed
Offices not greater than 1,000 sq. ft.	CUP	CUP
Offices greater than 1,000 sq. ft. but not more than 2,500 sq. ft.	Not allowed	CUP
Offices greater than 2,500 sf	Not allowed	Not allowed
Light manufacturing	Not allowed	CUP
Medium Manufacturing	Not allowed	Not allowed
Churches, synagogues, temples	CUP	CUP
Social, fraternal halls, union halls	Not allowed	Not allowed
Health care clinic	Not allowed	CUP
Day care center	CUP	CUP

The table above illustrates some uses that may or may not be permitted in the D-5 and D-18 zoning districts. The greatest difference between the two zoning districts is that the D-5 zoning district does not allow multifamily development. D-5 zoning districts can accommodate cottage housing, PUDs and ARS's, which may allow for clustered developments of units on smaller sites as an alternative to a typical single family subdivision. The D-18 zoning district, through the Conditional Use Permit process, may allow for offices up to 2,500 square feet in size and light manufacturing uses and allows for clustered developments, such as a PUD and an ARS.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above and further in the report, the proposed zoning district and the uses allowed therein must be found to substantially conform with the maps of the Comprehensive Plan. "Substantial" is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

The introduction of the Comprehensive Plan states that the Plan should be *considered regularly and used by residents, the Planning Commission, and the Assembly to guide its' decisions and*

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 11 of 20

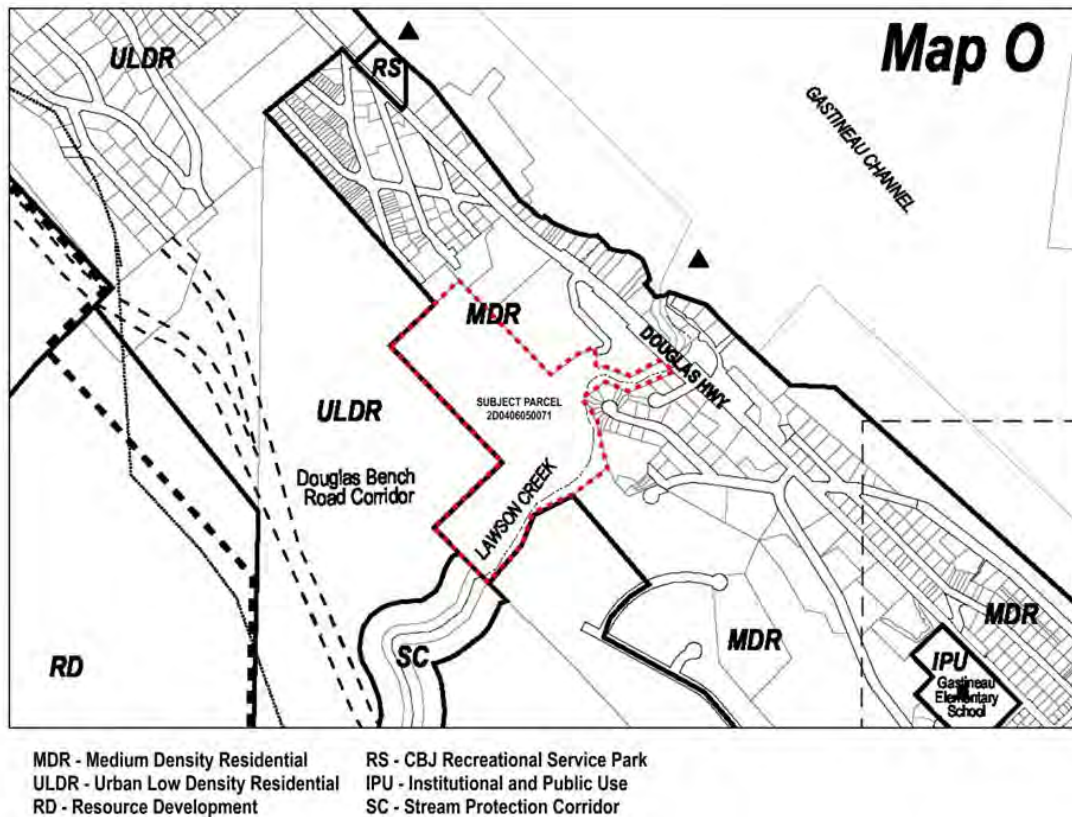
resource allocations and it must be kept current to reflect community values, resources, constraints and opportunities. Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, 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.

This property is located within the Urban Service Area Boundary (USAB). The Plan discusses compact infill development within the USAB. A development would build *to the maximum density allowed by the zoning district within which the property lines, provided that road and intersections serving the new development have adequate capacity and levels of service to accommodate the proposed intensity of development. Building lands should be developed as medium- to high-density affordable housing or mixed residential and commercial developments wherever is possible and practicable. This is particularly true for lands located within walking distance (approximately one-quarter mile) of public transit service.* (p.15)

The property requested to be rezoned is located in Subarea 9 of the 2013 Comprehensive Plan (Map O). The Plan designates the subject property 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).

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 12 of 20



The current zoning of D-5, as well as the D-18 zoning district, both conform with the maps of the Comprehensive Plan. The following policies should also be considered when evaluating the requested rezone:

From Chapter 3 – Community Form

POLICY 3.1. TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY’S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

3.1 – DG2 (Development Guideline) When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed use district; from a low-density residential district to a higher-density residential district; or from a lower building height district to a higher building height district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning. The affordable units should be dispersed throughout the

Planning Commission
 File No.: AME2018 0014
 May 6, 2019
 Page 13 of 20

development, constructed at the same time as the market-rate units, and priced or rented to households with incomes no greater than 80 percent of the City and Borough of Juneau's Median Family Income (MFI) level by household size, as established annually by the U.S. Department of Housing and Urban Development (HUD).

POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

The subject parcel is within the Urban Service Area Boundary and is provided with public services such as utilities and transportation. The Comprehensive Plan promotes higher density within the Urban Service Area. Affordable housing should be considered where infill development is created.

From Chapter 4, Housing

POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

4.2 – SOP 1 (Standard Operating Procedure) Designate on the Comprehensive Plan Land Use Maps adequate sites and supporting infrastructure within the Urban Service Area Boundary to accommodate a diversity of housing types, size, price and types of neighborhood scale and character to satisfy the desires of all residents.

POLICY 4.3 TO DESIGNATE ON LAND USE MAPS AN ADEQUATE SUPPLY OF BUILDABLE LAND WITHIN THE URBAN SERVICE AREA, AND PARTICULARLY ALONG TRANSIT CORRIDORS, FOR RESIDENTIAL USE AT DENSITIES THAT CAN PRODUCE HOUSING AFFORDABLE TO ALL ECONOMIC GROUPS.

4.3 – SOP 1 (Standard Operating Procedure) Monitor, and when necessary, designate an adequate amount of vacant land for residential development on the Comprehensive Plan Land Use Maps. Densities within the USAB and New Growth Areas should foster compact development at medium- to high-densities. As a target goal for compact development, a minimum density of ten dwelling units per acre for residentially-zoned lands within the USAB would make prudent and efficient use of these limited land

Planning Commission
 File No.: AME2018 0014
 May 6, 2019
 Page 14 of 20

resources. A density of 30 dwelling units per acre, or greater, along major transit corridors is recommended to produce affordable housing and to make efficient use of transit services therein.

4.3 – IA1 (Implementing Action) Amend the Title 49 Land Use Code to allow rezoning requests to medium-to-high density districts within the Urban Service Area to be requested by a property owner at any time of the year.

4.3 – IA3 (Implementing Action) Designate suitable land within one-quarter mile distance from public transit routes from Auke Bay to downtown Juneau as a Transit Oriented Corridor (TOC) overlay zoning district within which medium-to-high-density housing in wholly residential or mixed use developments and with lesser parking requirements would be allowed.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

From Chapter 7 – Natural Resources and Hazards

POLICY 7.7 TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

7.7 – DG1 (Development Guideline) Ensure that stream corridors, surface waters, and associated riparian buffer areas receive greater attention in the local permitting process through adherence to the most recent version of the CBJ Manual of Stormwater Best Management Practices (BMPs) and adoption of additional requirements or criteria that protect these areas and waters if needed. One of those BMPs is the appropriate removal and storage of snow in residential subdivisions and commercial developments. Snow should be stored away from streams, preferably in upland areas where good vegetation will trap excess sediment before entering stormwater systems or waterways. This is particularly important where large surface areas are plowed, such as on airport property or parking lots near anadromous fish streams.

From Chapter 10 – Land Use

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

Planning Commission
 File No.: AME2018 0014
 May 6, 2019
 Page 15 of 20

POLICY 10.3 TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

10.3 – SOP 1 (Standard Operating Procedure) Designate various categories of residential density on the Comprehensive Plan Land Use Maps and the Land Use Code maps based on evaluation of the following criteria:

- A. Physical site conditions including slope, areas of natural hazard, wetlands, watershed value, and/or high value natural resources;*
- B. Access and capacity of adjacent streets and intersections. Arterial streets should have limited, and controlled, access from local or collector streets;*
- C. Availability of public facilities and services, especially municipal water and sewer systems and, for low- to medium-income affordable housing or high-density residential development, proximity to public transit;*
- D. Compatibility of various zoning districts and land use designations with the scale and massing of surrounding neighborhoods with regard to building height and orientation, but not necessarily with regard to similar density, as the CBJ seeks to make the most efficient use of residentially-buildable lands;*
- E. Potential of specific sites to accommodate the proposed density including size and shape of property and adequacy of internal circulation, parking, screening and privacy; and/or,*
- F. Distance from incompatible land uses that may generate offensive or nuisance off-site impacts to new residential development, including noise, dust, fumes, malodors and/or heavy truck traffic.*

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

10.5 - SOP2 (Standard Operating Procedure) Maintain the provisions in the Land Use Code that require developers to provide for access, facilities, and services prior to final plat approval.

10.5 - SOP3 (Standard Operating Procedure) Amend the Land Use Code to allow appropriate urban densities in areas served by community sewer and water systems, being cognizant of the desire to maintain the rural, suburban or urban character of the existing surrounding neighborhoods.

Planning Commission
 File No.: AME2018 0014
 May 6, 2019
 Page 16 of 20

Guidelines and considerations of Subarea 9 that are relevant to the proposal:

1. *Provide for additional medium-high density residential development in areas with access to arterials and served by municipal sewer and water and adequate road intersection capacity (to Level of Service D or better).*
7. *There are several parcels of private land that could be further developed into multifamily structures as well as some CBJ-owned parcels above Crow Hill that should be developed into medium-to-high density, low-to-moderate-income affordable housing when sewer and roadway capacities can adequately (LOS D or better) serve the new development.*
8. *Future development in North Douglas, West Juneau or downtown Douglas will require improvements to the Tenth Street and Egan Drive intersection and may require additional traffic capacity on Juneau-Douglas Bridge. These two congestion points limit additional residential development on Douglas Island and impede CBJ's progress in promoting and facilitating the construction of affordable housing.*

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-5 to D-18 may create more opportunities for higher density residential development, in substantial conformance with the Plan.

2016 Housing Action Plan

The Housing Action Plan (HAP) was adopted by Resolution 2780 in 2016. HAP is not adopted as an element of the Comprehensive Plan, and therefore rezone requests are not required to be in conformance with this plan. However, the HAP represents official policy in regard to housing in Juneau. Several of the recommendations are relevant to this requested rezone.

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 17 of 20

The objective of the HAP is to create fluidity in Juneau's housing market, create an inviting place for workers and families new to the borough to call home, and enable seniors to age in the community. The HAP states that Juneau cannot afford to build infrastructure and then allow low-intensity development to use it. That is the very definition of private gain at public expense. The cost of such infrastructure is too high, and allowing low-intensity development to benefit from expensive infrastructure means the rest of the community is paying to subsidize the infrastructure for those areas. The HAP recommends that CBJ evaluate areas that need to be "up-zoned" – areas that would be appropriate for greater residential density or switched from residential only to mixed-use areas.

Discussion

The 2013 Comprehensive Plan advises aiming to promote the highest and best use of property, as follows:

In considering re-zoning requests, the Planning Commission and the 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. (Page 147)

As previously stated, the D-5 and D-18 zoning districts are consistent with the MDR land use designation. The policies of the Plan must be used to further evaluate the available options, to determine the "highest and best use of the land under consideration". The Comprehensive Plan vision, policies and its implementing actions, standard operating procedures, and development guidelines support increased residential densities when appropriate infrastructure is in place to serve the development. Additionally, the Plan supports clustered development in order to preserve natural resources and habitat, while also taking into account key features of the site, as well as providing development in an affordable manner. The PUD, ARS, and Cottage Housing uses allow for clustered development in single-family zone districts. Clustered development is allowed in multifamily zone districts, using these processes or the Conditional Use Permit process. In order to receive density bonuses and obtain clustered development, which results in preserving onsite natural resources while also lowering infrastructure costs, developers may seek rezones to have parcels become multifamily zone districts because PUDs and Cottage Housing development are seen as too cumbersome and regulatory.

Douglas Highway is a major transit route and, as noted above, the Comprehensive Plan supports increased densities along transit corridors. The 2013 update to the Comprehensive Plan has a twenty-year planning horizon. It is envisioned that what is identified within the

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 18 of 20

Comprehensive Plan should be realized within that twenty-year term. While the Plan supports increased densities for this area when community infrastructure is in place, the Plan also recognizes constraints in road capacity and seeks sensitivity to physical constraints such as habitat, drainage, and topography. Future development of the site may require engineering for slopes, drainage, and traffic, regardless of zoning.

Concerns from the public have been raised regarding traffic, drainage, slopes, and wildlife. It is unlikely that the intersection of Vista Drive and Douglas Highway will maintain a LOS of D, as recommended by the Comprehensive Plan and required by Title 49, if the site is developed at D-18 maximum densities and an alternative access is not provided. Furthermore, there are concerns about sufficient fire apparatus access if the site is built to the maximum density. A TIA is likely to be required for development of the site. The study would evaluate the specific development proposal and determine if acceptable LOS could be maintained or require mitigation to maintain an acceptable LOS.

COMPLIANCE WITH CBJ LAND USE CODE

Rezone Procedure

Title 49, the Land Use Code, establishes the following process for rezones:

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.

The rezone proposal was filed originally in July, 2015, and resubmitted in July, 2018. Public notices were mailed to property owners within 750 feet of the subject properties and to all neighborhood associations. Public notice of this project was provided in the May 3, 2019, and May 13, 2019, issues of the Juneau Empire's "Your Municipality" section. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right-of-way.

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. 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.

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 19 of 20

The parcel is proposed for rezone of 27.88 acres as shown in Attachment F. Additionally, the requested rezone would expand an existing D-18 zone district. No similar rezone request has been rejected in the past year. The requested D-18 zone, as discussed above, is in substantial conformance with the land use maps and policies of the Comprehensive Plan.

Zone Change Options and Alternatives

As noted above, a number of zone districts can be considered for the subject property. The applicant requests that the property be rezoned to D-18. As stated in CBJ 49.75.130(a), the Commission may recommend approval, approval with modifications or denial of a rezone request. The Commission may recommend approval to the Assembly for different zone districts than what is requested by the applicant or recommended by staff. Additionally, the Commission can determine the boundary of the area to be rezoned. This means that if the Commission wishes to do so, the zone district boundary line may be moved from its current location, as long as it is found to be in substantial conformance with the Comprehensive Plan.

Summary

The requested rezone from D-5 to D-18 is consistent with the Land Use Maps of the Comprehensive Plan. The policies outlined above from the 2013 Comprehensive Plan support medium density development if adequate public services are available and a minimum of LOS D can be maintained at affected intersections. Currently, the site is accessed by one right-of-way. It is unlikely that adequate LOS will be maintained if the maximum D-18 density is achieved and if it remains to have only one access. Water and sewer are both available to serve the site, and access will be addressed as development permits or subdivisions occur.

After review of the application materials, the CBJ Land Use Code, and the 2013 Comprehensive Plan, **staff recommends that this property be rezoned to D-18.**

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 request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code. The application was filed in January, is an expansion of an existing zoning district, is more than 2 acres, and is not similar to a request rejected in the past year.
2. Based on the preceding analysis, the proposal substantially conforms to the Land Use Maps and policies of the Comprehensive Plan.

Planning Commission
File No.: AME2018 0014
May 6, 2019
Page 20 of 20

RECOMMENDATION

Based upon the findings and conclusions stated above, staff recommends the Planning Commission concur with the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for a rezone of the subject parcel from D-5 to D-18.

DEVELOPMENT PERMIT APPLICATION

Project Number AME 20150011	CITY and BOROUGH of JUNEAU	Date Received: 7/30/15
Project Name (City Staff to Assign Name) 2018-14		

INFORMATION

PROJECT / APPLICANT

Project Description CREATION OF SUBDIVISION FOR A MIX OF MULTI-UNIT AND SINGLE FAMILY HOUSING		
PROPERTY LOCATION		
Street Address 0 VISTA DR.	City/Zip JUNEAU 99801	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) EMERALD SUBDIVISION, LOT 1,		
Assessor's Parcel Number(s) 2D040605004		
LANDOWNER/ LESSEE		
Property Owner's Name JLC PROPERTIES INC	Contact Person: DAVE HANNA	Work Phone: 780-4225
Mailing Address P.O. BOX 20834, JUNEAU 99802	Home Phone: 789-1902	Fax Number: 780-4230
E-mail Address hanna@jci.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 Dave Hanna Landowner/Lessee Signature	7-30-15 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 SAMUE	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	
X Dave Hanna Applicant's Signature	7-30-15 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)		7/30/15	AME 20150011
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials

ANE

Attachment A - Application

ZONE CHANGE APPLICATION

Project Number AME20150011	Project Name (15 characters)	Case Number AME	Date Received 7/30/15
--------------------------------------	------------------------------	---------------------------	---------------------------------

LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:
PARCEL # 220406050074
EMERALD 3 LOT 1
0 VISTA DR. JUMMAN 99801

IS THIS AN EXPANSION OF AN EXISTING ZONE? ☒ Yes ☐ No

Total Land Area of Proposed Change 28 acres Comp Plan Designation MDR
 Current Zone(s) D-18 - D-5 Comp Plan Map 0
 New Zone Requested D-18 ; ~~MDR~~ 2H.

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:
TO DEVELOP PROPERTY FOR BOTH RENTAL
AND OWNER OCCUPIED HOUSING

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):
SINCE THIS IS EXTENSION OF EXISTING ZONING NO BUFFERS
SHOULD BE NECESSARY. LOWER SECTION OF PROPERTY - D-18
UPPER 2/3 WOULD BE D-18 SINGLE FAMILY

DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:
STREETS: PROPOSED COMPLETION OF CONNECTION - VISTA TO JOHN
WATER: HOOK TO MUNICIPAL WATER RUNNING THROUGH SITE.
SEWER: HOOK TO MUNICIPAL SEWER (EXTEND) FROM END OF VISTA DR.

