

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

November 27, 2018
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. October 23, 2018 DRAFT Minutes - Planning Commission Regular Meeting

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. ITEMS FOR RECONSIDERATION

VI. CONSENT AGENDA

A. SMF2018 0001: Subdivision of one (1) lot into five (5) lots within a PUD

B. CSP2018 0013: A City Project to pave and make drainage, water and sewer improvements along Birch Lane between Mendenhall Blvd and Dogwood Lane

VII. UNFINISHED BUSINESS

A. USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development

VIII. REGULAR AGENDA

A. AME2018 0015: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards

B. CSP2018 0012: Planning Commission recommended priorities for FY2020-2025 Capital Improvement Program

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

XI. STAFF REPORTS

XII. COMMITTEE REPORTS

XIII. LIAISON REPORT

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. EXECUTIVE SESSION

XVII. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 October 23, 2018

I. ROLL CALL

Paul Voelckers, Vice 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: Paul Voelckers, Vice Chairman; Nathaniel Dye, Percy Frisby, Dan Hickok, Andrew Campbell, Carl Greene, (telephonically) Dan Miller

Commissioners absent: Ben Haight, Chairman; Michael LeVine

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner II; Amy Liu, Planner I; Robert Palmer, Municipal Attorney

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

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

III. APPROVAL OF MINUTES

- A. September 11, 2018 Draft Minutes – Regular Planning Commission Meeting
- B. September 25, 2018 Draft Minutes – Committee of the Whole Meeting
- C. September 25, 2018 Draft Minutes – Planning Commission Regular Meeting

Mr. Voelckers asked that the words “to proceed on a new Comprehensive Plan” be added to the September 11, 2018, Planning Commission minutes, line two, page 11 of 338; “They accepted the recommendation from the Planning Commission *to proceed with a new Comprehensive Plan*” ...

MOTION: *by Mr. Dye, to approve the Planning Commission September 11, 2018, regular meeting minutes as amended by Mr. Voelckers, as well as the Committee of the Whole Planning Commission minutes of September 25, 2018, and the Planning Commission regular meeting minutes of September 25, 2018, with any other minor edits by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Voelckers asked Mr. Palmer if there were any reasons why the Commission could not hear the comments of Mr. Jenkins this evening.

After reviewing the item, Mr. Palmer said there was no problem with the Commission listening to the remarks of Mr. Jenkins.

Scott Jenkins, of R&S Construction, said his interpretation of what the Planning Commission decided regarding the Conditional Use Permit for his condominium development on June 26, 2018, and that of City, were different. He said hoped they could resolve the issue and prevent him having to pay another \$750.00 to come once again before the Planning Commission.

Mr. Voelckers said the Commission was not in a position to second-guess the issue without a full packet to see what the issue is, and that they could not proceed further on that item this evening.

In a letter to the Commission, Mr. Jenkins stated that he thought it was the intention of the Commission that the vegetative cover required in Condition 2 was eliminated and instead that there would be the strategic placement of maple trees.

Mr. Hickok said he thought this issue had been resolved at that meeting.

Mr. Voelckers said he thought the Commission could take no further action on this item at this time. He said they could read the letter, but that the Commission as a body could not give closure to this item at this meeting.

Mr. Jenkins said he did not think it was right that they should have to proceed with another formal Planning Commission meeting to determine a decision which had already been rendered by the Commission.

V. ITEMS FOR RECONSIDERATION – None

VI. CONSENT AGENDA

Mr. Dye requested that both USE 2018 0013 and USE 2018 0014 be pulled for a brief review by the staff.

USE2018 0013: A Conditional Use Permit for a marijuana retail facility

Applicant: Jamie Letterman

Location: 5310 Commercial Blvd

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 marijuana retail facility.

The approval is subject to the following conditions:

1. One ADA space total is provided on site. CBJ-approved signage shall be posted for the accessible parking space prior to commencement of the proposed use.
2. The vegetative cover areas shown on the plans submitted shall be maintained with live vegetative cover.
3. The applicant must submit a complete copy of the applicant's approved state license application to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the conditional use permit application, the commission shall review the development for consistency with this title.
4. Conditional use permits issued to marijuana establishments under this chapter shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.

USE2018 0014: A Conditional Use Permit for a marijuana cultivation facility

Applicant: Jamie Letterman

Location: 5310 Commercial Blvd

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 marijuana cultivation facility.