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	Date
	Application Fees	\$ <u>600.00</u>		CDD6937	<u>7/30/15</u>
	Admin. of Guarantee	\$ _____			
	Adjustment	\$ _____			
	Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>				
Total Fee	\$ <u>750.00</u>				

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
Attachment A - Application

**JLC Properties****P.O. Box 20834 Juneau, AK 99802**

Phone: (907) 789-1902

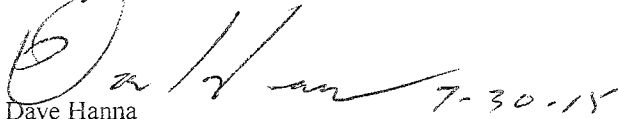
Fax: (907) 790-4901

Cell: (907) 723-1902

To; Community Development department
 City Borough of Juneau
 230 South Franklin Street
 Juneau Alaska 99801

Please let this serve as our narrative and letter of request for a zone change for our property at 0-Vista Drive. As described on the attached forms we are requesting a zone change that will actually extend the current adjacent D-18 zoning into the lower parts of our parcel and change the balance of the property from the current D-5 to a D-10 single family zoning. This fits with the comp plan designation which shows it to be changed to medium density residential. Our hope is to develop the extension of Vista drive to connect with the end of John Street which would provide a boost to public health and safety as both John and Vista have no secondary access. This would also serve to diffuse the traffic generated by the development. We hope to be able to construct small affordable single family homes on the uphill side of the Vista drive extension which all studies indicate is perhaps the most needed type of housing in Juneau. This would of course be a phased development with the intention of using the development of multi-family housing on the lower side of the road to generate enough income to develop the upper side of the property. Since the property abuts D-18 zoned properties no buffers should be required although topography will probably create some naturally. We have had preliminary engineering done on the road extension and should be able to provide those drawings in the next couple weeks. We have had wetlands determinations and valuations completed and will be using those in our Army Corps applications which we will forward copies of to you. Please feel free to contact me at your convenience to answer any questions you may have.

Thank you,

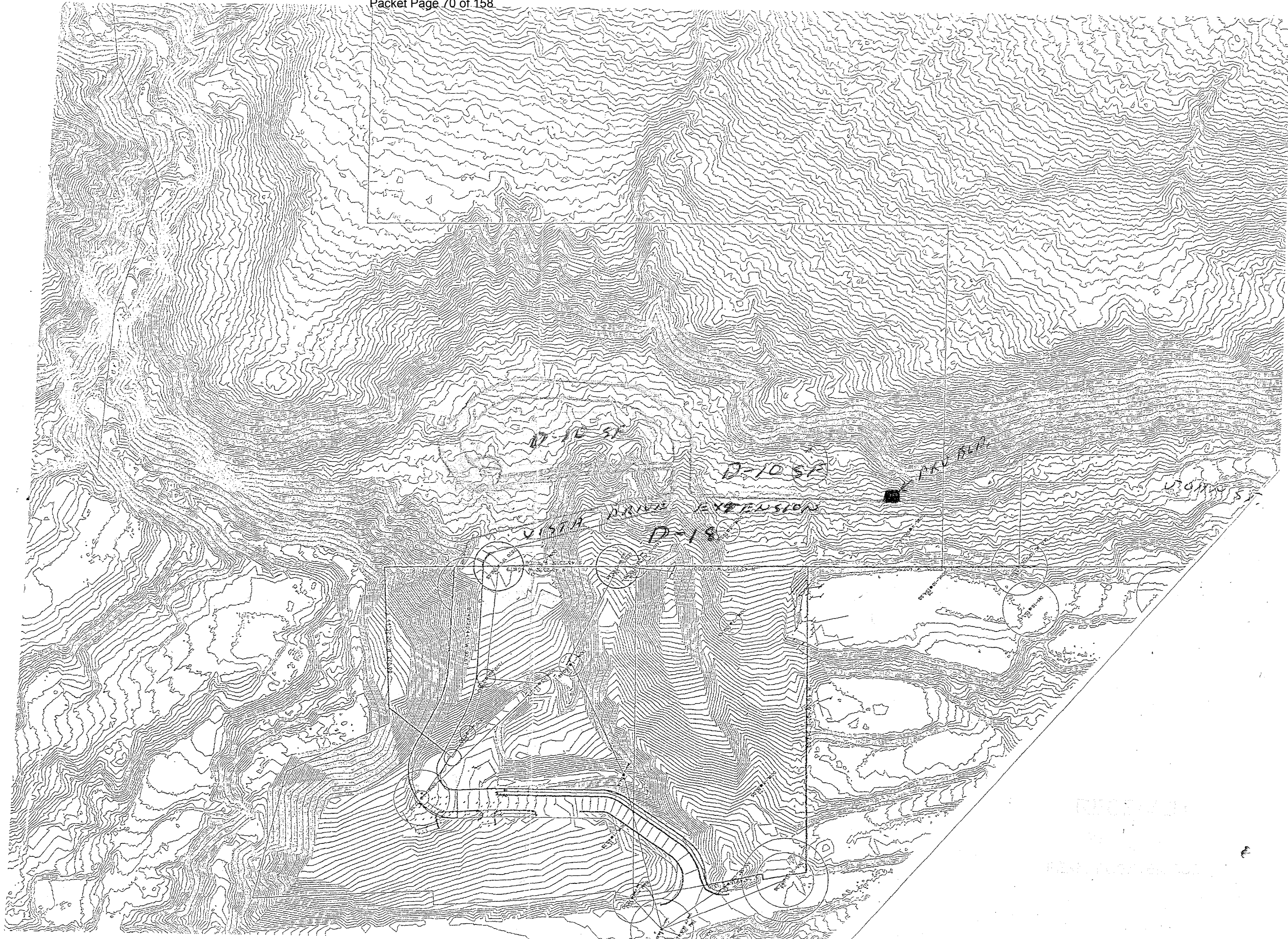


Dave Hanna

President JLC properties Inc.

RECEIVED

COMMUNITY DEVELOPMENT
 JUNE 30 2015



From: [Dubour, Adam J \(DFG\)](#)
To: [Beth McKibben](#)
Cc: [Schumacher, Tom V \(DFG\)](#); [Koch, Carl H \(DFG\)](#); [Churchwell, Roy T \(DFG\)](#); [Kanouse, Kate M \(DFG\)](#); [Teske, Daniel J \(DFG\)](#)
Subject: ADF&G Comments: Emerald Proposed Rezone (APP_AME18-14)
Date: Friday, April 19, 2019 1:07:29 PM

Hello Beth,

The Alaska Department of Fish and Game (ADF&G) has reviewed the application by JLC Properties Inc. to rezone a portion of a 28-acre parcel, known as Lot 1 Emerald Subdivision located within Section 26, Township 41S, Range 67E, Copper River Meridian. The current zoning for the parcel is split between D5 (single family) and D18 (Multi- family). The applicant is requesting to rezone the D5 portion to D18 to allow for increased density of development during eventual subdivision.

Lawson Creek runs through the property along the southeastern border. The lower reach of Lawson Creek is identified in ADF&G's Anadromous Waters Catalogue (AWC # 111-40-10890) as being important for chum and pink salmon and Dolly Varden. Approximately 1,000 ft upstream from the mouth there is a barrier to fish passage; however, resident Dolly Varden may be present above the barrier. The parcel as well as the surrounding land owned by the City and Borough of Juneau (CBJ) contain habitat suitable for deer and black bears which likely use Lawson Creek as a travel corridor and for access to seasonally available salmon. ADF&G Division of Wildlife Conservation staff receives numerous calls from the public about black bears in the area. Specifically, black bears regularly gain access to improperly secured dumpsters in the D-18 zoned multi-family units. Future high density development would likely increase the impacts on wildlife and would likely increase the human/bear conflicts in the area.

Given that the area adjacent to Lawson Creek is marginally suitable for development due to topography, ADF&G would recommend maintaining a minimum 100 yard buffer of undeveloped land around Lawson Creek. Doing so will partially mitigate the potential adverse effects on fish and wildlife resources by reducing sedimentation and runoff from entering Lawson Creek and by providing a wildlife movement corridor. The rezone does not appear to impact public access to fish and wildlife resources; however, ADF&G would support the inclusion of a public access easement upland of the ordinary high water mark of Lawson Creek.

Furthermore, ADF&G recommends that future development of the site be designed in such a way to minimize the impacts of runoff by incorporating vegetated swales. Additionally, ADF&G urges CBJ to require that the applicant provides and properly maintains bear resistant dumpsters and trash cans to all buildings and tenants. ADF&G would be interested in reviewing and commenting on future site development plans to minimize adverse impacts on fish and wildlife resources and increase neighborhood safety.

Thank you for the opportunity to review and comment on this proposed property rezone. Please feel free to contact me regarding these comments.

Adam DuBour
Access Defense Program
Alaska Department of Fish and Game
Division of Wildlife Conservation
 333 Raspberry Road
 Anchorage, Alaska 99518
 (907)267-2292

From: [John Bohan](#)
To: [Beth McKibben](#)
Cc: [Autumn Sapp](#)
Subject: RE: Review requested AME2018-0014
Date: Tuesday, April 16, 2019 9:56:29 AM

Sorry for not making it on Friday.

Water will have no capacity issues unless they plan to build at higher elevations than they can currently supply adequate water pressure, but I don't believe this is the case since they currently have to reduce water pressure to serve the VOA project.

I don't believe the 8" sewer main will have capacity issues, however may require analysis upon determination of final development and ultimate final build out density.

Hope that give you what you are looking for

Thanks

John Bohan, PE

CBJ Chief CIP Engineer & Water Superintendent

155 S. Seward St

Juneau AK 99801

(907)586-0876 fax 463-2606

From: [Dan Jager](#)
To: [Beth McKibben](#)
Subject: RE: Review requested AME2018-0014
Date: Wednesday, April 10, 2019 9:01:05 AM

Good morning Beth. At this time I don't see any fire code issues. If this goes through, the connection between Vista Drive and John Street would take care of any fire apparatus access requirements and we already have adequate water supply based on the VOA project. Those would be our big concerns. Thanks!
Dan

From: [Greg Chaney](#)
To: [Beth McKibben](#)
Subject: RE: Review requested AME2018-0014
Date: Tuesday, April 09, 2019 4:45:13 PM

Lands' comment: No Comment.

Good luck...

From: [Ed Foster](#)
To: [Beth McKibben](#)
Subject: RE: Review requested AME2018-0014
Date: Friday, April 19, 2019 3:50:04 PM

Beth,
 Street Maintenance would not have a problem with the rezone from D-5 to D-18. However, if they extend Vista Dr we would require a turnaround at the end of the extension, unless they are tying into John St or David St. We would prefer they tie into John St or David St to give the future residents another option to and from Douglas Hwy. Having only one option, Vista Dr, to exit and enter Douglas Hwy will become problematic. The sight distance at Douglas Hwy is very poor from Vista Dr and traffic on Douglas Hwy is traveling at least 40 mph. A traffic study may be warranted to determine the effect on commuters at the D-18 density level during peak periods.

Public Transit busses would not be routed up Vista Dr for couple reasons. 1) The busses require a large area to turn around without backing up. 2) Trying to get back on Douglas Hwy would be dangerous and time consuming, both of which are avoided when planning bus routes. We currently have a bus stop at the bottom of Vista Dr and there is sidewalk from the top of Vista to the bottom. Any extension of Vista should require sidewalks as well.

Hope this helps,
 Ed

From: Beth McKibben
Sent: Monday, April 15, 2019 4:20 PM
To: Ed Foster
Subject: FW: Review requested AME2018-0014
Importance: High

Hi Ed

Could you please provide comments on the requested rezone? Questions during the neighborhood meeting were raised about transportation – will buses be provided to the top of Vista Drive when the site is developed? Thank you

Beth McKibben, AICP | Senior Planner
[Community Development Department](#) | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street, 4th Floor Marine View Building
 Office: 907.586.0465



From: [Ed Foster](#)
To: [Beth McKibben](#)
Cc: [John Bohan](#)
Subject: Re: travel way width?
Date: Monday, April 22, 2019 5:33:59 AM

Beth,
They are both 24' wide. David St has a sidewalk the entire length. John St does not have a sidewalk. Also John St stops at Simpson Ave. at which time you have to take Simpson Ave to David St. To get down to Douglas Hwy. John St does not go through from top to bottom.
Ed

On Apr 21, 2019, at 1:16 PM, Beth McKibben <Beth.McKibben@juneau.org> wrote:

Do either of you know how wide the paved travel way width is for John and David Streets? Also, confirm (or deny) that neither street has a sidewalk?

Thanks

Beth McKibben, AICP | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0465

[<image001.jpg>](#)

From: [Autumn Sapp](#)
To: [Beth McKibben](#)
Subject: RE: Review requested AME2018-0014
Date: Thursday, April 04, 2019 9:55:42 AM

GE has no concerns with the proposal.

Thank you,

Autumn Sapp
 City and Borough of Juneau
 Engineering & Public Works
 Business Manager
 907-586-0917

From: Beth McKibben
Sent: Wednesday, March 27, 2019 4:39 PM
To: Dan Jager; Mike Vigue; John Bohan; Autumn Sapp; Robin Potter; Mary Grant; Charlie Ford; George Schaaaf; Ed Foster; David Campbell; Greg Chaney; Dan Bleidorn; 'gretchen.pikul@alaska.gov'; 'vern.skagerberg@alaska.gov'; kate.kanouse@alaska.gov; 'jackie.timothy@alaska.gov'; Darrell Wetherall (Darrell.Wetherall@aelp.com); eric.eriksen@aelp.com; 'alaiti-dia@gci.net'
Subject: Review requested AME2018-0014

Hello All

Please find attached an application for a rezone. Note the application has been amended and the applicant is seeking a rezone from D5 to D18. Single family zoning to multi family zoning at a density of 18 units per acre. Also attached are edited versions of the table of dimensional standards and table of permissible uses to help explain the difference between the 2 zoning districts. Please provide your comments/concerns by the end of the day on April 11, 2019.

Thank you and please let me know if you have any questions or need additional information for your review.

Beth McKibben, AICP | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0465



From: [Charlie Ford](#)
To: [Beth McKibben](#); [Dan Jager](#); [Mike Vigue](#); [John Bohan](#); [Autumn Sapp](#); [Robin Potter](#); [Mary Grant](#); [George Schaaf](#); [Ed Foster](#); [David Campbell](#); [Greg Chaney](#); [Dan Bleidorn](#); ["gretchen.pikul@alaska.gov"](#); ["vern.skagerberg@alaska.gov"](#); ["kate.kanouse@alaska.gov"](#); ["jackie.timothy@alaska.gov"](#); ["Darrell Wetherall"](#); ["eric.eriksen@aelp.com"](#); ["alaiti-dia@gci.net"](#)
Subject: RE: Review requested AME2018-0014
Date: Tuesday, April 09, 2019 4:28:17 PM

Beth,
Buildings has no issues with this project.
Thanks,

Charlie Ford | Building Official

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0767



From: [Darrell Wetherall](#)
To: [Beth McKibben](#)
Subject: RE: ** EXTERNAL ** Review requested AME2018-0014
Date: Wednesday, March 27, 2019 4:52:23 PM

No comment from me.

Darrell A. Wetherall, PE

Alaska Electric Light & Power Co.
 5601 Tonsgard Court
 Juneau, AK 99801
 (907) **463-6316** Office
 (907) 723-2602 Cell

From: Beth McKibben <Beth.McKibben@juneau.org>
Sent: Wednesday, March 27, 2019 4:39 PM
To: Dan Jager <Dan.Jager@juneau.org>; Mike Vigue <Mike.Vigue@juneau.org>; John Bohan <John.Bohan@juneau.org>; Autumn Sapp <Autumn.Sapp@juneau.org>; Robin Potter <Robin.Potter@juneau.org>; Mary Grant <Mary.Grant@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; George Schaaf <George.Schaaf@juneau.org>; Ed Foster <Ed.Foster@juneau.org>; David Campbell <DSCampbell@juneaupolice.com>; Greg Chaney <Greg.Chaney@juneau.org>; Dan Bleidorn <Dan.Bleidorn@juneau.org>; 'gretchen.pikul@alaska.gov' <gretchen.pikul@alaska.gov>; 'vern.skagerberg@alaska.gov' <vern.skagerberg@alaska.gov>; kate.kanouse@alaska.gov; 'jackie.timothy@alaska.gov' <jackie.timothy@alaska.gov>; Darrell Wetherall <Darrell.Wetherall@aelp.com>; Eric Eriksen <Eric.Eriksen@aelp.com>; 'alaiti-dia@gci.net' <alaiti-dia@gci.net>
Subject: ** EXTERNAL ** Review requested AME2018-0014

Hello All

Please find attached an application for a rezone. Note the application has been amended and the applicant is seeking a rezone from D5 to D18. Single family zoning to multi family zoning at a density of 18 units per acre. Also attached are edited versions of the table of dimensional standards and table of permissible uses to help explain the difference between the 2 zoning districts. Please provide your comments/concerns by the end of the day on April 11, 2019.

Thank you and please let me know if you have any questions or need additional information for your review.

Beth McKibben, AICP | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street, 4th Floor Marine View Building
 Office: 907.586.0465

From: Schmidt, Joanne M (DOT) [mailto:joanne.schmidt@alaska.gov]
Sent: Tuesday, April 16, 2019 1:26 PM
To: Laurel Bruggeman
Subject: FW: Review requested AME2018-0014

Please see comment from our utilities section.

Joanne M. Schmidt, Planner III
Alaska DOT&PF, Southcoast Region
Statewide Planning, Juneau Field Office
PO Box 112506
Juneau, AK 99811-2506
Office: (907) 465-1776

From: Peters, Martin D (DOT)
Sent: Tuesday, April 16, 2019 12:54 PM
To: Epstein, David B (DOT) <david.epstein@alaska.gov>; Schmidt, Joanne M (DOT) <joanne.schmidt@alaska.gov>; Siverly, Ryan J (DOT) <ryan.siverly@alaska.gov>; Carnahan, Liam (DOT) <liam.carnahan@alaska.gov>; Schuler, Michael K (DOT) <michael.schuler@alaska.gov>; Pedersen, Hans E (DOT) <erik.pedersen@alaska.gov>; Goins, Christopher B (DOT) <christopher.goins@alaska.gov>; Stephens, Debra L (DOT) <debra.stephens@alaska.gov>
Subject: RE: Review requested AME2018-0014

Joanne

Commenting for Right of Way / Utilities, the first thing I will need is a much more detailed map showing location of driveways and approach roads to the north and south of the proposed driveway. Distance from center of existing driveway to center of proposed driveway. Distance from property line to driveway can also be an issue.

Where will utility connections originate and leave the right of way. The utility locations are important so we don't find the need for a pole or transformer late in the process with location or clear zone issues.

Martin D. Peters
Utility Permits Officer
Right of Way Agent
6860 Glacier Highway
P.O. Box 112506
Juneau AK 99811-2506
(907) 465-4544

From: [Schmidt, Joanne M \(DOT\)](#)
To: [Beth McKibben](#)
Cc: [Laurel Bruggeman](#)
Subject: FW: Review requested AME2018-0014
Date: Friday, April 19, 2019 2:16:39 PM

Beth, I apologize for not getting back to you on this sooner. Following a discussion with our Traffic and Safety Engineer regarding the proposed rezone under AME2018-0014, the additional comments below should be added to comments by DOT. Please call or email with any questions. Thank you!

Joanne M. Schmidt, Planner III
 Alaska DOT&PF, Southcoast Region
 Statewide Planning, Juneau Field Office
 PO Box 112506
 Juneau, AK 99811-2506
 Office: (907) 465-1776

From: Epstein, David B (DOT)
Sent: Tuesday, April 16, 2019 11:57 AM
To: Schmidt, Joanne M (DOT) <joanne.schmidt@alaska.gov>; Peters, Martin D (DOT) _____
Subject: RE: Review requested AME2018-0014

Joanne,

Based on our further conversation this date regarding the potential magnitude of the development, I would add the following clarification to my original reply:

Proponents of a development that is expected to generate over 100 trips in a peak hour must perform a traffic impact analysis in accordance with the HPCM. The TIA will need to specify what steps, if any, will be undertaken to mitigate impact of the additional traffic to the state road system.

From: Epstein, David B (DOT)
Sent: Thursday, April 11, 2019 2:50 PM
To: Schmidt, Joanne M (DOT) <joanne.schmidt@alaska.gov>; Peters, Martin D (DOT) <martin.peters@alaska.gov>; Siverly, Ryan J (DOT) <ryan.siverly@alaska.gov>; Carnahan, Liam (DOT) <liam.carnahan@alaska.gov>; Schuler, Michael K (DOT) <michael.schuler@alaska.gov>; Pedersen, Hans E (DOT) <erik.pedersen@alaska.gov>; Goins, Christopher B (DOT) <christopher.goins@alaska.gov> _____
Subject: RE: Review requested AME2018-0014

Given the paucity of information provided, I have no comment to offer at this time. It is doubtful that the proposed development will generate enough traffic to trigger a traffic impact analysis of how it affects Douglas Highway, but that is speculative at this point.

AME2018 0014 Public Comments

Date	Name	Topic
3/24/2019	Markus Bressler	questions
3/26/2019	Reply to Mr. Bressler	staff reply
4/21/2019	Judith Cavanaugh	concerns & objection
4/24/2019	Mary Capobianco	opposition
4/10/2019	Kyle & Steve Elliott, Nancy Schaufelberger	opposition
4/29/2019	Dean Epperson	opposition
4/19/2019	Forest Edge Condo Association	concerns & objection
4/21/2019	Kayla Harmon	opposition
4/15/2019	Betty Keith	concern & question
4/4/2019	Mary McDowell	concerns
4/14/2019	Betty & Norm Miller	opposition
4/21/2019	Jessica Parks	questions & objection
4/1/2019	Mary Kay Pusich & staff	questions & reply
4/25/2019	Joyce Sarles & staff	question & reply
4/21/2019	Carl Schrader	concerns
3/28/2019	Allen Shattuck	opposition
3/25/2019	Edward Sinclair & Robynn Steele	opposition
4/21/2019	Mike Todd	concerns & objection
4/9/2019	Derek Weiss	concerns
4/18/2019	Gordon Williams	concerns & objection

From: [Markus Bressler](#)
To: [Beth McKibben](#)
Subject: Neighborhood Meeting / Douglas Library on March 27, 2019. Here: questions
Date: Sunday, March 24, 2019 8:51:44 PM

Beth:

I am writing in response to a notice I received in the mail. You are listed as the contact person. I will be attending the meeting; however, to be prepared and to allow the CDD preparation for questions from the public, I thought it would be prudent to submit my questions beforehand.

1. On the front page of the notice, the reader is advised that a proposal for rezoning from D5 to D18 is the reason for the meeting. On the backside of the notice, however, it talks about an application for rezoning from D5 to D10. I am unclear if changes to D10 and D18 are proposed, a combination thereof, or if this is a error. Would you kindly clarify for me.
2. I tried to find the zoning definitions online but was unsuccessful navigating through CBJ's ordinances. Could you please include a link into your reply which can lead me to the ordinances defining the zones we will be discussing during the meeting?
3. Most importantly, I am confused about the purpose of this meeting. It reads that the community has the option to discuss the rezoning process and an application to rezone 28 acres near Vista Drive. What I do not understand is the timeline of this project. There seems to be very little room for discussions, the review of the application (I do not know who applied and what the status of his application is, but I am sure this information will be provided), and even the possibility to include the community's disapproval of the rezoning project, because (a) trees were already cut and the area ready for development, (b) companies appear to be hired to build, and (c) individuals are hired by these companies to take over positions, such as individual who will be a foreman on the construction site. This appears to be decided project, regardless of this meeting and the notice that our neighborhood is subject to "potential rezoning". What if the community does not approve, do we plant the trees again and all the investments were for nothing? In other words, for a layman like me it appears the community will be solely informed about the status of an already in progress project. Would it not have been ideal to have this meeting prior to cutting trees and getting the process started? I would like to ask this question during the meeting and will refer to this email.

I thank you for your public service and appreciate the work you do as the CDD planner for our community.

I am looking forward to receiving your reply.

Respectfully,

Markus Bressler

From: [Beth McKibben](#)
To: ["Markus Bressler"](#)
Subject: RE: Neighborhood Meeting / Douglas Library on March 27, 2019. Here: questions
Date: Tuesday, March 26, 2019 10:15:34 AM

Markus

Thank you for reaching out. You should have received a second invitation clarifying the requested rezone is from D5 to D18.

Here is the link to CBJ Title 49.25. To read the descriptions of D5 and D18 you'll need scroll down to 49.25.210

https://library.municode.com/ak/juneau/codes/code_of_ordinances?nodeId=PTIICOOR_TIT49LAUS_CH49.25ZODI

The purpose of this meeting is to provide an opportunity for the community to learn about the proposed rezone, the rezone process, and how they can participate. This meeting is not required by code, but we find them to be helpful to the community, applicant and staff. The public hearing before the Planning Commission has been scheduled for May 14th. If the Commission recommends approval the Assembly will hold a second public hearing.

I'll save my responses to your other questions for the meeting, so that others will benefit from them as well. I appreciate you sending them to me in advance so that I or the applicant can be prepared to answer.

I look forward to meeting you tomorrow.

Beth McKibben, AICP | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0465



April 21, 2019

Dear Ms McKibben and the Juneau Planning Commission,

I am a homeowner and on the condominium board at Forest Edge Condominium Association. I have lived at Forest Edge Condominiums since 2003.

I have big concerns regarding the rezoning of SUBJECT PARCEL 2D040C050074 from D5 to D18.

- 1) What is the developer's plan for assessing and routing the **drainage** of this steep hillside? As an Association, we have spent over \$200,000 on drainage related issues over the past 8 years. We now have a stable, sustainable hillside, which is properly draining the groundwater on our property. WE DO NOT WANT THIS PROJECT TO DAMAGE OUR PROPERTY by undermining our drainage, dumping excess, uncontrolled surface and ground water into our system and on onto the hillside.

I request you to make sure that there is an Engineer's evaluation that directly addresses the drainage and potential impact on our property that lies directly below SUBJECT PARCEL 2D040C050074, on a steep hillside. The Engineers must evaluate and account for any issues of drainage onto our property.

Some of my additional concerns are based on the problems that have arisen from the most recent development to the south of us, operated by Volunteers of America. We have had on-going problems with trespassing and physical interruption of the drainage swale by residents of the Volunteer of America renters walking through the rocks placed in this swale, to facilitate water-flow from the hillside above.

- 2) As we have had a chronic problem with foot traffic trespassers from the Volunteers of America project, I have an additional worry about there being additional trespassing problems. With more people from any new development walking on the existing drainage swale between the Volunteers of America housing and Forest Edge Condos, there would be more feet, more strollers and bicycles further breaking the rock drainage path down and adding to the drainage problems. How is **foot traffic** access being addressed to prevent trespass onto nearby private property? Will there be a request to provide bus access going up the hillside?
- 3) With the additional **vehicular traffic** likely to be generated with a large multi-family dwelling allowed for in the D18 re-zone, it is even hard to comprehend how that will be handled with the existing access onto Douglas Highway from both David Street and Vista Drive.

An additional question and comment is:

Why is the rezoning of this parcel 2D040C050074 even being considered without a written plan for development? Why would you approve a major re-zone without knowing what is in store for this property's development? This re-zoning to D18 has the potential to impact a lot of homeowners, including me.

I strongly object to this parcel being re-zoned from D5 to D18. I urge you to consider my comments and concerns as well as the impact on homeowners in the neighborhood as you make your decision.

Sincerely,

Judith Cavanaugh
2521 David Street
Juneau, AK 99801
907-463-3367

From: mary capobianco <capobiamm@gmail.com>
Sent: Wednesday, April 24, 2019 9:46 AM
To: PC_Comments
Subject: Comments on Case No. AME20180014

Parcel No: 2D040C050071; 2D040C050074

Thank you for the opportunity to comment on the request to rezone 28 acres from D5 to D18. I would like to go on record as opposing this change. This area in Douglas is already quite dense - you just have to look at the long lines of cars going to and from work in the morning/afternoon - and increasing this density doesn't seem to be the proper way to go.

We, in Douglas, are already in the midst of a "condo enclosure" and adding to this already existing density is just not right and will only make the crowding/traffic situation worse.

Packet Page 87 of 158

Sincerely,

Mary Capobianco
2727 John Street
Juneau, AK 99801
PO Box 241017
Douglas, AK 99824

April 10, 2019

Attn: CBJ Planning Commission Re: Rezone 28 Acres near Vista Drive – D5 to D18

As adjacent homeowners, we are writing in opposition to the proposed zoning change in Case No. AME2018 0014.

If the original concept plans change and/or ownership of the property changes, D-18 zoning still allows for the maximum parameters of development, regardless of the current petition.

Therefore, we feel increasing the allowable units from 140 to 504, with the addition of larger offices, health care clinics, and light manufacturing, is undesirable and raises the following issues.

Existing Development

- The existing developed properties between the bridge and Douglas are already home to a disproportionate number of high density condos, apartments, and similar structures.

Traffic

- Without additional access roads, new high density housing will increase traffic trying to exit and enter Douglas highway on Vista Drive, an already congested intersection.
- Alternatively, developing a new high-volume access road through existing neighborhoods will also compound traffic problems and is not compatible with current residential development.
- Other CUP permitted development like offices and light manufacturing will further contribute to traffic issues with increased car and delivery truck traffic through residential areas at various times during the day and night.

Lighting

- To our knowledge, high density housing is not subject to commercial exterior lighting codes. Unless specific effort is made to shield, and direct light down, security light fixtures on multiple new units will increase light pollution affecting both the new and existing homes.
- Additional commercial lighting, vehicle lights, and street lighting will exacerbate negative impacts.

Parks & Open Spaces

- In high density housing, it is reasonable to assume families will occupy a portion of the proposed units. There appears to be no provision in the zoning to provide for any parks and/or open spaces for resident and family use. Lacking such spaces, streets and parking lots will double as recreation areas, which is a safety and quality of life issue.

Environmental

- There is no mention of protecting a stream corridor around Lawson Creek. Large scale development could create drainage and erosion problems, and reduce accessible natural areas.
- Also, given the steep terrain surrounding the creek, a substantial wildlife corridor would be desirable so that animals such as deer and bear would not be forced to move through highly populated subdivisions.

Infrastructure

- High density development will also affect existing water and sewer system capacity, and place further demand on schools, police, fire and other local services at a time of budget uncertainty.

In conclusion, while we appreciate and support the need for further housing development, another D-18 zone of maximum high density development in this compacted area is undesirable, and would negatively impact the limited infrastructure and quality of life.

We respectfully ask that you consider the above issues and concerns in your deliberations.

Thank you for this opportunity to comment.

Kyle Elliott, Steve Elliott, Nancy Schaufelberger
P.O. Box 240653, Douglas, AK 99824

From: Dean Epperson <demaeperson@gmail.com>
Sent: Monday, April 29, 2019 7:01 PM
To: PC_Comments
Subject: Comment on rezone case AME2018 0014 Near Vista Drive

I am concerned about adding more traffic on to Vista Drive. There is already an excess of traffic going up and down Vista Drive. I can't see how the possible addition of up to 500 units can be supported on Vista Drive. I am opposed to the rezone from D5 to D18 as I don't think it will carry the added traffic. I would be in favor of it if an Additional street access would be put in with the project. It would also aid in getting emergency vehicle access. Thanks for your consideration.

Dean Epperson
2551 Vista Drive Apt A202
Juneau, Alaska 99801

Forest Edge Condominium Association

Post Office Box 240942

Douglas, Alaska

99824

April 19, 2019

City & Borough of Juneau
Community Development Department
155 South Seward Street
Juneau, AK 99801

Re: Proposed Rezone: Case No.: AME2018 0014

Parcel No.: 2D040C050074

Dear Ms. McKibben and Members of the Planning Commission,

I am writing on behalf of the Forest Edge Condominium Association (“FECA”) Board and the owners of the FECA property in regard to the re-zoning of the above-referenced parcels.

Forest Edge Condominiums is located directly below the Northwest corner of this parcel. There is a very steep grade on the hillside between a portion of the Parcel Number 2D040C050074 and FECA Phase 2.

DRAINAGE:

Our main concern is drainage of the hillside as this parcel is developed. We have spent more than \$200,000 over the past 8 years, and more before that, related to drainage issues and subsequent stabilization of our hillside. After doing a lot of work and investing a lot of money, we now have a stable, sustainable hillside that is draining the surface and groundwater properly. We do not want this development to overload or tax our drainage capacity. What are the plans for ensuring that this development does not cause damage to our property? Even as the property is cleared for development, we are concerned that the surface and groundwater flow will be impeded as the vegetation is disrupted.

VEHICULAR ACCESS:

In addition, there are other factors related to the proposed re-zoning of this parcel to D18 which are of concern to our homeowners. As this section of John Street does not intersect with Douglas Highway, transportation access to and from high-density parcels will create dangerous overload where Simpson and David Street intersect; and again where both David Street and Vista Drive join Douglas Highway.

FOOT ACCESS:

As homeowners, based on our on-going problems of trespass through our private property, we also have concern regarding flow of foot traffic from a high-density parcel. We feel that there needs to be a plan for addressing this potential problem.

WHY NOW:

The proposal to rezone the existing 28-acre parcel from D5 to D18 does not make sense based on the statements made by the owner of the parcel at the Neighborhood Meeting on March 27, 2019. The owner of the parcel stated his intention was to build a small number of single-family homes and a small multi-family development.

Given the stated intention of the developer and considering that the entire property has abundant steep hillsides and a prominent watershed, the proposal to rezone from D5 to D18 makes very little sense.

Under the circumstances, what makes sense to our membership is to deny the request for the significant zoning change and request that the developer return to the planning commission when ready with a request for project specific variance, if necessary, based on a genuine, actual development proposal.

Very Truly Yours,

FECA Board of Directors

Georgia Kaye,
FECA Board President

From: Kayla Harmon <harmonkayla5@gmail.com>
Sent: Sunday, April 21, 2019 4:25 PM
To: Beth McKibben; PC_Comments
Subject: Parcel 2D040C050074 Concern

Hello,

My name is Kayla Harmon. I am a homeowner in the Forest Edge properties. This is my first and only home I own. I wanted to write you today because I am very concerned with the proposed plans to reappropriate and develop the land nearby my home.

First and foremost, I worry about the enviornmental repercussions of this, from the Lawson Creek salmon run, to the loss of habitat and deforestation of that land. I am worried about how water runoff will effect the stability and of the hillside for all properties involved.

Next, I do not believe that there is a strong enough demand for this property to be developed. Alaska and Juneau is in a recession, populations are expected to continue to decrease. We simply do not need that dense of housing in that location. I would like to see other parts of Juneau being developed before we would even keep creeping up the douglas hillside.

Why is the rezoning of this parcel 2D040C050074 even being considered without a written plan for development? This seems short-sided and ill planned. Why would you approve a major re-zone without knowing what is in store for this property's development? This re-zoning to D18 has the potential to impact a lot of homeowners, including me. If developed, I would not want to live at my home anymore and immediately seek new housing accomodations, and worry that my property value will decrease. This is difficult to comprehend because I am a single-income household.

I strongly object to this parcel being re-zoned from D5 to D18. I urge you to consider my comments and concerns as well as the impact on homeowners in the neighborhood as you make your decision.

Kayla Harmon
2575-2 Douglas Highway
Unit 15
Juneau, Alaska 99801--

Kayla Harmon

From: betty keith <bkeith1010@me.com>
Sent: Monday, April 15, 2019 7:00 AM
To: PC_Comments
Subject: Case #AME2018 0014

My daughter owns a condo in the Crow Hill development and so do I. I'm both excited and concerned about the proposal to rezone the 28 acres from D5 to D18 near Vista Drive. My concern is with the traffic. It's already very difficult to turn left onto Douglas Highway during rush hour. Are there any plans to help with the additional traffic this development will create?

Thank you for your time,

Packet Page 94 of 158

Betty Keith
901-828-4035

From: Mary McDowell <maryalaska@icloud.com>
Sent: Thursday, April 04, 2019 4:27 PM
To: PC_Comments
Subject: Public comment to Planning Commission RE: Case No. AME20180014 (Parcel # 2D040C050071; 2D040C050074)

Dear Members of the CBJ Planning Commission,

My husband and I own and live in a zero-lot line home on Creek Street, the next street toward Douglas from Vista Drive, immediately on the other side of Lawson Creek from the parcel for which you've received the request to rezone for higher density development.

While the current owner of the land in question says he does not currently plan to develop the property to the maximum density that his requested rezoning would permit, it is certainly possible that the land will change hands and any new owner might want to take advantage of the maximum density permitted, so your consideration of the request should be based on an assessment of potential impacts of development of the property to the maximum you would be allowing.

With that in mind, I am very concerned about the proposed rezoning for several reasons. A main concern is the potential for a large increase in traffic trying to get onto Douglas Highway, heavier traffic for all of us who must use Douglas Highway, potentially harder time getting on and off the roundabout at the Douglas end of the bridge, and, perhaps worst of all, the potential for back-up of traffic at the Egan drive end of the bridge, particularly during work rush hours, which could block up all the way across the bridge and even impact the round-about end. Even as currently zoned, the units to be built on the property in question here will generate significant traffic that will pose an additional safety risk for all of us. Allowing even more units on that property would further increase the risk.

Please carefully consider the wisdom of approving more development and more high-density housing on Douglas Island, as proposed in this rezoning request currently before you or in any other proposals, until such time as there is a second bridge or causeway across Gastineau Channel to help alleviate the already-troublesome traffic conditions on Douglas Island and bottleneck on the existing bridge.

Thank you.

Sincerely,

Mary McDowell

Physical address: 2010 Creek St., Douglas, AK Mailing address: PO Box 20763, Juneau, AK 99802

RECEIVED

APR 16 2019

PERMIT CENTER/CDD

April 14, 2019

Community Development
155 S. Seward Street
Juneau, AK 99801

Attn: Beth McKibben

Thank you for sending us the timeline for the request to rezone 28 acres from D5 to D18 near Vista Drive.

We bought into The Crest Condominium @ Lawson Creek on the original 2551 Vista Drive in 1998. We love being here and we hope we can avoid the Pioneers Home by staying here at the Crest and taking care of each other. We are in our 80's now.

We kept quiet during the building of the Crest Terrace above us and the extension of Vista Drive to accommodate all the residents that live above us. There are some good and decent folks who live at the Terrace. Then again you have some people that are there (whether legally or not) that have become neighbors because we share Vista Drive and some of these residents don't have cars and walk up and down the hill. The noisy cars go up and down all hours of the night every night almost.

Adding more residential homes to the equation is going to make things much worse than they already are. The traffic is horrendous and we are amazed there hasn't been a terrible car accident on Vista where they come barreling down at high speed (even though it is posted @ 20 mph) from the newer part of Vista. There needs to be a stop sign where they merge onto the original Vista Drive but it hasn't been done. Somebody asked for a stop sign and some State or perhaps CBJ person said it couldn't be done.