The approval is subject to the following condition:

1. One ADA space total is provided on site. CBJ-approved signage shall be posted for the accessible parking space prior to commencement of the proposed use.
2. The vegetative cover areas shown on the plans submitted shall be maintained with live vegetative cover.
3. The applicant must submit a complete copy of the applicant's approved state license application to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the conditional use permit application, the commission shall review the development for consistency with this title.

Conditional use permits issued to marijuana establishments under this chapter shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.

Ms. Liu told the Commission that both the marijuana grow facility and the retail facility would be located in Lemon Creek on Commercial Boulevard. She said they have received no comments from the public and that the facilities meet all of the necessary requirements. The products will be prepackaged before leaving the store and they will follow marijuana waste disposal regulations. There will be no visibility into the windows of the facilities, and the parking meets all the requirements for the facility as well as its existing uses, said Ms. Liu. Cameras will cover all exterior doors and the parking area of the facility, said Ms. Liu.

The product will be sold in prepackaged containers so there will be no odor in the commercial side of the facility, said Ms. Liu. The exhaust system will filter odors from the growing side of the operation, she said.

The City Assessor stated that they do not think this operation will have any negative influence on neighboring properties, and that it is consistent with light industrial uses, said Ms. Liu. Adoption of the permits is subject to the conditions that are listed in the information packet before the Commission, said Ms. Liu.

Commission Comments and Questions

Mr. Dye asked what generated the verbiage in Condition 3, since he has never seen it before on any other marijuana applications. He said in the past it has always been tied either to the CBJ issued license for marijuana or a building permit.

Ms. Liu said she thought Mr. Dye was correct and that typically this is tied to either a building permit or a certificate of occupancy. She said at the time, the condition was not tied to a building permit, and that this was an open question that she had not yet answered.

Mr. Dye asked if she thought it would be an issue to tie it directly to the CBJ marijuana license.

Ms. Liu said she would have to give that question some thought before she answered.

Mr. Dye said he appreciated the intent to come up with new language. Mr. Dye said in the future CBJ 49.15.330 will go away, and yet the requirement should remain for marijuana establishments to be subject to review by the Commission every five years from the date of issuance.

Mr. Palmer said Condition 4 is either verbatim or very similar to what is in the code. To alleviate Mr. Dye's concern, Mr. Palmer said the five-year review requirement by the Commission would not go away. He said the Commission could even eliminate this provision and just rely on the code.

Applicant

Jana Weltzen, attorney for Ms. Letterman, the applicant, said the Commission might be able to solve this issue with language by stating that the Conditional Use Permit must follow the code in place at the time of the request. She said the applicant has been a long time Juneau resident, and has raised her family here.

MOTION: *By Mr. Dye, to approve USE2018 0013 and USE2018 0014 with the changes to Condition 3 to tie that to the CBJ issued marijuana license, and with the deletion of Condition 4.*

In support of his motion, Mr. Dye said the code would require the five-year review by the Commission.

Offering a friendly amendment, Mr. Miller suggested leaving the first sentence in Condition Three and removing the rest of the verbiage and supplanting it with the motion made by Mr. Dye.

Mr. Dye accepted Mr. Miller's friendly amendment.

MOTION: *By Mr. Dye, with the friendly amendment of Mr. Miller, to approve USE2018 0013 and USE2018 0014, retaining the first modified sentence of Condition 3. The applicant must submit a complete copy of the applicant's approved state license application to the department for review prior to issuance of the required CBJ license. Condition 4 is deleted.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

Mr. Voelckers recused himself from the following item as he is working as a consultant on this item.

Mr. Dye said he is a member of the Downtown Business Association board and that he has discussed this with the law department and they feel that this does not create a conflict of interest.

The commission voiced no objection.

AME2018 0007: Seating of Blueprint Downtown Steering Committee
Applicant: City & Borough of Juneau
Location: Downtown Juneau

Staff Recommendation

Staff recommends that the Planning Commission appoint the following 13 applicants to the *Blueprint Downtown Steering Committee* listed below:

1. Betsy Brenneman
2. Kirby Day
3. Daniel Glidmann
4. Michael Heumann
5. Wayne Jensen
6. Laura Martinson
7. Lily Otsea (Youth Representative)
8. Karena Perry
9. Jill Ramiel
10. Meilani Schivens
11. Patricia (Patty) Ware
12. Christine Woll
13. Ricardo Worl

Mr. Felstead told the Commission that although not everyone can be on the steering committee that CDD encourages all those interested to attend the public meetings and steering committee meetings and to stay involved and be an active part of the process. The next Blueprint Downtown public meeting is scheduled for October 30, 2018.

Mr. Felstead told the Commission they tried to pick out people for the steering committee who had an interest in one or more items, and that they tried to pick an evenly distributed group representing business and residents, as well as various age groups. There were a lot of volunteers for this steering committee, noted Mr. Felstead.

He said the downtown area is large and diverse, and it extends from the Rock Dump to Norway Point

Mr. Hickok asked if the applicants were interviewed.

Mr. Felstead said the applicants were not interviewed, but selected by an application process.

Mr. Miller said that while crime is of great concern to the community, the one individual who listed crime as a primary concern on their application was not selected for the steering committee.

Mr. Felstead said that four CDD staff members reviewed the applications. They tried to select a diversity of applicants to cover various community concerns. He said that while it was a subjective process, he felt they had selected a good committee.

Ms. Maclean said they had learned some lessons from their experience with the Auke Bay steering committee. She said it was so large that it was very difficult to reach a consensus.

Mr. Frisby asked if they submitted a resume with the applications.

Mr. Felstead said that no resumes were submitted with the applications.

Mr. Dye asked how the matrix formulated by the staff figured in their selection of the steering committee members. He said some members were selected even though their attributes did not match as many of the boxes as others did.

Mr. Felstead said that it was a subjective process and that no weight was given to any individual box on the matrix. They also attempted to make sure that various ages and interests in the community were represented, he said.

MOTION: *By Mr. Miller, to recommend to the Assembly that they approve AME2018 0007, the seating of the Blueprint Downtown Steering Committee.*

Speaking in favor of motion, Mr. Campbell said he thinks the staff did an excellent job in its selection of applicants.

The motion passed with no objection.

Mr. Voelckers said he has a contractual relationship with the applicant for item USE2018 0016, and so he recused himself from the following item.

USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development
Applicant: The Jetty LLC
Location: 11798 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32-unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

This lot is zoned General Commercial and it is located behind the old UAS Bookstore located off of Glacier Highway in Auke Bay, said Ms. Eddins. The condominiums will be built upon a raised foundation of 15-foot pilings and screened with lattice wood work, she said. Parking will be located below the dwellings, she said.

While the lot is fairly flat, the applicant will leave the steeper rear part of the lot undeveloped and will install a retaining wall, said Ms. Eddins.

The total height of the building is 45 feet, said Ms. Eddins. The maximum height in the General Commercial zoning district 55 feet, she said. According to Title 49, the height of the building is

the vertical distance above a referenced datum measured to the highest point of the coping of a flat roof, or to the deck of a mansard roof, or to the average height of a pitched roof, she explained.

An HOA agreement would make sure that vegetation is properly maintained and bonded, said Ms. Eddins. The parking, located under the dwellings, will have 49 spaces. The site will have an additional 15 uncovered parking spaces. Only 58 spaces are required, she said. There will be pedestrian access raised at least six inches above the parking area, and will be five feet wide. It will connect the condominiums to the old UAS bookstore, she said. She noted that other condominiums in the area such as Auke Bay Towers and Spaulding Beach condominiums are both four stories in height like the proposed project.

Staff has received two emails and a letter mentioning concerns about traffic impacts to the area and a negative impact that rental units may have on surrounding property values and views of neighboring properties, said Ms. Eddins. Each unit will generate about 5.86 average daily trips, she said. This is not a high enough number to generate a Traffic Impact Analysis, she said. The Department of Transportation also voiced no concerns about the traffic impact of the development, she said.

While there is some protection in the Auke Bay Area Plan to maintain the views of the bay from public property, there is no such provision for the protection of private property views, said Ms. Eddins.

Commission Comments and Questions

Mr. Miller said it has been his understanding and experience that the CBJ does not normally approve the Home Owners Association (HOA) document. He said this does look similar to what has come out of the Alternative Residential Subdivision (ARS) ordinance. He said he understands why CBJ would be involved in the ARS. He asked why that language was in this particular development condition.

Ms. Maclean said they had required it for a fairly recent development in town for a use permit.

Mr. Palmer said he thinks that Mr. Miller is correct in that state law generally regulates the formation and the operation of a condominium association. The CBJ also regulates condominiums, he said. Not because they are condominiums but because they are developments, he explained. The Commission may alter the Director's proposed permit conditions, said Mr. Palmer. This includes an owner's association, he said.