There are a lot of school age children that walk up and down the hill during school time. They are for the most part behaved kids, but they do leave a lot of trash alongside the public sidewalk on their paths up and down Vista. Kids will be kids! But Crest Condo residents seem to be the only people cleaning up after somebody elses kids.

Most the residents that live in the five condo buildings of the Crest Condos are on average from the older generation and quite a few of us are actually retired residents. We are there 24/7 and see a lot of changes since the Crest Terrace was built above us.

We do not want to see more buildings or people living off of Vista Drive. That street is too narrow as it is for two cars to pass by each other, especially in the winter months with snow and ice coverage. Not to mention two or more years during the building of homes in the remaining 28 acres that has been suggested. The traffic of huge trailers, vans, and trucks bringing the building materials really tore up Vista Drive and there was nothing that could be done about it until the project was completed.

Please do not rezone the 28 acres requested near Vista Drive!! This hill has enough going on and we do not encourage more. We do not want to be forced out of the Crest Condos to the Pioneers Home for some lost peace and quiet we used to enjoy here 21 years ago.

Sincerely,

Betty & Norm

Betty & Norm Miller

Betty & Norm Miller
2551 Vista Dr. C-201
Juneau, AK 99801

Attachment C - Public Comments

April 21, 2019

Dear Ms. McKibben and the Juneau Planning Commission,

I am a homeowner at Forest Edge Condominium Association.

I have concerns regarding the rezoning of SUBJECT PARCEL 2D040C050074 from D5 to D18.

- 1) What is the developer's plan for assessing and routing the **drainage** of this steep hillside? As an Association, we have spent a lot of money on stabilization of our buildings and our hillside. We now have a stable, sustainable hillside, which is properly draining the groundwater on our property. I do not want future development to damage our property. I request you to make sure that there is an Engineer's evaluation that directly addresses the drainage and potential impact on our property that lies directly below SUBJECT PARCEL 2D040C050074, on a steep hillside.
- 2) Some of my additional concerns are based on the problems that have arisen from the most recent development to the south of us, operated by Volunteers of America. We have had on-going problems with trespassing onto our private property. How is **foot traffic** access being addressed to prevent trespass onto nearby private property? Will there be a request to provide bus access going up the hillside?
- 3) With the additional **vehicular traffic** likely to be generated with a large multi-family dwelling allowed for in the D18 re-zone, how that will be handled with the existing access onto Douglas Highway from both David Street and Vista Drive?

An additional question and comment is:

Why is the rezoning of this parcel 2D040C050074 even being considered without a written plan for development? Why would you approve a major re-zone without knowing what is in store for this property's development? This re-zoning to D18 has the potential to impact a lot of homeowners, including me.

I strongly object to this parcel being re-zoned from D5 to D18. I urge you to consider my comments and concerns as well as the impact on homeowners in the neighborhood as you make your decision.

Sincerely,

Jessica Parks
2507 David Street
Juneau, AK 99801

parks.jess@gmail.com

From: [Pusich, Mary K \(DNR\)](#)
To: [Beth McKibben](#)
Subject: RE: Douglas
Date: Monday, April 01, 2019 3:51:20 PM

Thank you, Beth You did a great job at the meeting. Our Douglas Advisory Board will have comments but frankly our board should have received notice prior. I'm concerned since we meet only once a month we will not have adequate time to weigh in and there are some issues with such a high density, the highway etc. I'll be chatting with you soon and do appreciate your help on this! Thank you!

Enjoy the evening.....almost here!

MKP

From: Beth McKibben <Beth.McKibben@juneau.org>
Sent: Monday, April 01, 2019 3:43 PM
To: Pusich, Mary K (DNR) <mary.pusich@alaska.gov>
Subject: RE: Douglas

Mary Kay

You found the right person! Please find attached the power point presentation from last week's meeting. Feel free to contact me if you have questions or need more information.

Beth McKibben, AICP | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0465

From: Pusich, Mary K (DNR) [<mailto:mary.pusich@alaska.gov>]
Sent: Monday, April 01, 2019 12:51 PM
To: Beth McKibben
Subject: Douglas

Hi Beth,

I'm looking at my notes from the townhall meeting last Wednesday. I'm thinking you were the presenter but I've lost the business card.

If you are not involved in this project of Dave Hanna rezone please forward this for me to appropriate office.

There were a lot of people around the sign up sheet when departing so I did not have time to request the link for the program presented.

I would like to obtain that so I can send it along to other Board members and residents who could not attend.

Thank you!

Mary Kay

From: [Beth McKibben](#)
To: ["Joyce Sarles"](#)
Subject: RE: Vista Drive rezoning
Date: Tuesday, March 26, 2019 9:59:37 AM

Joyce

Thank you for reaching out. This topic will be covered in some detail at the meeting tomorrow evening. I hope that you are able to attend. If you're not going to be at the meeting I will be happy to email you meeting materials Thursday.

D5 and D18 are both residential zoning districts. D5 is generally single family zoning with 5 units per acre. D18 is a multi family zoning district with 18 units per acre. There are some non residential uses that may be allowed in D18 that are not allowed in D5.

Please let me know if you would like me to send you meeting materials later this week.

Beth McKibben, AICP | Senior Planner
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0465

-----Original Message-----

From: Joyce Sarles [<mailto:sarlesjd@alaska.net>]
Sent: Monday, March 25, 2019 12:54 PM
To: Beth McKibben
Subject: Re: Vista Drive rezoning

Actually, I mean D18.

> On Mar 25, 2019, at 1:40 PM, Joyce Sarles <sarlesjd@alaska.net> wrote:
>
> Beth
> I just received a notice of a rezoning meeting for area near Vista Dr. Tell me the difference between D5 and D10.
> Thanks,
> Joyce Sarles
> sarlesjd@alaska.net

2611 John Street
Juneau, AK 99801
PO Box 240324
Douglas, Alaska

April 21, 2019

To: Beth McKibben, Planner

RE: Proposed Rezone of 28 Acres from D5 to D18 Near Vista Drive
Case No.: AME2018 0014

I attended the March 27 Neighborhood Meeting regarding the proposed rezone of 28 acres from D5 to D18 near Vista Drive. Thank you for presenting this project to our neighborhood early on so that we can be a part of the planning project.

I live at the end of John Street next to the utility access road constructed a few years ago to bring water to the project area. While I support development of higher density residential areas, provision must be made to accommodate the resulting increase in traffic to assure safe access and egress to the area.

The existing access to the project area is via Vista Drive, which I heard from local residents at the neighborhood meeting has limited capacity for additional traffic. Additional access could be developed via John Street-Simpson-David that connects to Douglas Highway, but I have serious safety concerns about this option.

- 1) The intersection of David Street and Douglas Highway is dangerous due to visibility problems resulting from the intersection not being anywhere near perpendicular, and utility poles obstructing the view of traffic from the south; and
- 2) Simpson and John streets are narrow and difficult to navigate during snowy or icy conditions due to steep grade and narrow width.

I request that CBJ conduct a thorough analysis of traffic and safety considerations if this area is rezoned and developed to a substantially increased residential density.

Carl Schrader



From: [Allen Shattuck](#)
To: [Beth McKibben](#)
Subject: Lawson Creek/Vista Drive Rezone
Date: Thursday, March 28, 2019 10:46:10 AM

I am against the proposed rezone as proposed since the increased density will overwhelm Douglas Highway. I live on Douglas Highway north of the affected area and it's already hard to get onto the highway because of the existing traffic. While Juneau needs more housing and Douglas is an area that is logical, the number of units permitted under the proposal is simply too much for one area until and unless the increased traffic impacts have been addressed and resolved.

Allen Shattuck
2616 Douglas Highway #105



Virus-free. www.avg.com

From: [Ed Sinclair](#)
To: [Beth McKibben](#)
Subject: AME2018 0014 Rezone D5 to D18
Date: Monday, March 25, 2019 2:52:35 PM

Thank you for the opportunity to comment on the proposed rezoning.

We are opposed to the rezoning of 28 acres near Vista Drive as the impact with such an increase in residences would be too great with regard to transportation. Douglas Highway already lacks sufficient pedestrian walks and bicycle lanes, has poor snow removal procedures, lacks safe pedestrian crossing areas, and has nearly unrestricted street parking which hinders the safe access to the road from many driveways. To add additional residences without improving the infrastructure first is not prudent.

Edward Sinclair and Robynn Steele
2430 Douglas Highway

April 21, 2019

Dear Ms McKibben and the Juneau Planning Commission,

I am a homeowner at Forest Edge Condominium Association.

I have concerns regarding the rezoning of SUBJECT PARCEL 2D040C050074 from D5 to D18.

- 1) What is the developer's plan for assessing and routing the **drainage** of this steep hillside? As an Association, we have spent a lot of money on stabilization of our buildings and our hillside. We now have a stable, sustainable hillside, which is properly draining the groundwater on our property. I do not want future development to damage our property. I request you to make sure that there is an Engineer's evaluation that directly addresses the drainage and potential impact on our property that lies directly below SUBJECT PARCEL 2D040C050074, on a steep hillside.
- 2) Some of my additional concerns are based on the problems that have arisen from the most recent development to the south of us, operated by Volunteers of America. We have had on-going problems with trespassing onto our private property. How is **foot traffic** access being addressed to prevent trespass onto nearby private property? Will there be a request to provide bus access going up the hillside?
- 3) With the additional **vehicular traffic** likely to be generated with a large multi-family dwelling allowed for in the D18 re-zone, how that will be handled with the existing access onto Douglas Highway from both David Street and Vista Drive?

An additional question and comment is:

Why is the rezoning of this parcel 2D040C050074 even being considered without a written plan for development? Why would you approve a major re-zone without knowing what is in store for this property's development? This re-zoning to D18 has the potential to impact a lot of homeowners, including me.

I strongly object to this parcel being re-zoned from D5 to D18. I urge you to consider my comments and concerns as well as the impact on homeowners in the neighborhood as you make your decision.

Sincerely,

Mike Todd

From: Derek Weiss <nordicweiss@gmail.com>
Sent: Tuesday, April 09, 2019 6:47 PM
To: PC_Comments
Subject: Case No: AME2018 0014 (public comment period)

Beth,

I live in the Forest Edge Condos that are adjacent to the VOA apartments that were built last year. Our condo is also immediately below the proposed 28 acres above Vista Drive that is up for rezoning from D5 to D18.

Since the arrival of tenants to the Terraces at Lawson Creek, the Forest Edge Condos have had continual trespassing problems that have largely been ignored by the VOA who operates the Terraces at Lawson Creek apartments. Our HOA has made multiple attempts to come to a mutual agreement to solve the problem, but the VOA has made no further attempts to keep their tenants from trespassing on our condo property.

Several of the tenants have a history of belligerent behavior, public intoxication on our property, and police interactions. What I fear, is that if this new land is rezoned, the VOA or other organizations may build similar apartments and our condo will have continued trespassing from all directions as tenants funnel down to the bus stop.

If you're interested, I have video of one of these violent, belligerent interaction I would love to share with the commissioners, as I feel it makes the picture very clear.

Thank you for the opportunity to share my thoughts.

Sincerely,
Derek Weiss

From: Gordon Williams <gwilliams@acsalaska.net>
Sent: Thursday, April 18, 2019 3:12 PM
To: PC_Comments
Subject: Public Comment: Case# AME2018 0014 Parcel# 2D040C050071; 2D040C050074

Dear CBJ Planning Commission Members:

My wife and I own a home and reside on Creek Street which is close to the property that you are considering for rezoning to high density, D-18 status. While I generally support reasonable development of more housing options in Juneau, I have serious concerns with the promotion / approval of any large volumes of housing on Douglas Island due to access and safety issues.

Packet Page 105 of 158

In conversations with a number of persons with planning backgrounds and from my own observations, access to Douglas Island with just one two-lane bridge and essentially one road is something that does not lend itself to significant increases in population on the Douglas side of the bridge. Currently, if there are weather issues, a traffic accident or other that slows traffic down, the bottleneck for eastbound traffic at the Juneau end of the bridge can have vehicles backed up onto both the Douglas and North Douglas highways. At rush hours or with “events” on the bridge, the turn only lane for a left turn from Egan onto the bridge when headed to the island can be backed up beyond current capacity, and traffic inbound on Egan that is attempting to merge onto the bridge with a right turn can back up well into the inbound lanes. Should there be an event such as an earthquake or barge / barge cargo interaction with the bridge that rendered it unusable for a period of time, there would be no vehicle or pedestrian access to the island.

The situation with the bridge is not just an inconvenience, it poses major problems for EMS and other. If the problem is a large back-up that blocks both lanes of the bridge, trying to clear a path for emergency services is very problematic. If there was damage that rendered the bridge unusable, there would be no way for any emergency or other services to reach the island.

With regard to the Douglas Highway, at busy times it is already problematic for residents that use Lawson Creek Road, Vista Drive, David Street, Cordova Street and others to enter the traffic that is on the highway.

Given the conditions outlined above, I do not think it is prudent at this time for the city to be approving additional high density zoning designations or large projects on the island.

Thank you for your consideration,

Gordon Williams

Residence address:
2010 Creek Street
Douglas, AK

Mailing address:
P.O. Box 20763 Juneau, AK 99802

AGENDA

Neighborhood Meeting For Proposed Rezone of 28 acres FROM: D-5 TO: D18

March 27th, 2019
Douglas Library
6:00pm

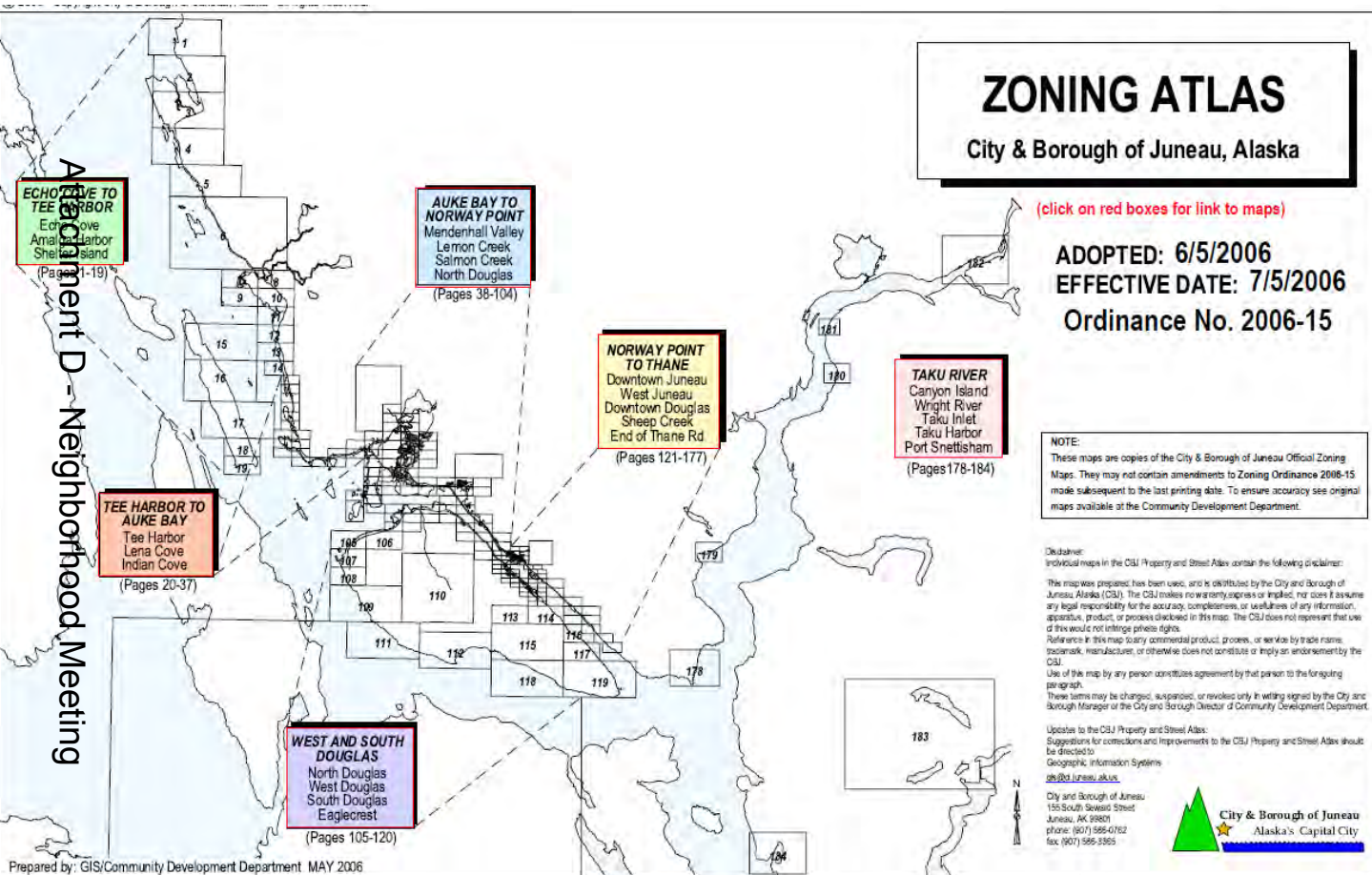
- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Project –
 - Applicant
- What happens next? –
 - Review and Staff Report – Please send comments to:
Beth McKibben, Senior Planner or beth.mckibben@juneau.org
155 S. Seward St.
Community Development Department
Juneau, AK 99801
Ph: (907)586-0465
 - Planning Commission public hearing (notice will be mailed to you) **May 14, 2019**
 - Assembly meetings – two meetings
 - Ordinance Introduction
 - Ordinance Public Hearing
 - If approved – ordinance goes into effect 30 days after public hearing
- Questions, Comments, and Concerns -



Proposed Rezone of 28 Acres JLC Properties

Neighborhood Meeting
March 27, 2019

Proposed Rezone

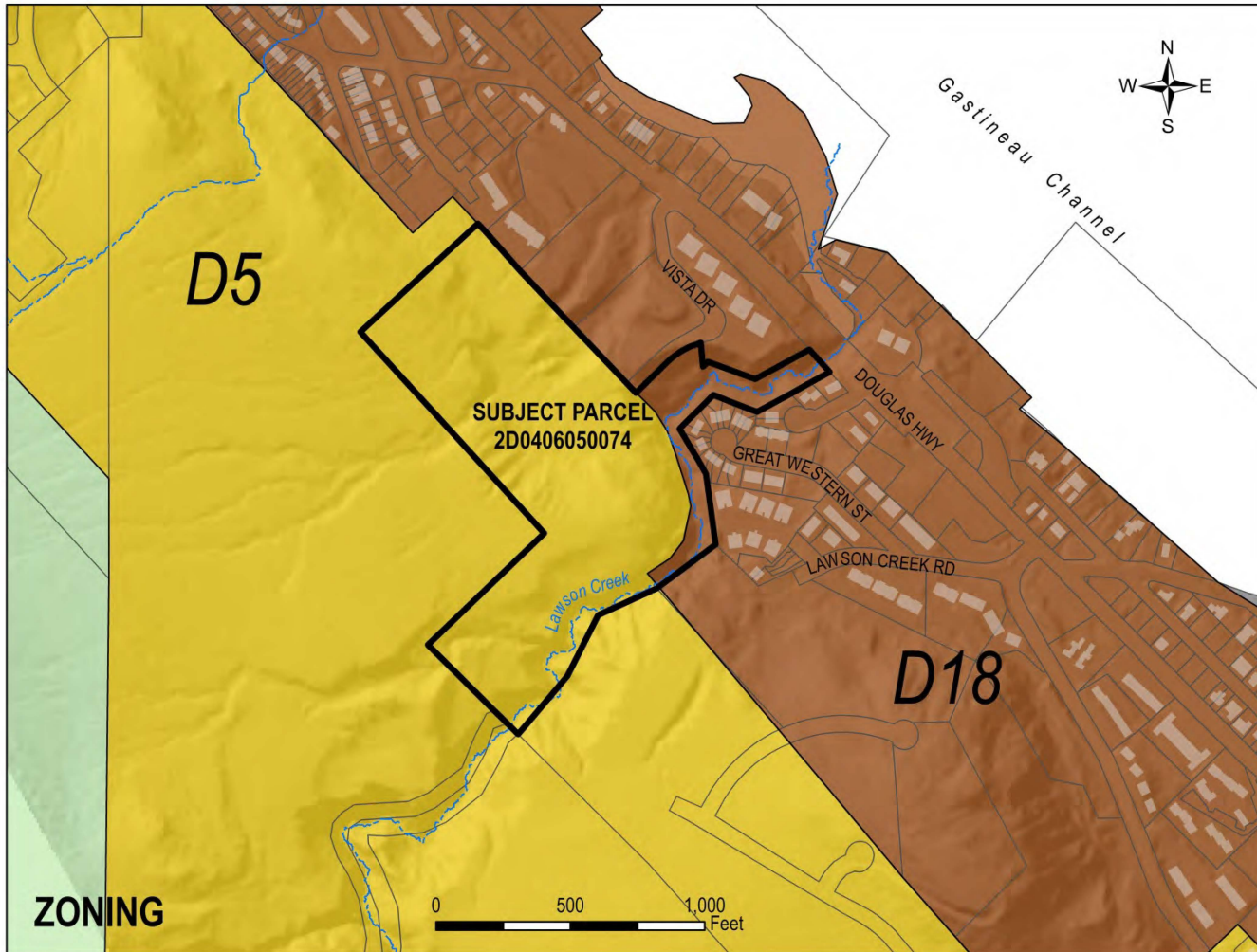


What is proposed?