The CBJ has code authority to regulate common property, said Mr. Palmer. The fourth condition for this condominium development is a little unique in that the department is required to approve the entire agreement, he said. He said maybe the Commission would be more comfortable if the condition stated that the Community Development Department must review

the application to ensure that the common facility such as parking and pedestrian ways and landscaping and vegetation are properly maintained, said Mr. Palmer.

Mr. Campbell said he liked the suggestion of Mr. Palmer. He said he had also had questions about the approval portion of that condition. He said he thought in previous applications the word "review" was used and not "approve".

Mr. Hickok said in all the meetings he has attended for the Auke Bay Area Plan that protection of the view shed was always mentioned. He asked if that is only applied to existing buildings and not to new developments.

Ms. Eddins said in the Auke Bay Area Plan that there is recognition that it is unique concerning views. The City should play an active role in protecting those views from public property, said Ms. Eddins. The plan does not specify protecting views from private property, she said. The Auke Bay Implementation Subcommittee had discussed the possibility of a developer being provided with a bonus if they worked to protect their neighbors' views, she said. That has not been adopted, she added.

Mr. Hickok asked if there is a definition of a view shed for Auke Bay.

Ms. Eddins said there is not such a definition.

Mr. Dye asked where in the Auke Bay Area Plan public views are distinguished from private views.

Ms. Eddins said she would find that information for Mr. Dye.

Mr. Hickok asked if anyone knew the height of the adjacent AEL&P building.

Ms. Eddins said she did not know the height of that building.

Mr. Frisby asked how high the property was.

Ms. Eddins said the highest point of the property is approximately 92 feet. There is a 22-foot slope that spans 70 feet, she said. The applicants have decided to leave that portion of the property undeveloped, she said.

Applicant

Applicant Garrett Schoenberger told the Commission that their property is zoned General Commercial, that they are sticking to the height limits and the proposed uses that are cohesive with the Auke Bay Area Plan.

Commission Comments and Questions

Mr. Campbell said he is very supportive of both this condominium development and the condominium development behind it. He said he would like to try to find a solution in which both parties could feel good. He noted that the applicants have a 15-foot height in their parking structure which is very high. He said perhaps that they could lower the height of the parking structure thus lowering the total height of the project, to ease the concerns of the property owners behind them.

Mr. Schoenberger said they have worked through this with the engineer. The piles are driven into bedrock and under-podium parking allows residents covered parking, but elevates the common area amenity. He said they want the highest and best use for the site. He said skimping on the height of the parking garage does not suit the project.

Mr. Miller asked if they are confident they will actually be constructing their condominiums to 10 feet less than the maximum 55 feet allowed.

Mr. Simpson said the condominiums are 55 feet high.

Ms. Eddins said the developer calculates height differently, but Mr. Simpson is correct in that at the lowest grade on the site the building will be 55' above grade. However, the rear of lot at the highest elevation on the site the building will be 40' above grade, and according to the CBJ Land Use Code the height for the entire structure will be 45'.

Public Comment

Mr. Pat Kemp said he is one of the owners of the condominium project behind the proposed development. He said they were told that the Auke Bay Area Plan would deal with their concerns about height, so that they could view the top of the boat launch ramp at Statter Harbor from their development.

He said they had spoken with these developers about their project and were told that their building would not impact their view plane. In early October, the developer had put in a different plan and raised the building height. Mr. Kemp met with the CDD to express their concern about that.

They could come in level with the old Horton's Hardware store building height and save money, and with a sloped roof design along with reducing the height of the garage, it would minimize the project impact on the development behind, he said.

Mr. Campbell asked Mr. Kemp if they had told their buyers that they would have a view of the top of the boat ramp from their condominium.

Mr. Kemp said they did tell their buyers that they would have that view.

Mr. Schoenberger said they are reasonable people who bought a site zoned General Commercial. They paid above the asking price for the site knowing that it had a 55-foot height potential. He said he has empathy for the people behind them, and that they are willing to have discussions, but that they want to make the best use of their property.

Engineer for the project, Travis Arndt, said the fifteen-foot-high parking structure would actually just be providing a net height of ten feet. The beam height added to that comes to fifteen feet, said Mr. Arndt. If they dropped the elevation of their structure to the elevation of the old hardware store, then they would have to excavate further into the hill with the existing slope rise. If they then had to push the retaining wall back, it would have to be 15 feet high, he said. They have to place five feet of rock with the piles, said Mr. Arndt. Dropping down seven feet would affect the uphill side as well as a huge cost increase, he said. He said they moved as far forward with the development as they could, to have parking in the front and under the dwellings. They went with the gabled roof to save height, he said. A gabled roof has a three-foot rise and a sloped roof would be a six-foot rise.

Mr. Miller said the architectural drawings showed the front buildings have flat roofs. He said there could be some savings in elevation if the uppermost unit had a flat roof.

Mr. Arndt said that would be possible, but then they would have to change the roof covering, which would be much more expensive. He said very few people in town can install a membrane roof. A metal roof would probably triple the cost, he said.

Mr. Campbell asked for the elevation of the old hardware store.

Mr. Schoenberger said it is about 24.5 feet high.

Mr. Hickok asked if their development would be higher than the diesel fuel tank on the AELP lot, or if it would be lower than the fuel tank in elevation.

Mr. Schoenberger said he imagines their development would be at a higher elevation than the fuel tank.

Mr. Campbell asked if the applicant had plans on excavating the undeveloped portion of the rear of their property or it would remain undisturbed.

He was told they would excavate to where the retaining wall is going in, and that the rest of the property would remain undisturbed.

Mr. Campbell said it seemed like the applicant could use undisturbed land which would enable them to put in their pathway and lower the elevation a little bit.

Mr. Arndt said the geotechnical report was not positive in that regard, and that he did not think they would want to put it at a two to one slope.

Mr. Campbell asked how wide the pathway would be behind the building.

He was told it would be four to five feet wide.

The Mr. Schoenberger said they have put everything they have into this project. They have done a lot of public outreach and have settled on this design due to the feedback from potential buyers, and from the geotechnical report.

Ms. Eddins told the Commission the verbiage on protecting public view sheds is on page nine and page 63 of the Auke Bay Area Plan.

Mr. Campbell asked if the Commission has the ability to specify the maximum elevation of a lot.

Mr. Palmer said the Commission did have that discretion, but that it had to be tied in to the three primary criteria that it evaluates; will the development more probably than not:

- 🏠 Materially endanger public health or safety
- 🏠 Substantially decrease the value of or be out of harmony with property in the neighboring area
- 🏠 Not be in general conformity with the comprehensive plan, the thoroughfare plan, or other officially adopted plans

Mr. Miller asked if there are any bonus provisions in code that speak to heights, and view sheds, and density.

Ms. Maclean said there is a height bonus if the property is in the MU2 district. Typically, the bonus is for an increase, and the applicant is not looking for an increase, she said. There are no height bonuses in the General Commercial zoning district.

MOTION: *by Mr. Miller, to approve the Conditional Use Permit with the change in condition number 4 in the packet removing the word "approval" and inserting the words suggested by Mr. Palmer, with the advisory condition that would implore the applicant to work with the neighboring development to potentially put in a flat roof instead of a gable and to be willing to work with Mr. Kemp to lower the height as much as possible.*

Mr. Campbell said he feels they should split the difference. Mr. Palmer said the Commission has the ability to impose a height limitation if it is tied to a primary criterion, said Mr. Campbell, which in this case would be that the proposed height of the development would substantially

decrease the value of or be out of harmony with property in the neighboring area. He said the additional cost to the applicant would be to have to core out an additional three feet of material, and that the reduction in the pile length of three feet would help to offset that. There would be the negative impact of the applicant's development to the neighboring property because they had already told their customers that they would be able to view the top of the ramp at Statter Harbor, said Mr. Campbell. He suggested they limit the maximum height of the building to 113.5 feet above elevation 0' as a compromise, and that the compromise be a requirement and not a suggestion.

Mr. Dye said he is intrigued by Mr. Campbell's suggestion. Mr. Dye said he is not typically in favor of advisory conditions that are not enforceable. Mr. Dye said he is not in favor of that aspect of Mr. Miller's motion. He said he would like to hear from the other commissioners regarding their opinion of Mr. Campbell's possible amendment to the main motion by Mr. Miller.

Mr. Miller said the current height as drawn is considered a 45-foot-tall building. That is the height they are considering for a lot of property in the Auke Bay area. It is the legal height for Light Commercial zoned properties, and it is already lower than the maximum height by 10 feet, said Mr. Miller. He said in his opinion the applicant has already compromised by building ten feet under the allowable height for that zoning district.