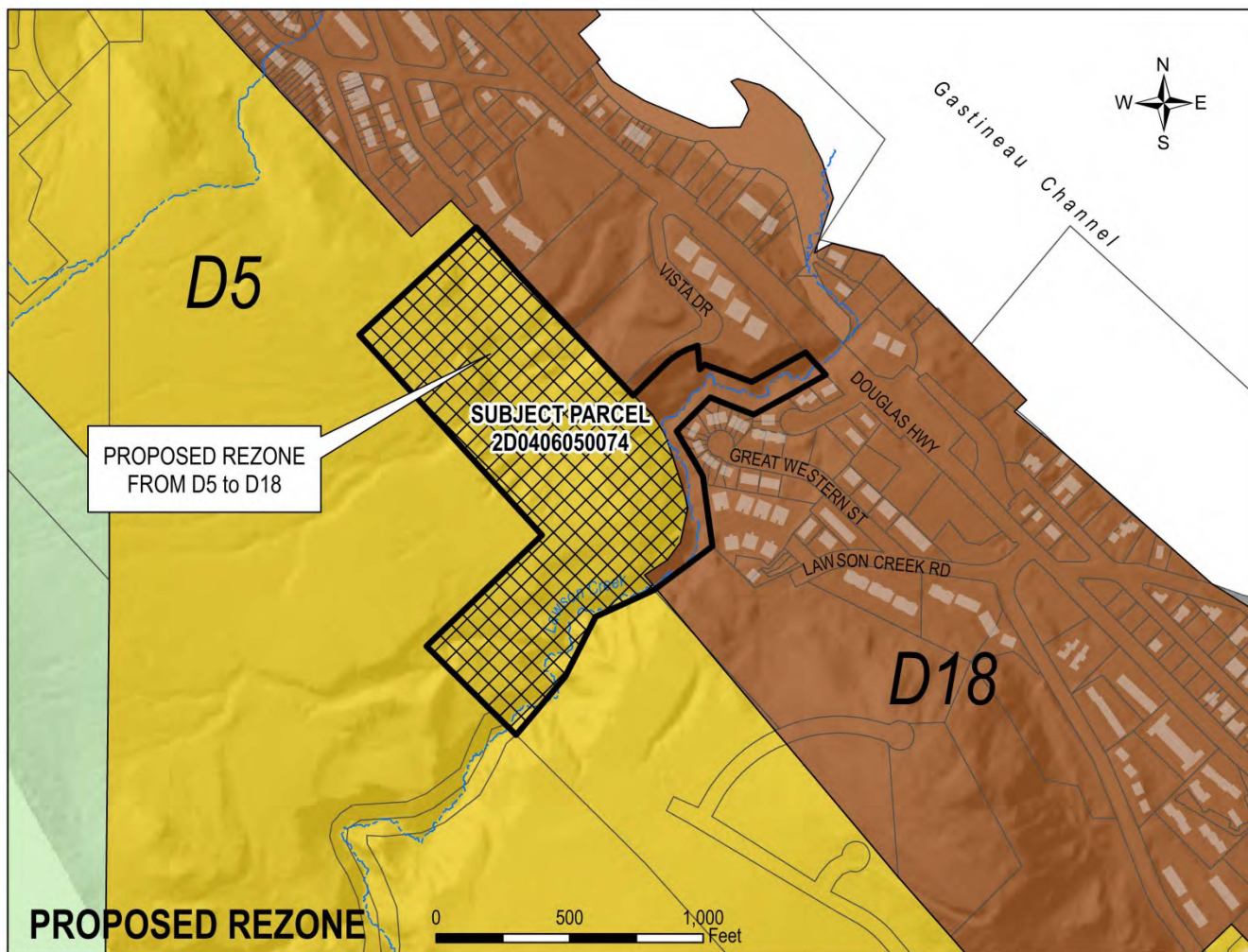
A revision to the official Zoning Atlas of the CBJ

Current Zoning

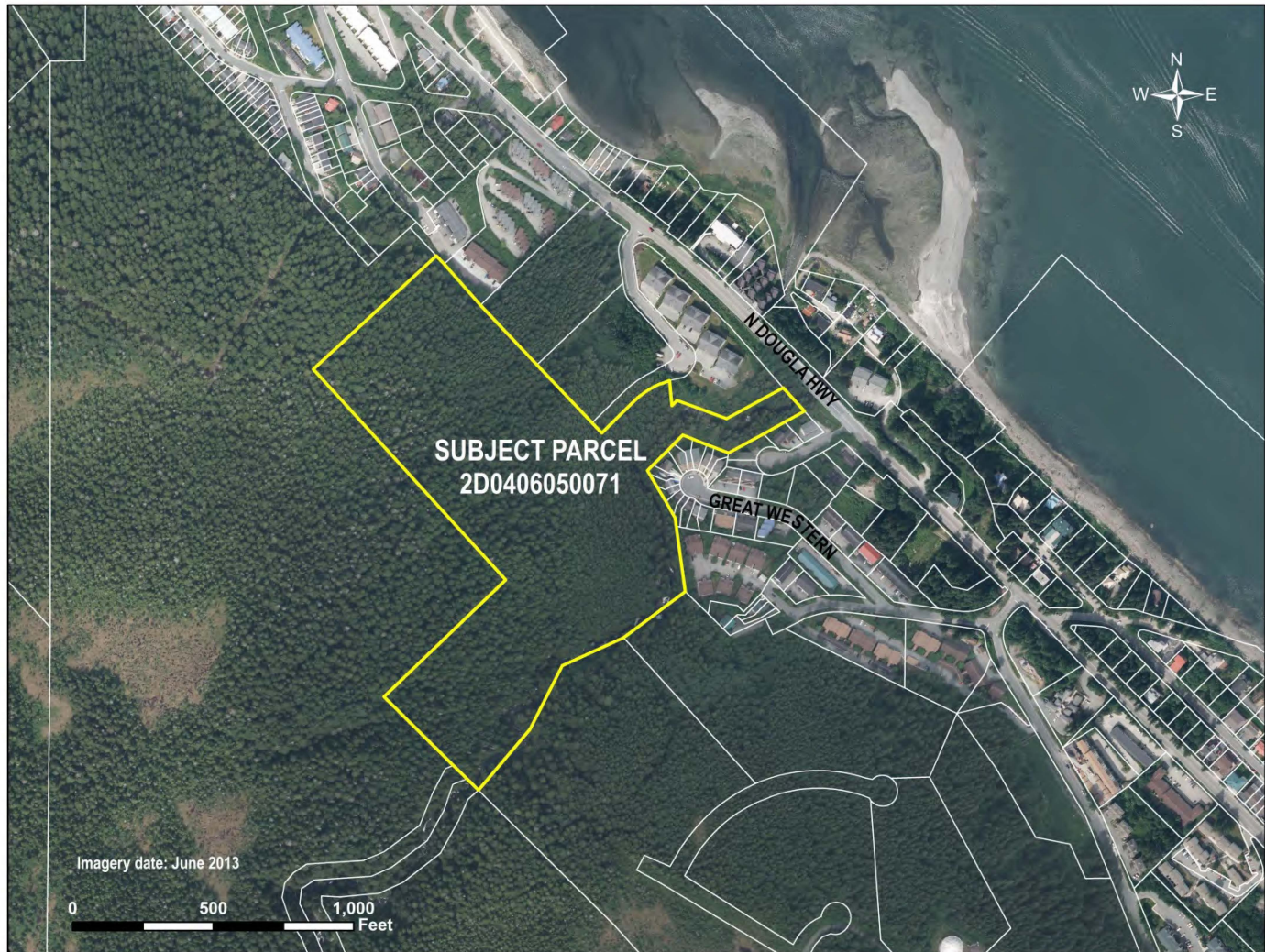
Attachment D - Neighborhood Meeting



Proposed Rezone



2013 Aerial Photograph

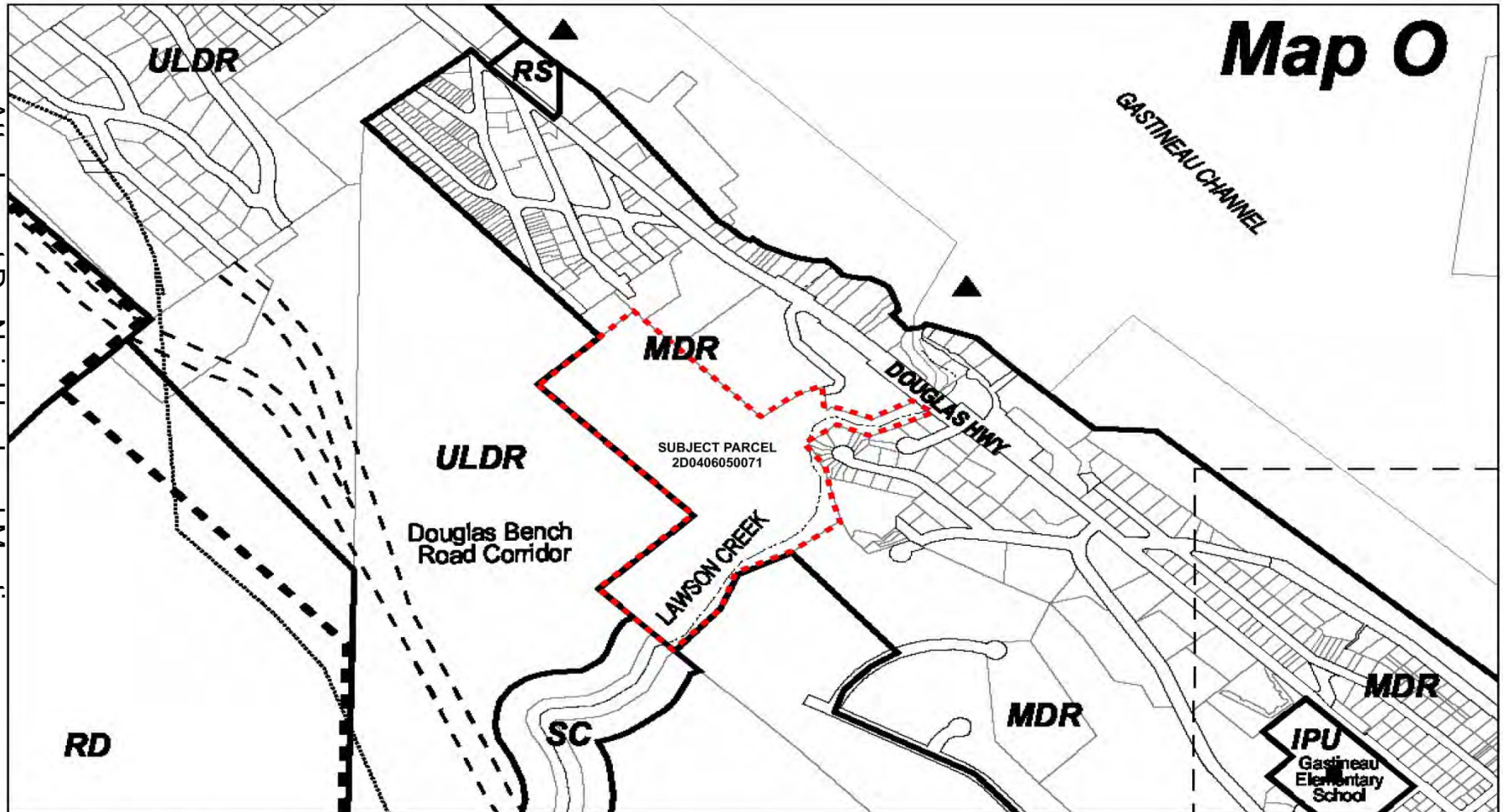


Topography



Comprehensive Plan Land Use Designation

Attachment D - Neighborhood Meeting

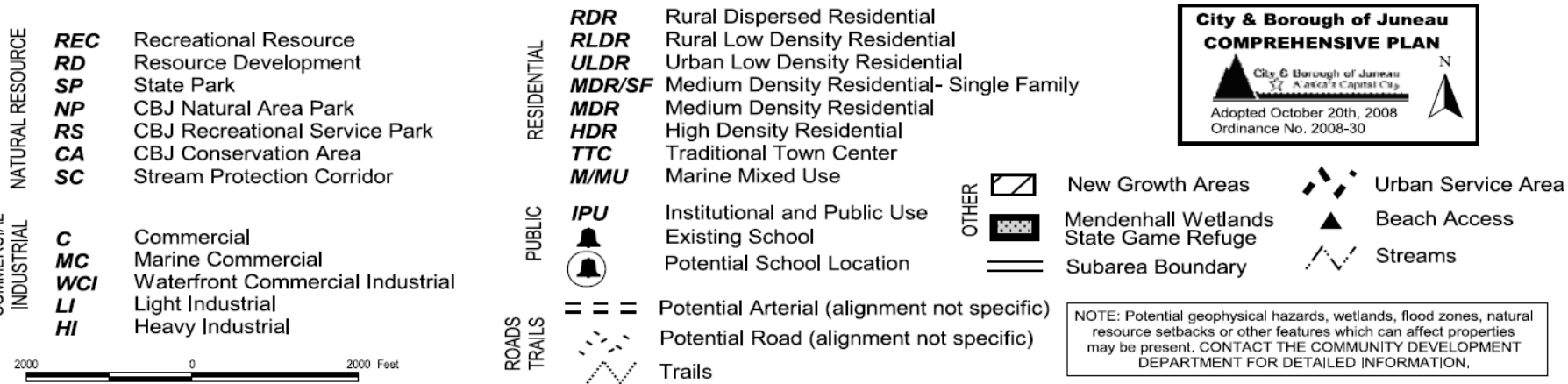


MDR - Medium Density Residential
ULDR - Urban Low Density Residential
RD - Resource Development

RS - CBJ Recreational Service Park
IPU - Institutional and Public Use
SC - Stream Protection Corridor

Comprehensive Plan Land Use Designation

Attachment D - Neighborhood Meeting



MDR, Medium Density Residential - is described as follows

*These lands are characterized by urban residential lands for multi-family 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.*

49.25.210 Residential districts.

FROM:

The **D-5, residential district**, is intended to accommodate primarily single-family and duplex residential development at a density of **five dwelling units per acre**. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.

TO:

The **D-18, residential district**, is intended to accommodate primarily multifamily development at a density of **18 dwelling units per acre**. This is a high density multifamily zoning district intended to accommodate midrise-type development.

Attachment 5 - Neighborhood Meeting

Rezone Request

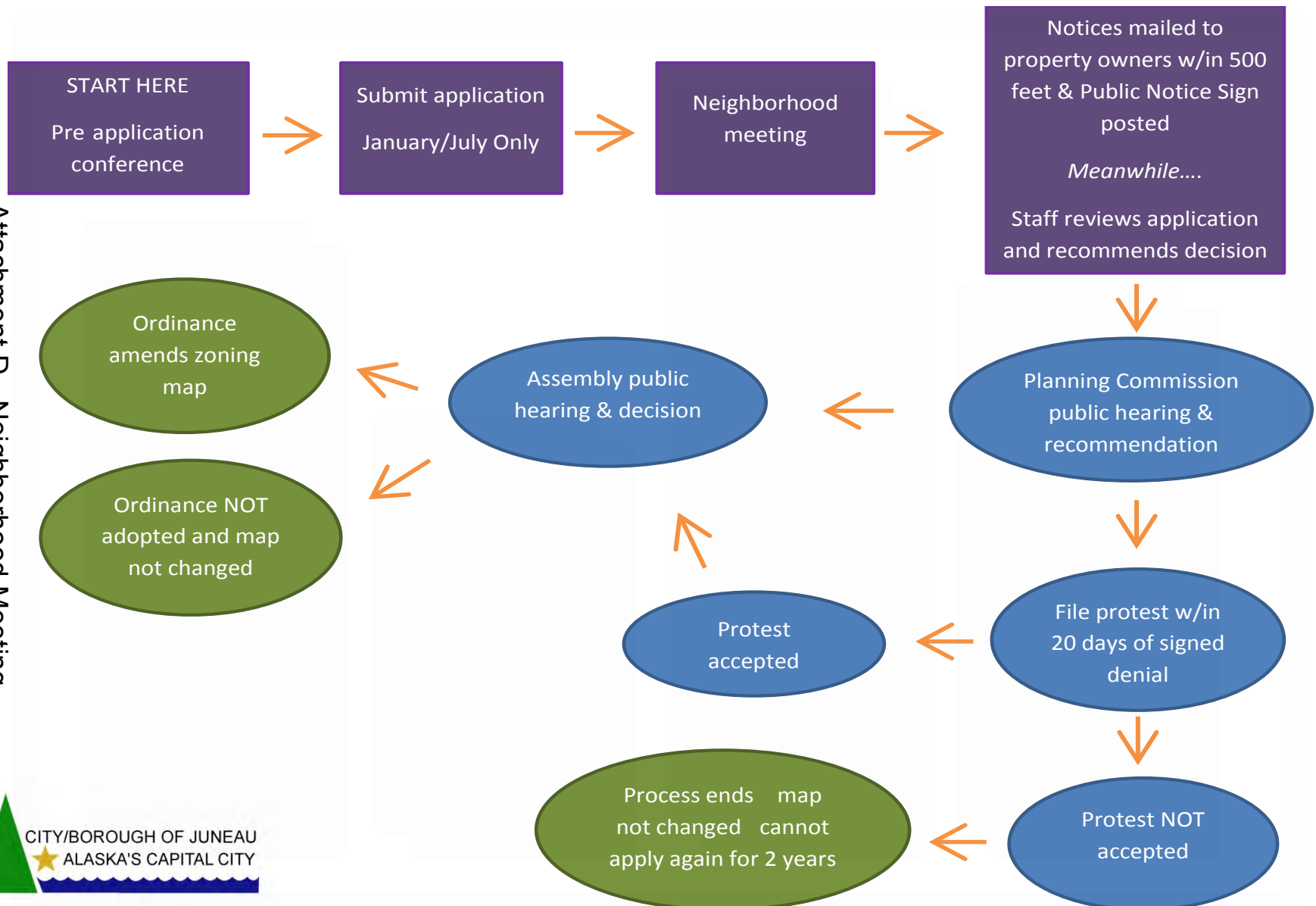
		Current Zoning	Proposed Zoning
Table of Dimensional Standards		D-5 (5 du/acre)	D-18 (18 du/acre)
Attachment D - Neighborhood Meeting	Existing site 28 acres		
	Maximum Number of Units	140	504
	Maximum Height Limit	35 feet	35 feet
	Maximum Lot Coverage	10%	50%
	Vegetative Cover	20%	30%
	Minimum Lot Size	7,000 sq. ft.	5,000 sq. ft.
	Minimum Lot Width	70 feet	50 ft.
	Minimum Lot Depth	85 feet	80 ft.
	Minimum Front Yard Setback	20 feet	20 feet
	Minimum Street Side Yard Setback	13 feet	13 feet
	Minimum Side Yard Setback	5 feet	5 feet
	Minimum Rear Yard Setback	20 feet	10 feet

Rezone Request

		Current Zoning	Proposed Zoning
CUP: Conditional Use Permit, Review by Planning Commission DEPT: Review by CDD with Building Permit Attaching and D - Neighborhood Meeting		D-5	D-18
	Single-family residential, duplexes	Dept.	Dept.
	Multifamily	Not allowed	Dept./CUP
	Bed & Breakfasts, Rooming Houses	CUP	Dept./CUP
	Hotels, Motels	Not allowed	Not allowed
	Offices not greater than 1,000 sq. ft.	CUP	CUP
	Offices greater than 1,000 sq. ft. but not more than 2,500 sq. ft.	Not allowed	CUP
	Offices greater than 2,500 sf	Not allowed	Not allowed
	Light manufacturing	Not allowed	CUP
	Medium Manufacturing	Not allowed	Not allowed
	Churches, synagogues, temples	CUP	CUP
	Social, fraternal halls, union halls	Not allowed	Not allowed
	Health care clinic	Not allowed	CUP
	Day care center	CUP	CUP

Rezone Process

Attachment D - Neighborhood Meeting



- *April 4th* - Public Notices Mailed for Planning Commission Hearing
- *April 22nd* - Written Comments included in staff report to Planning Commission
- *May 6th* – Staff report available online
- *May 10th* – Written Comments provided as “additional materials” to Planning Commission
- *May 14th* – Public Hearing by Planning Commission
- Date to Be Determined: Rezone Scheduled for Hearing by the Assembly

Beth McKibben, AICP Senior Planner

beth.mckibben@juneau.org

586-0465

<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

<http://www.juneau.org/cddftp/documents/20170316UPDATEComp.Plan2013WEB.pdf>

Any questions?

AME2018-0014
 Rezone Vista Drive Area
 Neighborhood Meeting
 Douglas Library
 March 27, 2019

Vista Drive Multifamily Housing Project
Neighborhood Meeting
Gastineau Elementary
September 30, 2013
6:30-8:45

MEETING NOTES

All attendees introduced themselves. Beth McKibben, CDD, gave a presentation. She explained the proposal, to rezone 28 acres at the top of Vista Drive from D5 to D18. A copy of the power point presentation is attached. She emphasized that the analysis for the rezone will be for all the potential uses allowed by the requested zoning district. While the applicant may have a specific development proposal in mind, CBJ cannot approve a rezone to allow only what is being proposed. The property owner and any future property owners will have the right to development the site in any way that is permitted by the zoning code.

Question – traffic and public transportation – will busses be available to access the area? BMc said that comments were requested from Capital Transit.

Question – water pressure on Simpson Avenue is not enough – is there enough water pressure to serve the site if it's rezoned? Enough for fire hydrants? Will this be analyzed by staff? Yes.

Question – will road access be extended to David St? OR will Vista be the only access? BMc explained that when the water line was brought from John Street to the VOA development potential for the development of a street was created. Right of way would need to be dedicated. She understood the access was currently suitable for fire department access and is gated. (NOTE – after the neighborhood meeting she was told by General Engineering that the utility easement is currently not sufficient for fire access).

Question – about the zoning change and what is evaluated? Adequate capacity for water/sewer/streets/schools etc. Consistency with the comprehensive plan.

Question – worried about increased traffic on upper John Street- it's a very narrow road – where are the utility easements? It was explained that the road alignments are conceptual. Formal, on the ground evaluation would happen at either the time of subdivision or development. Concern was raised about the capacity of Gastineau Elementary School.

Dave Hanna, the applicant spoke. He explained that Vista Drive extends to the property, and the maps provided are outdated. The right of way was extended during the VOA subdivision. He said that Juneau needs more single family homes. He stated the utility easement was built to grade for a city street and that he does not want just one way in/out. He also indicated that high capacity high pressure water system is already in place. City sewer was brought up Vista Dr. for the VOA project and can be extended

to the parcel in question. Higher density allows more development flexibility in lot size. The site is challenging with steep topography, streams, and wetlands. There is limited space that is appropriate for development. DH mentioned a desire to construct “precast concrete homes”.

Question – Single family homes only? – DH no, likely a mix of SF and multifamily. Some small homes on small lots for more affordable housing.

Question – Why not D10? DH –D18 provides more flexibility for lot dimensions. There is also the potential for Alternative Residential Subdivision.

Question – Can a stream corridor be required/designated through a conditional use permit review process? BMC possibly.

Question – Does DH live in the neighborhood? No.

Comment – People dislike the VOA development. Comments made about a cement wall separating Forest Edge and VOA (unclear if this was a real wall or a figurative wall).

Question – is there a long range plan for vehicles to get out of the neighborhood? John Street is very narrow. DH – looking to extend to John or David Street to provide more than one way in and out

Question - how many usable acres out of the 28? DH 9- 10 acres

Question – is the Hanna property a collection point for watershed? DH stated culverts are in place on city property. A lot of engineering will be required before the site can be developed.

Question – are there opportunities for density bonuses? BMC said yes for some types of development – typically when something extra is provided such as green space.

Question – anything allowed in D18 could be developed? BMC the analysis of the rezone is for all potential uses. Property owners have the right to apply for anything allowed in the zoning district.

Question – It’s more likely than not that staff will approve this rezone. BMC – only the Assembly has the authority to approve a rezone.

Question – can neighbors buy the land? DH said he would be open to offers.

Concern was raised about wildlife and their displacement through future development of the site.

Comment that there is no room for Vista Drive to physically expand the roadway. How big is the ROW?

Comment that there is bear habitat; bears use Lawson Creek, game trail along the ridge

Question – how much area has been clear cut? DH very little, acre or 3

Question- could/would David Street be used for access? DH said he didn’t think it is possible. DH suggested that John Street could be a one way access

Question – could a roundabout be installed on Douglas Highway at the Vista Drive intersection? BMC said the question could be asked of DOT

Question – how many units use Cordova for access? Or Crow Hill? Noted they are examples on one way in

Question – how will CBJ look streets? Can alternative access other than John or Vista be required?

Question – what happens to the on street parking on Vista Drive –currently about 6 cars park

Question – is there adequate water and sewer capacity for the maximum density?



32 total

**AME 2018-0014 Proposed Rezone
Neighborhood Meeting
March 27, 2019 – Douglas Library**

[illegible]

Attachment D - Neighborhood Meeting

[illegible]



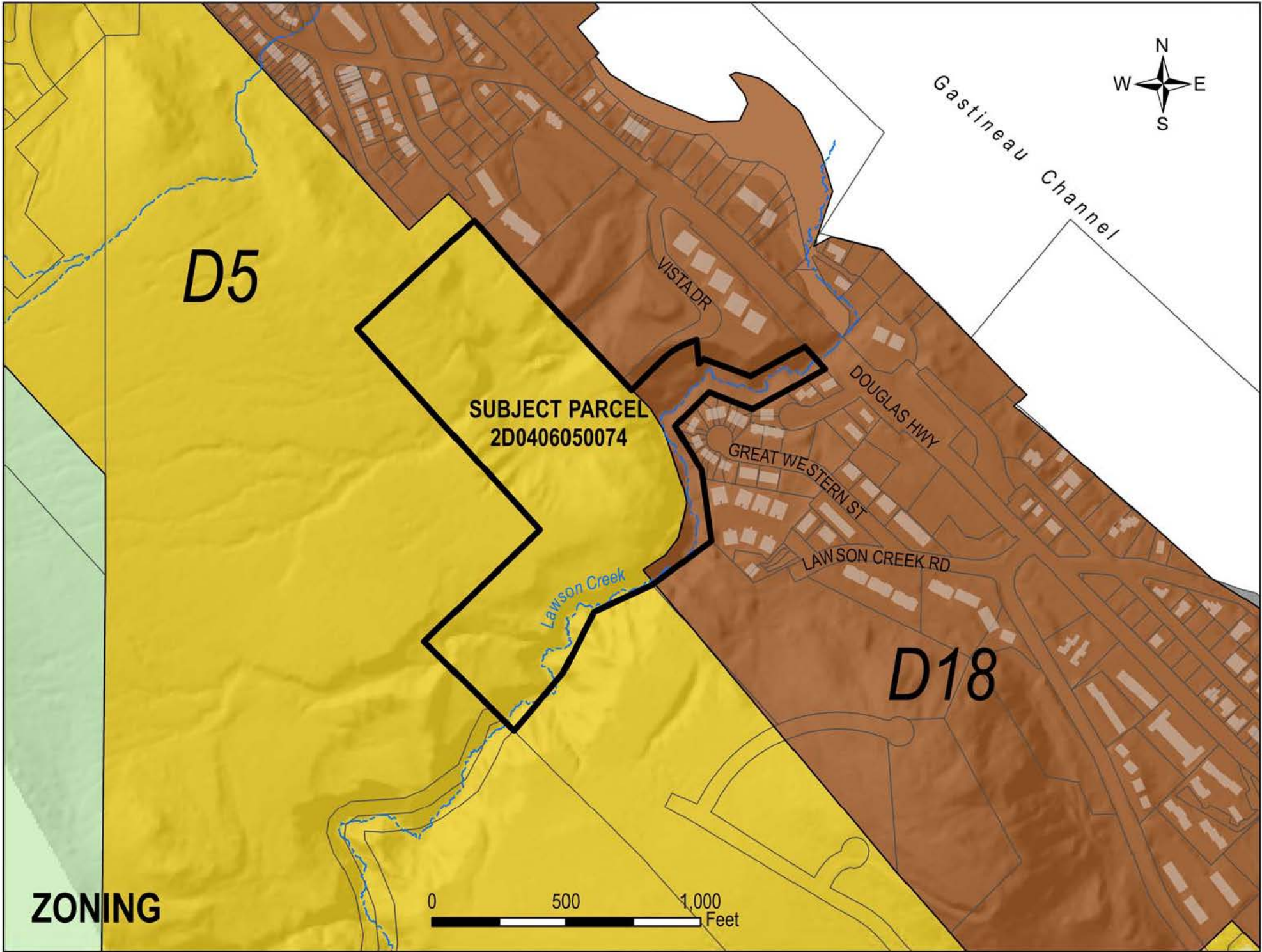
**AME 2018-0014 Proposed Rezone
Neighborhood Meeting
March 27, 2019 – Douglas Library**

NAME (PLEASE PRINT)	PHONE #	EMAIL	ADDRESS
Deane + Marianne Epperson	907-789-7451	demaeperson@gmail.com*	2551 Vista Dr. Apt A202 Crest Condos
Alan Wilson	209-6320	akrenovate@icloud.com	2225 Great Northern Ave
NORM + BETTY MILLER	957 2907		2231 VISTA DR. C 291
CHARLES WARD	957-7582	CHARLESWARD@ME.COM	3300 Foster Ave. *
MERRILL SANFORD	463-4443	fishbluek@aol.com	
DAVE HANNA	789-1902	hanneco@cci.net	11495 1000 Rd
Mary Karpovich	364 3640	mary_karpovich@alaska.gov	1407 1st
Debbie Lindquist	907-790-2440	bacio.ponna@reagan.com	2551 Vista Dr.
Don G. Lindquist	"	dondobbie.lindquist@gmail.com	"
Monte Brice	907-556-1844	mbrice@acsalaska.net	2710, Roger St
Clayton + Sandy FLEEK	907-364-3247	bsfleek@gci.net	2651 Vista Dr. D-102 Juneau, AK 99801
Jeff Hoover	907-209-6263	Juneaufour@yahoo.com	4416 Ichabod Ln 99801
Rob Welton	364-2779	robbrose@gci.net	2188-B Lawson Creek Rd 99824
IAN SMITH	209-2584	royalfishrentals@gmail.com	
Mary McDowell	723-6366	maryalaska@icloud.com	PO Box 20763 Juneau 99802
Maggie Swanson	723-2445	Maggieswanson@alaska.net	(2010 Creek St. Douglas) 2211-D Raven Rd Douglas 99824
Martina Kallenberger	586-1421	martina.kallenberger@gci.net	2602 John Street
Doug Sanvik	586-1421	dsanvik@gci.net	2602 John Street

BP

Table 1. Douglas Highway/Vista Drive Current and Projected Level of Service

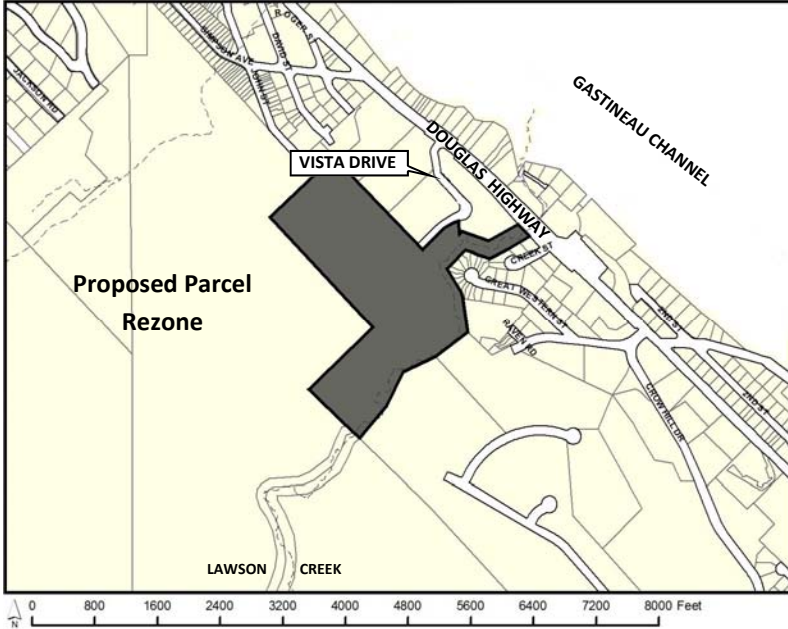
Year	Condition	Peak Hour	Douglas Highway	Vista Drive	
			Level of Service	Level of Service	Delay
2013	Current No Construction	AM	A	B	12.8
		PM	A	B	11.4
2015	40 units total	AM	A	B	13.3
		PM	A	B	11.4
2016	75 units Total	AM	A	B	14.0
		PM	A	B	11.5
2036	No construction	AM	A	B	13.7
		PM	A	B	11.9
2036	75 units total	AM	A	B	14.8
		PM	A	B	11.9



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

A request has been submitted for consideration and public hearing by the Planning Commission for a **request to rezone 28 acres from D5 to D18 near Vista Drive**. If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Staff Report expected to be posted Monday, May 6, 2019, at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through April 22, 2019

Comments received during this period will be sent to the Planner, **Beth McKibben**, to be included in the staff report.

April 23, through 12 noon, May 10

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, May 14, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

May 15

Results will be posted online, and if recommended for approval, the case will be sent to the CBJ Assembly.