Mr. Frisby said if they stick to this height recommendation, if it would be following the current direction the Auke Bay Steering Committee in terms of maximum heights for the area.

Ms. Eddins said the Auke Bay Steering Committee is currently discussing the idea of establishing a new zoning district with a maximum height of approximately 45 feet. There has also been discussion of a maximum height of 35 feet with bonus points edging the height up to 55 feet, said Ms. Eddins.

This proposal was evaluated to be in compliance with the adopted Auke Bay Area Plan, said Ms. Eddins. It is also in line with the current discussions regarding zoning district proposals, she said.

Mr. Miller said Mr. Campbell's suggestion of 113.5 feet in height above elevation 0 is 3.5 feet lower than the current design with a gabled roof. He said he thought that it should be fairly easy for the applicant to attain. Mr. Miller said he would accept the height suggested by Mr. Campbell as a friendly amendment to his motion. He said he is still in favor of his advisory condition.

Mr. Campbell said he foresaw a future in the Auke Bay area where the height of a future development may be limited due to harm experienced by neighboring properties.

Mr. Miller said the Auke Bay committee's direction of a height of 35 feet with very strong bonuses given for the lower height, and the upper limit of a height of 55 feet for properties that are not impinging upon the view shed.

Mr. Campbell asked if there was some bonus they could give to the applicant in exchange for the 3.5 feet height reduction for their development.

Ms. Eddins said that there is not such a bonus for this available at this time.

Mr. Campbell said he proposed the friendly amendment that they add condition number seven limiting the maximum elevation of the proposed structure to 113.5 feet.

Mr. Miller accepted Mr. Campbell's friendly amendment.

Speaking in favor of the motion, Mr. Dye said that trying to maintain neighborhood harmony is not always a simple thing, especially considering the long Auke Bay process in terms of the neighborhood plan. He added that changes are afoot.

Mr. Greene said he was in favor of the motion.

MOTION: *by Mr. Miller, with a friendly amendment of Mr. Campbell, to approve USE2018 0016 with the change in condition number four in the packet removing the word "approval" and inserting the words suggested by Mr. Palmer (the Community Development Department must review the application to ensure that the common facilities such as parking and pedestrian ways and landscaping and vegetation are properly maintained), with the added condition that the applicant be implored to work with the neighboring development to potentially put in a flat roof instead of a gable and that the maximum height of the structure be 113.5 feet, and to be willing to work with Mr. Kemp to lower the height as much as possible.*

Roll Call Vote:

Yeas: Greene, Hickok, Miller, Campbell, Dye,

Nays: Frisby

The motion passes.

Mr. Miller stated that he lives in the area under consideration for item AME2018 0013, but that he feels that he can be impartial.

Neither the Commission nor the public voiced any objection to Mr. Miller remaining on the panel.

AME2018 0013: A rezone of five acres of land from Industrial to Light Commercial
Applicant: Sherwood Lane Development LLC
Location: Sherwood Lane

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change five acres from Industrial to Light Commercial, located at 2500 Sherwood Lane.

Ms. Camery told the Commission this rezone request is for five acres currently zoned industrial located at 2500 Sherwood Lane off Glacier Highway. The Comprehensive Plan land designation for this property is Heavy Industrial, she said. The existing use of the land is a contractor storage yard, she said. This is the site of a former asphalt plant which is no longer permitted, said Ms. Camery.

Land must be at least two acres for a rezone, said Ms. Camery. A rezone should only be approved upon a finding that the land is in substantial conformance with the zoning district and the uses allowed are in substantial conformance with the land use maps of the Comprehensive Plan, she said. The Comprehensive Plan is a guiding document, and failure of the proposal to conform to one particular policy does not mean that it is automatically inappropriate, said Ms. Camery. The Commission does have some discretion to change some findings on conformance with policies as well as land use maps, she said.

Light Commercial zoned land can be next to existing residential areas, said Ms. Camery. There are more height and setback requirements for Light Commercial zoned land, she said. Thirty residential units per acre are allowed on Light Commercial zoned land, she added.

If the Commission makes findings that rezoning to Light Commercial is in substantial conformance with the maps and policies of the Comprehensive Plan, staff recommends that additional properties be evaluated as well. Staff would contact the property owners and public notice, a staff analysis, and a Commission hearing would be required.