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

Case No.: AME2018 0014
Parcel No.: 2D040C050071; 2D040C050074
CBJ Parcel Viewer: <http://epv.juneau.org>

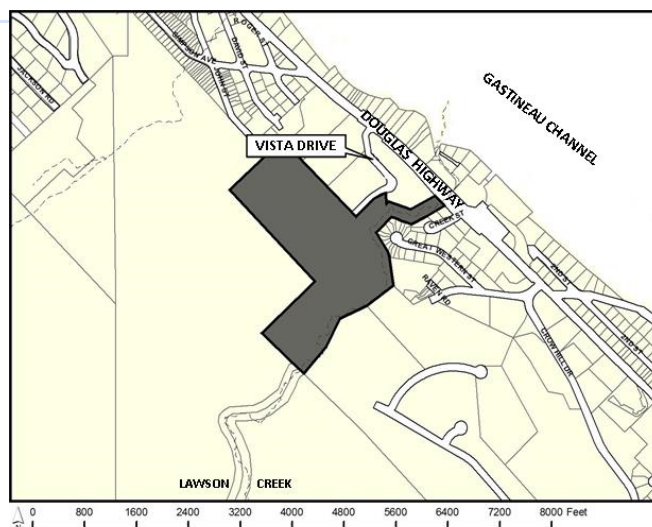
AME 2018 0014

A request to rezone ~28 acres from D-5 to D-18

Planning Commission Meeting
May 14, 2019



Vicinity Map



Aerial Photo

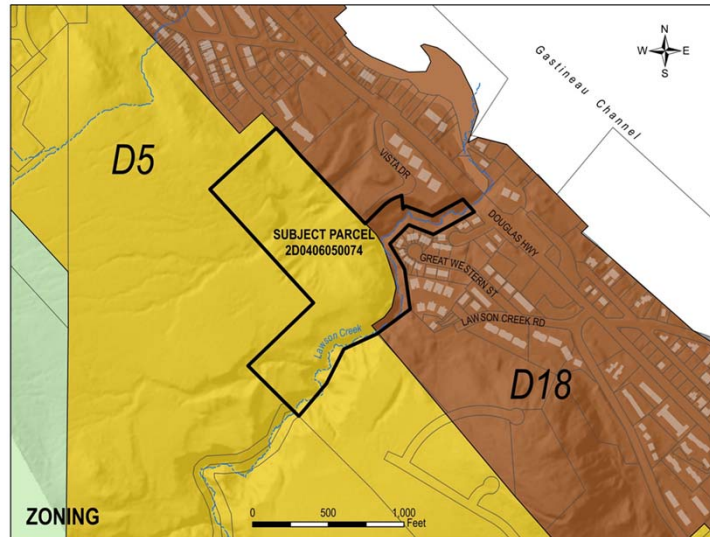


Overview

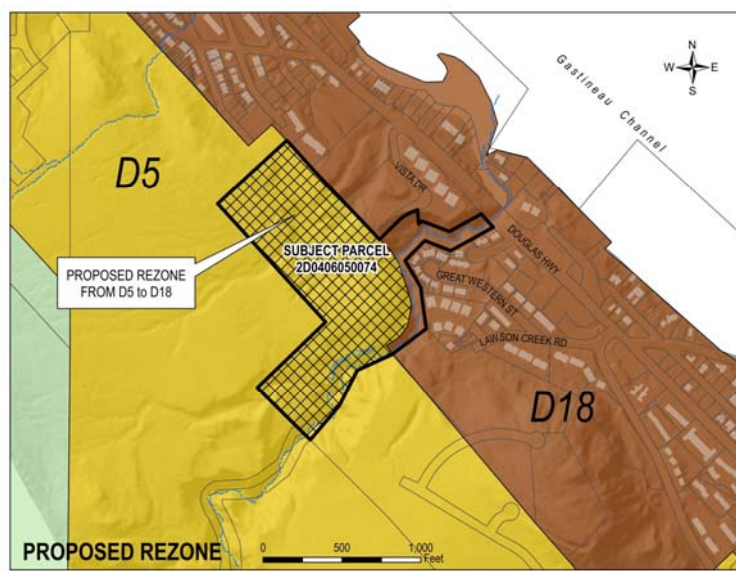
Site Size:	27.88 acres
Property Owner/Applicant:	JLC Properties Inc.
Legal Description:	Lot 1A, Emerald 3 Subdivision
Existing Zoning:	D-5 (Single family, 5 du/acre)
Comprehensive Plan Land Use Designation:	MDR (Medium Density Residential)
Utilities:	City water and sewer
Access:	Vista Drive
Existing Land Use:	Vacant



Current Zoning



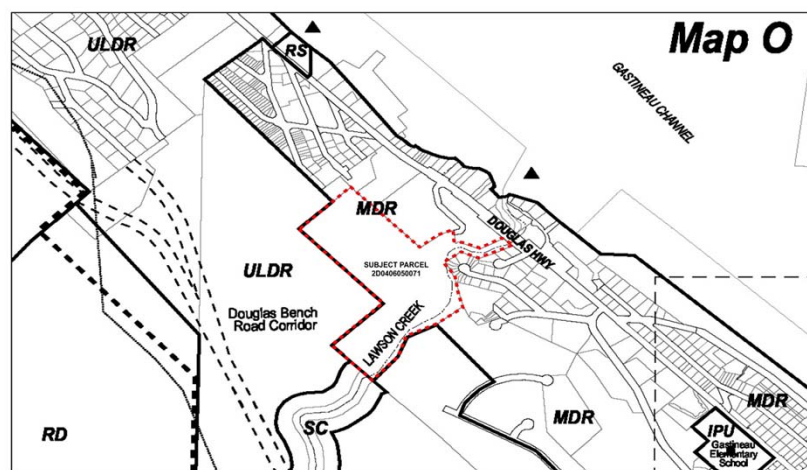
Proposed Rezone Boundary



Site topography



Comprehensive Plan Land Use Designation

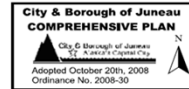


MDR - Medium Density Residential
 ULDR - Urban Low Density Residential
 RD - Resource Development
 RS - CBJ Recreational Service Park
 IPU - Institutional and Public Use
 SC - Stream Protection Corridor



Comprehensive Plan Land Use Designation

NATURAL RESOURCE	REC	Recreational Resource	RESIDENTIAL	RDR	Rural Dispersed Residential	OTHER		New Growth Areas		Urban Service Area
	RD	Resource Development		RLDR	Rural Low Density Residential			Mendenhall Wetlands		Beach Access
COMMERCIAL INDUSTRIAL	SP	State Park	PUBLIC	ULDR	Urban Low Density Residential			State Game Refuge		Streams
	NP	CBJ Natural Area Park		MDR/SF	Medium Density Residential- Single Family					
	RS	CBJ Recreational Service Park		MDR	Medium Density Residential					
	CA	CBJ Conservation Area		HDR	High Density Residential					
	SC	Stream Protection Corridor		TTC	Traditional Town Center					
	C	Commercial	ROADS TRAILS	M/MU	Marine Mixed Use					
	MC	Marine Commercial		IPU	Institutional and Public Use					
	WCI	Waterfront Commercial Industrial			Existing School					
	LI	Light Industrial			Potential School Location					
	HI	Heavy Industrial			Potential Arterial (alignment not specific)					
					Potential Road (alignment not specific)					
					Trails					



NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.

MDR, Medium Density Residential - is described as follows
*These lands are characterized by urban residential lands for multi-family 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.*



Rezone Requirements

CBJ 49.75.110 Initiation

"...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."

The rezone request was submitted in July 2018

CBJ 49.75.120. RESTRICTIONS ON REZONINGS

Rezoning must be more than two acres OR an expansion of an existing zone.

The rezone request is an expansion of the adjacent D-18 zoning district and is more than 2 acres

Requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered.

A similar request has not been made within the previous twelve months



Rezone Requirements

49.75.120 Restrictions on Rezonings

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.



Background

- 1969, the site was zoned R40, Residential Reserve -intended to allow for low density rural development and to also serve as a holding zone.
- 1983 Comprehensive Plan designated the site as Medium Density Residential (MDR).
- 1987 the site was zoned both D-5 and D-18.
- 1988 Comprehensive Plan update amended the land use designation to Urban Low Density (UDLR).
- In 1990, Ordinance 90-42 rezoned the entirety of the parcel to D-5.
- 1995 Comprehensive Plan land use maps continued to designate the site as ULDL.
- 2008 Comprehensive Plan changed the land use designation to MDR.



Rezone Request

49.25.210 Residential districts.

FROM:

The **D-5, residential district**, is intended to accommodate primarily single-family and duplex residential development at a density of **five dwelling units per acre**. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.

TO:

The **D-18, residential district**, is intended to accommodate primarily multifamily development at a density of **18 dwelling units per acre**. This is a high density multifamily zoning district intended to accommodate midrise-type development.



Rezone Request

	Current Zoning	Proposed Zoning
Table of Dimensional Standards	D-5	D-18
Existing site 28 acres	(5 du/acre)	(18 du/acre)
Maximum Number of Units	140	504
Maximum Height Limit	35 feet	35 feet
Maximum Lot Coverage	50%	50%
Vegetative Cover	20%	30%
Minimum Lot Size	7,000 sq. ft.	5,000 sq. ft.
Minimum Lot Width	70 feet	50 ft.
Minimum Lot Depth	85 feet	80 ft.
Minimum Front Yard Setback	20 feet	20 feet
Minimum Street Side Yard Setback	13 feet	13 feet
Minimum Side Yard Setback	5 feet	5 feet
Minimum Rear Yard Setback	20 feet	10 feet

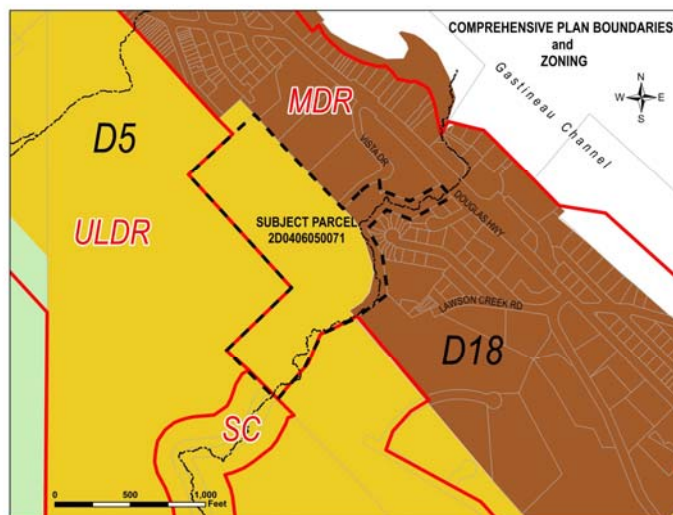


Rezone Request

CUP: Conditional Use Permit, Review by Planning Commission	Current Zoning	Proposed Zoning
	D-5	D-18
Single-family residential, duplexes	Dept.	Dept.
Multifamily	Not allowed	Dept./CUP
Bed & Breakfasts, Rooming Houses	CUP	Dept./CUP
Hotels, Motels	Not allowed	Not allowed
Offices not greater than 1,000 sq. ft.	CUP	CUP
Offices greater than 1,000 sq. ft. but not more than 2,500 sq. ft.	Not allowed	CUP
Offices greater than 2,500 sf	Not allowed	Not allowed
Light manufacturing	Not allowed	CUP
Medium Manufacturing	Not allowed	Not allowed
Churches, synagogues, temples	CUP	CUP
Social, fraternal halls, union halls	Not allowed	Not allowed
Health care clinic	Not allowed	CUP
Day care center	CUP	CUP



Comprehensive Plan Land Use Designations and Zoning Districts



Comprehensive Plan Policies

This property is located within the Urban Service Area Boundary (USAB). The Plan discusses compact infill development within the USAB.

"A development would build to the maximum density allowed by the zoning district within which the property lies, provided that road and intersections serving the new development have adequate capacity and levels of service to accommodate the proposed intensity of development. Building lands should be developed as medium- to high-density affordable housing or mixed residential and commercial developments wherever is possible and practicable. This is particularly true for lands located within walking distance (approximately one-quarter mile) of public transit service. (p.15)



Comprehensive Plan Policies

Chapter 3 – Community Form

POLICY 3.1. TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY'S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.



Comprehensive Plan Policies

Chapter 4 – Housing

POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

POLICY 4.3. TO DESIGNATE ON LAND USE MAPS AN ADEQUATE SUPPLY OF BUILDABLE LAND WITHIN THE URBAN SERVICE AREA, AND PARTICULARLY ALONG TRANSIT CORRIDORS, FOR RESIDENTIAL USE AT DENSITIES THAT CAN PRODUCE HOUSING AFFORDABLE TO ALL ECONOMIC GROUPS.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.



Comprehensive Plan Policies

Chapter 7 – Natural Resources and Hazards

POLICY 7.7 TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.



Comprehensive Plan Policies

Chapter 10 – Land Use

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3 TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.



Comprehensive Plan Policies

Relevant Guidelines & Considerations from Subarea 9

1. Provide for additional medium-high density residential development in areas with access to arterials and served by municipal sewer and water and adequate road intersection capacity (to Level of Service D or better).
7. There are several parcels of private land that could be further developed into multifamily structures as well as some CBJ-owned parcels above Crow Hill that should be developed into medium-to-high density, low-to-moderate-income affordable housing when sewer and roadway capacities can adequately (LOS D or better) serve the new development.
8. Future development in North Douglas, West Juneau or downtown Douglas will require improvements to the Tenth Street and Egan Drive intersection and may require additional traffic capacity on Juneau-Douglas Bridge. These two congestion points limit additional residential development on Douglas Island and impede CBJ's progress in promoting and facilitating the construction of affordable housing.



Comprehensive Plan Policies

2015 Juneau Economic Development Plan

The requested 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.



Comprehensive Plan Policies

2016 Housing Action Plan

The Housing Action Plan (HAP) was adopted by Resolution 2780 in 2016. HAP is not adopted as an element of the Comprehensive Plan, and therefore rezone requests are not required to be in conformance with this plan. However, the HAP represents official policy in regard to housing in Juneau. Several of the recommendations are relevant to this requested rezone.

The objective of the HAP is to create fluidity in Juneau's housing market, create an inviting place for workers and families new to the borough to call home, and enable seniors to age in the community. The HAP states that Juneau cannot afford to build infrastructure and then allow low-intensity development to use it. That is the very definition of private gain at public expense. The cost of such infrastructure is too high, and allowing low-intensity development to benefit from expensive infrastructure means the rest of the community is paying to subsidize the infrastructure for those areas. The HAP recommends that CBJ evaluate areas that need to be "up-zoned" – areas that would be appropriate for greater residential density or switched from residential only to mixed-use areas.



Comprehensive Plan Policies

In considering re-zoning requests, the Planning Commission and the 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. (Page 147)



Public Comment

Public comments attached to the staff report & Additional Materials

Concerns identified include (but not limited to)

- Impacts to traffic at the intersection of Vista Drive and Douglas Highway
- Extending right-of-way (and subsequently traffic) onto David Street
- Traffic at the roundabout
- General concerns of road capacity
- Hillside development and slope stability/drainage
- Impacts to Gastineau Elementary School
- Water and sewer capacity; and impacts to wildlife
- Many commenters question the consideration of a rezone request without a specific development plan



Agency Comments

- CBJ Streets & Fleet and Capital City Fire & Rescue “Public Services”,
- Alaska Department of Transportation and Public Facilities (DOT&PF) “Public Services”.
- Alaska Department of Fish and Game (ADF&G) “Habitat”.



Public Services

- City sewer and water are available to serve the site. CBJ Engineering indicates that water capacity is sufficient.
- The site is served by an 8-inch sewer line. It is expected to have adequate capacity and will be evaluated when there is a specific development proposal.



Public Services

- Accessed by Vista Drive, which has a 50-foot-wide right-of-way.
 - 5-foot-wide side walk on one side of the street.
 - CBJ maintained street has a 26-foot-wide paved travel way.
 - Vista Drive intersects with Douglas Highway.
 - Douglas Highway is controlled by the DOT&PF and is classified as a Major Collector.
 - Douglas Highway has two 12-foot paved lanes with 8-foot shoulders, curb/gutter, and street lighting. A new sidewalk was recently extended from Vista Drive to Gastineau Elementary School.



Public Services

- Capital Transit provides bus service every half-hour along Douglas Highway seven days a week.
- Douglas Highway has a daily traffic volume of between 6,000 to 8,500 trips per day.
- The morning peak hour (7:15 am to 8:15 am) count on Douglas Highway in September, 2013, was 612 vehicles, and the evening peak hour (5:00 pm to 6:00 pm) vehicle count was 647 vehicles.
- The morning peak hour included seven bikes/pedestrians with the evening peak hour showing four bikes/pedestrians. The bikes used the shoulder area while the pedestrians used the paved pedestrian trail.
- 2013 counts were a part of the Traffic Impact Analysis (TIA) completed for the VOA housing project.
- According to that TIA, the sight distance for vehicles entering Douglas Highway from Vista Drive meets standards in both directions.



Public Services

- DOT&PF has noted that a development expected to generate more than 100 trips in a peak hour will be required to provide a TIA.
- The TIA will also need to show what mitigation steps will be taken, if they are required.
- DOT&PF also states that more detailed information will be needed regarding driveway approaches on DOT rights-of-way.
- During the neighborhood meeting, it was asked if DOT&PF would consider installing a roundabout at the intersection of Douglas Highway and Vista Drive. Staff followed up with DOT&PF, and they indicated that mitigation steps could range from the installation of a turn lane to a signalized intersection. DOT&PF is required to evaluate a roundabout before a signalized intersection.
- Per CBJ Land Use Code Title 49.40.300(a)(3), a TIA is required when a development is projected to generate more than 500 average daily trips (ADT). When more than 250 ADT but fewer than 500 ADT is projected, the CDD Director can determine whether or not a TIA is required.
- DOT&PF requires a TIA based on projections for peak hours, and CBJ requires a TIA based on projections for ADT.



Public Services

- CBJ Streets has stated that an extension of Vista Drive into the subject property will require a turnaround unless it ties into John Street or David Street. CBJ Streets prefers a second street access to the parcel to allow future residents options for reaching Douglas Highway.
- Two fire apparatus accesses are required for developments with more than 200 units. The ability of this access to provide necessary fire apparatus access will need to be evaluated prior to any development large enough to require two fire apparatus accesses.



Habitat

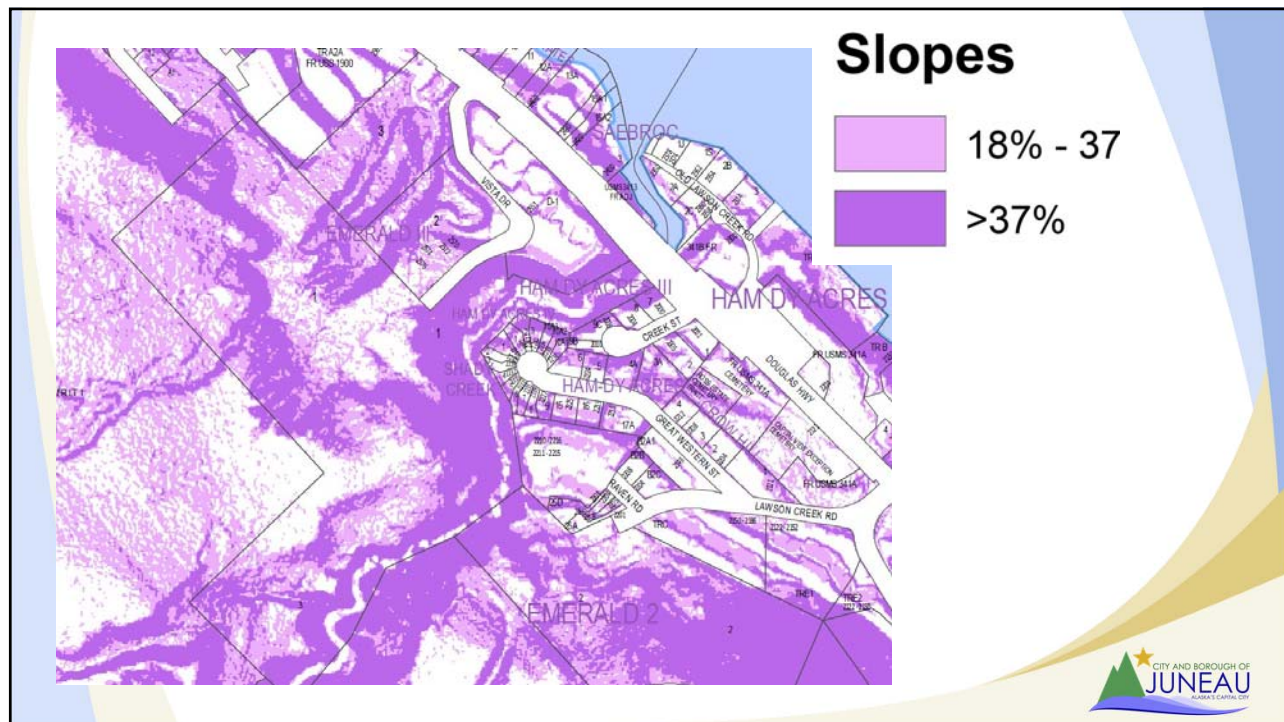
- Lawson Creek borders one side of the subject parcel.
- ADF&G states the lower reach of Lawson Creek is a cataloged anadromous stream, important for chum salmon, pink salmon, and Dolly Varden. Approximately 1,000 feet upstream from the mouth is a barrier to fish passage, but Dolly Varden may be present above the barrier.
- The site, and surrounding area, provide habitat suitable to black bear and deer.
- ADF&G regularly receive calls about black bears in the trash in this area. ADF&G states that future high density development will likely increase impacts on wildlife and increase human/wildlife conflicts.
- Future development will not likely need ADF&G fish habitat permits.



Slopes & Drainage

- There is a steep ravine surrounding Lawson Creek. Other areas of the site are steep.
- Portions of the site contain wetlands.
- Concerns have been raised from neighboring property owners about drainage and slope stability.
- Development on hillsides is pursuant to a Hillside Endorsement which must be obtained prior to site work (other than survey, engineering, and soils exploration) if the work is applicable to CBJ 49.70 Article II.
- Future development will likely be required to comply with this section of code.
- If a Hillside Endorsement is approved, the applicant may apply for building and grading permits. Grading permits require engineered drawings and involve regular inspections by CBJ Engineering staff and the project engineer. Both of these permitting mechanisms are in place to ensure that drainage and slopes are appropriately addressed both during and after construction.
- Future development of the site may be subject to a Storm Water Prevention and Pollution Permit from the Alaska Department of Environmental Conservation.
- The applicant has stated in the narrative that a wetlands delineation has been completed.
- A US Army Corps of Engineers permit for fill may be required for future development.
- Only the development or subdivision of the property would prompt the requirements for these permits.





Zone Change Options & Alternatives

CBJ 49.75.130(a),

The Commission may recommend approval, approval with modifications or denial of a rezone request.

Options

- Recommend approval as recommended by staff
- Deny rezone request
- Recommend different zoning districts than what is requested by the applicant or recommended by staff.
- Can determine the boundary of the area to be rezoned.
 - This means that if the Commission wishes to do so, the zone district boundary line may be moved from its current location, as long as it is found to be in substantial conformance with the Comprehensive Plan.

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 request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code. The application was filed in July, is an expansion of an existing zoning district, is more than 2 acres, and is not similar to a request rejected in the past year.
2. Based on the preceding analysis, the proposal substantially conforms to the Land Use Maps and policies of the Comprehensive Plan.



Recommendation

Staff recommends the Planning Commission concur with the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for a rezone of the subject parcel from D-5 to D-18.



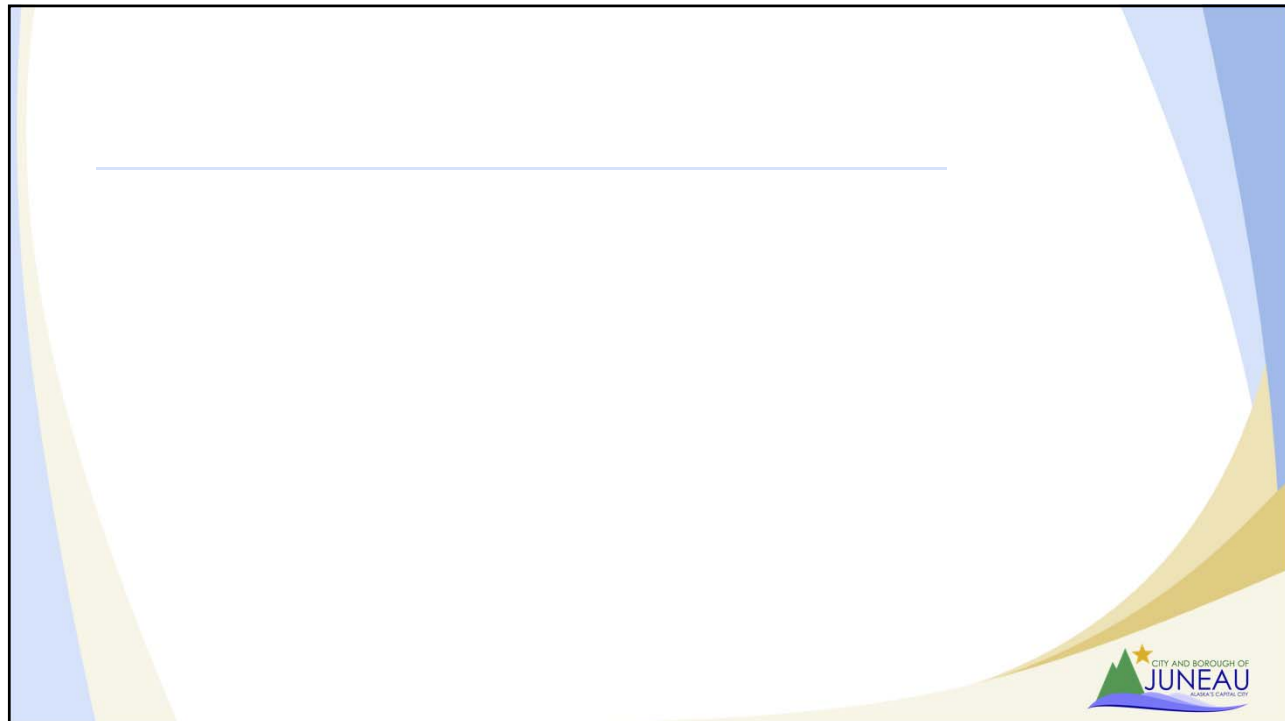
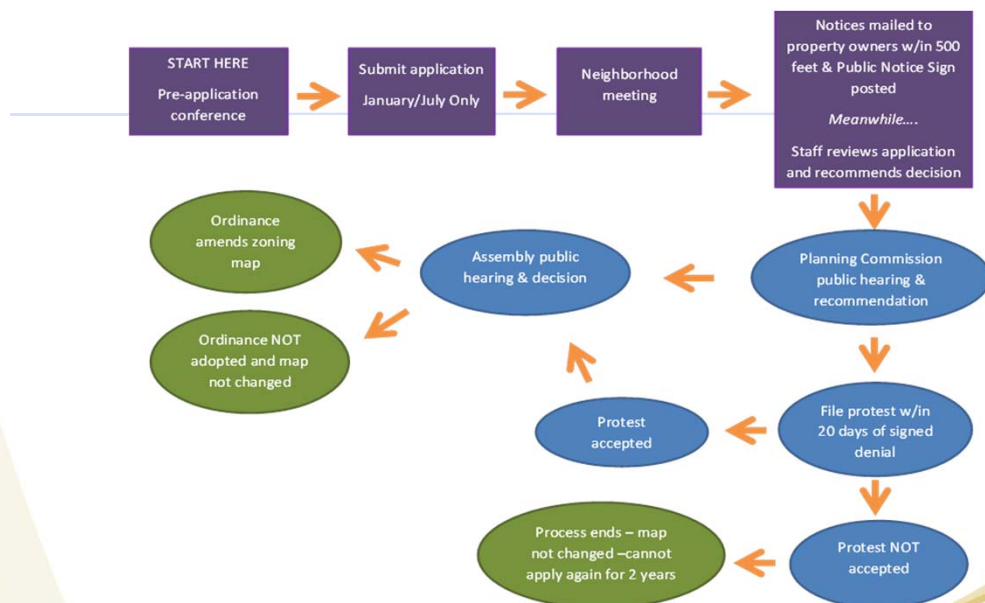


Table of Dimensional Standards Existing site ~28 acres		D-5 (5 du/acre)	D-10 10 du/acre	D-15 15 du/acre	D-18 (18 du/acre)
Maximum Number of Units		140	280		518
Maximum Height Limit		35 feet	35 feet	35 feet	35 feet
Maximum Lot Coverage		10%	50 %	50%	50%
Vegetative Cover		20%	30%	30%	30%
Minimum Lot Size		7,000 sq. ft.	6,000	5,000	5,000 sq. ft.
Minimum Lot Width		70 feet	40 feet	50 feet	50 ft.
Minimum Lot Depth		85 feet	85 feet	80 feet	80 ft.
Minimum Front Yard Setback		20 feet	20 feet	20 feet	20 feet
Minimum Street Side Yard Setback		13 feet	13 feet	13 feet	13 feet
Minimum Side Yard Setback		5 feet	5 feet	5 feet	5 feet
Minimum Rear Yard Setback		20 feet	20 feet	15 feet	10 feet

Examples of Uses in D-5 vs. D-18 Zoning Districts				
	D-5 Dept.	D-10 Dept.	D-15 Dept.	D-18 Dept.
Single-family residential, duplexes				
Multifamily	Not allowed	Dept./CUP	Dept./CUP	Dept./CUP
Bed & Breakfasts, Rooming Houses	CUP	Dept./CUP	Dept./CUP	Dept./CUP
Hotels, Motels	Not allowed	Not allowed	Not allowed	Not allowed
Offices not greater than 1,000 sq. ft.	CUP	CUP	CUP	CUP
Offices greater than 1,000 sq. ft. but not more than 2,500 sq. ft.	Not allowed	CUP	CUP	CUP
Offices greater than 2,500 sf	Not allowed	Not allowed	Not allowed	Not allowed
Light manufacturing	Not allowed	Not allowed	CUP	CUP
Medium Manufacturing	Not allowed	Not allowed	Not allowed	Not allowed
Churches, synagogues, temples	CUP	CUP	CUP	CUP
Social, fraternal halls, union halls	Not allowed	Not allowed	Not allowed	Not allowed
Health care clinic	Not allowed	Not allowed	CUP	CUP
Day care center	CUP	CUP	CUP	CUP



Finding

3. Transition zoning of D-10(T) D-18 would ensure that access to the subject site is addressed, including safety concerns with additional traffic on adjacent residential streets. While sewer and water are both available to serve the site, adequate road infrastructure is not currently in place to serve increased densities.

Condition

1. Prior to a zone change to D-18, John Street shall be improved to the standards required for streets as required by CBJ 49.35 Public Improvements, unless access meeting appropriate safety requirements equivalent or superior to that which would be provided, as determined by the directors of the Community Development and Engineering and Public Works Departments, and the Planning Commission, has been provided from an alternative location.





Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: May 16, 2019

Case No.: AME2018 0014

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a request to rezone ~28 acres near Vista Drive from D5 to D18.

Legal Description: Lot 1A, Emerald 3

Parcel Code Number: 2D040C050074

Hearing Date: May 14, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 6, 2019, and recommended that the City and Borough Assembly adopt staff's recommendation for approval to rezone approximately 27.88 acres from D5 (Single-family, 5 units per acre) to D18 (Multi-family, 18 units per acre). The Planning Commission found that this proposed expansion of the adjacent D18 zone district substantially conforms to the maps of the Comprehensive Plan.

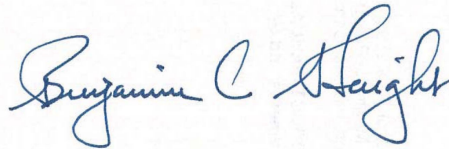
Attachments: May 6, 2019 memorandum from Beth McKibben, AICP, Senior Planner, Community Development, to the CBJ Planning Commission regarding AME2018 0014.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

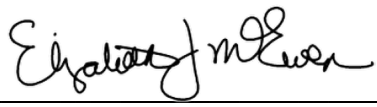
City and Borough Assembly
Case No.: AME2018 0014
May 16, 2019
Page 2 of 2

Project Planner: _____


Beth McKibben, AICP, Senior Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

5/20/2019

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.



Planning Commission

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

CORRECTED

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: June 12, 2019

Case No.: AME2018 0014

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a request to rezone ~28 acres near Vista Drive from D5 and D18 to D18.

Legal Description: Lot 1A, Emerald 3

Parcel Code Number: 2D040C050074

Hearing Date: May 14, 2019

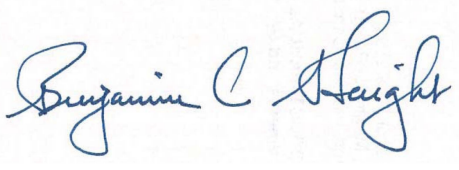
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 6, 2019, and recommended that the City and Borough Assembly adopt staff's recommendation for approval to rezone approximately 27.88 acres from a mix of D5 (Single-family, 5 units per acre) and D18 (Multi-family, 18 units per acre) to D18. The Planning Commission found that this proposed expansion of the adjacent D18 zone district substantially conforms to the maps of the Comprehensive Plan.

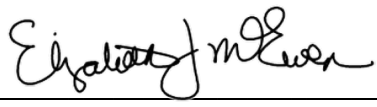
Attachments: May 6, 2019 memorandum from Beth McKibben, AICP, Senior Planner, Community Development, to the CBJ Planning Commission regarding AME2018 0014.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

City and Borough Assembly
Case No.: AME2018 0014
June 12, 2019
Page 2 of 2

Project Planner: 
Beth McKibben, AICP, Senior Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With Municipal Clerk

6/20/2019
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.



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

May 2, 2019

MEMO

To: Planning Commission

From: Tim Felstead, Planner
 Community Development Department

To: Planning Commission

RE: Zoning upgrade for twelve transitional zone lots, 10825 thru 10965 Glacier Highway

Attachments

Attachment A – Map of area proposed for zoning upgrade.

Proposal

During a recent inquiry from the public regarding one of the subject lots, it was noticed that a number of lots that are identified as transitional lots had not had their zoning upgraded despite CBJ water and sewer being available. The Community Development Department requests that the Planning Commission initiate the process to discuss rezoning this area per CBJ 49.70.720(1)(B). The subject lots are shown in **Attachment A**.

Background

Transitional zoning allows for a zoning district to be upgraded from one zoning designation to a higher density zoning designation when public sewer and water services are available. The twelve subject lots for this zoning upgrade request are part of a large identified transitional area zoned D1(T)D3. The entire area with this transitional zoning is large and encompasses smaller lots directly on Glacier Highway opposite Auke Lake, as well as a large area of CBJ owned land at higher elevations bounded by Engineers Cut-Off Road, Glacier Highway, and Fritz Cove Road (see **Attachment A**). Only lots that have frontage directly on Glacier Highway would be subject to a zoning upgrade at this time. The CBJ lot at the intersection of Glacier Highway and Fritz Cove Road would not be included in the zoning upgrade due to complexities with access and the significant additional sewer load that development at this lot could add.

Water has been available to the properties for some time, but sewer was only extended along this stretch of Glacier Highway in 2014. The sewer improvements were a Local Improvement District project

Planning Commission
May 2, 2019
Page 2 of 2

(LID 96) as part of the West Mendenhall Valley Sewer Extension project. LID projects apportion some of the improvement costs to the property owners who benefit from the improvements. Private property owners have been making yearly payments to CBJ for 4 years as part of the LID – all but two properties have paid their full balance. CBJ Engineering has informed CDD that all but one of the developed properties have connected to CBJ sewer since the extension was completed.

Some property owners who would be involved in this zoning upgrade had concerns regarding the upgrading of three other lots to the southeast that were part of the same LID. In that case (AME2015 0007, CBJ Ord 2015-36), the lots were identified as D1(T)D10 and were ultimately upgraded from D1 to D3. It is unclear why the subject lots were not included in that zoning upgrade. During that upgrade, neighbors had some concerns about D10 zoning contributing higher levels of traffic at what they perceived was an unsafe section of Glacier Highway due to sight distances, plus the capacity of the sewer.

Eight of the twelve lots subject to this proposed zoning upgrade are undersized for the D1 zoning requirements, and thus they would become conforming with the rezone. Three of the lots will continue to be undersized even if the zoning is upgraded to D3.

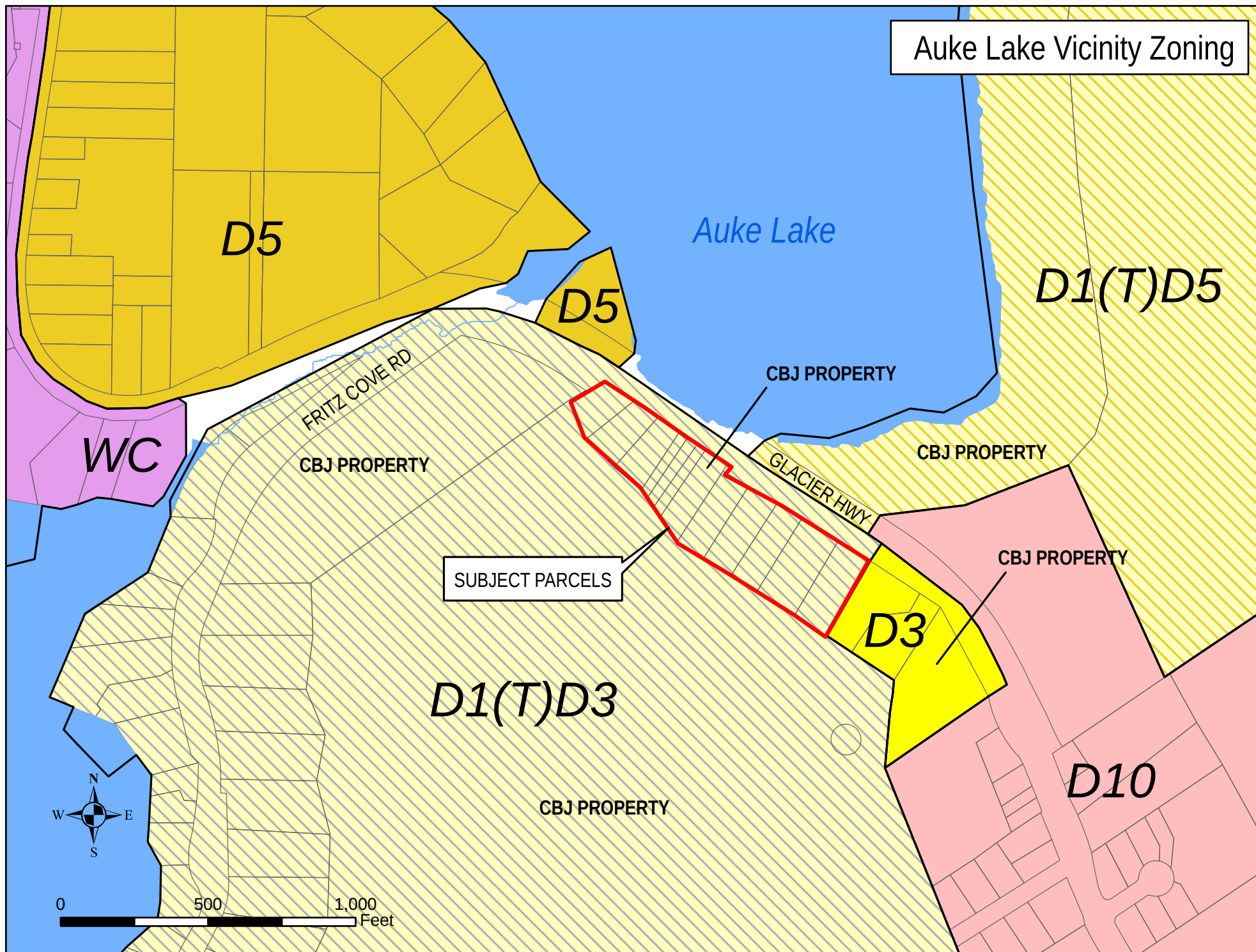
CBJ Engineering has commented that there is limited surplus capacity in the installed forced main sewer, but they do not have concerns regarding moving the subject lots to D3 since a combination of lot size and zoning would sufficiently constrain additional sewer use. Any future developments would also need to demonstrate that there is sufficient capacity for the proposed development.

Next Steps

CDD would inform the subject property owners of the proposed zoning upgrade and organize a neighborhood meeting to discuss the zoning upgrade and hear any concerns. Staff would then bring the zoning upgrade to the Planning Commission for a full review and recommendation.

Recommendation

It is recommended that the Planning Commission initiate the zoning upgrade of the subject lots from D1 to D3 in accordance with the transition status on the existing zoning map and direct staff to proceed with the steps necessary to bring the zoning case to the Commission.



Attachment A - Map