Ms. Camery told the Commission that Industrial zoned land carries higher impacts, while a Light Commercial zoned property is usually adjacent to existing residential areas. The applicant has identified that the rezone to Light Commercial could be a useful buffer between Industrial and adjacent residential areas, she said.

There are policies in the Comprehensive Plan that support both the importance of Industrial zoned land, as well as policies supporting the need for residential and commercial areas, said Ms. Camery.

Capital City Fire and Rescue sent letters to the CBJ objecting to the rezone request, since the fire-training center is near this property. It felt that an area with a Light Commercial designation could compromise their training procedures, said Ms. Camery. The fire training center is zoned Industrial, she noted.

The Alaska Department of Environmental Conservation did not foresee any restrictions on the fire training center should the land be rezoned to Light Commercial, said Ms. Camery.

CDD held a neighborhood meeting about the rezone request and no one attended, said Ms. Camery.

The Industrial zone's primary distinction from Light Commercial zoned land is that it does not allow residential uses except for a caretaker unit, said Ms. Camery. Industrial uses often produce fumes and odors which negatively affect residential areas, she said.

Commission Comments and Questions

Mr. Dye asked if Ms. Camery was suggesting that if the Commission found this rezone to Light Commercial to be appropriate, if she was suggesting the rezone be stalled until the staff put together a larger block of land zoned Light Commercial with surrounding property owners.

Ms. Camery said that is what the staff recommends.

Mr. Miller said he did not understand what would be gained by looking at adjacent properties to rezone to Light Commercial. He said this property already acts as a well-placed buffer, and he does not see how rezoning other properties could be more beneficial. Mr. Miller said he does not see why holding up this application would be necessary when this parcel already does the job of acting as a buffer.

Mr. Dye asked if there had been any thought to rezone the property to General Commercial putting it in more alignment with industrial zones.

Ms. Camery said that staff did not evaluate General Commercial as an option, because the number of allowed residential units is higher in a General Commercial zone and could further exacerbate the activities at the fire training center, said Ms. Camery.

Ms. Maclean said the staff is considering bringing in adjacent properties because there are currently legally nonconforming structures on those properties, she said, extending to Glacier Highway.

Mr. Frisby asked why the staff is looking for a way to expand the buffer from the existing rezone request.

Mr. Voelckers said the staff recommends denial of the rezone, but that if the Commission wants to approve the rezone the staff recommends that a few other nonconforming uses be cleaned up.

Applicant

Applicant Jesse Pollard told the Commission that the Light Commercial zone would keep a buffer between Industrial zoned land and residential areas. He said since there is a salmon spawning stream on the property, they would only be using about half of the land for development. He said they had tried to utilize their land as Industrial, but that there was no interest. Their land is no closer to the fire training center than the highway, the doctor's office or the vet clinic, he said.

Mr. Voelckers asked if the additional vehicular traffic generated by the Light Commercial property would have a negative impact on the fire training center.

MOTION: *by Mr. Miller, to move AME2018 0013 to the Assembly and approve the rezone from Industrial to Light Commercial.*

In support of his motion, Mr. Miller said the distance of this property from the fire training center is no less than other properties that are not zoned Industrial, and that the chance of complaints is minimal compared to other adjacent neighbors. He said he thinks this property is in a perfect location to act as a buffer between the Industrial and residential areas. Mr. Miller said he would not want to hold up an applicant to try to get a few other properties rezoned at the same time. He said he also wanted to note that while there are some noxious odors coming from the fire training center, that it is not onerous.

Mr. Voelckers asked if the Commission were to approve the rezone if it would be exceeding its power by being out of alignment with the Comprehensive Plan.

Mr. Dye asked if the rezone would require a Comprehensive Plan land map designation amendment to reflect the change.

Mr. Palmer said to justify the motion of Mr. Miller, the Commission would need to provide findings to justify why the Light Commercial designation conforms to the Heavy Industrial designation on the land use map.

Mr. Voelckers asked if they could have a parallel Comprehensive Plan amendment.

Mr. Palmer said that could be an option, but due to timing issues it would not be something that could be settled this evening.

Mr. Miller said he did not necessarily agree with the statements that the Comprehensive Plan had to be amended. He said they have been taught that the borders on the Comprehensive Plan are “fuzzy lines” that are not perfectly drawn per lot. He said this is a perfect example, that if the line had been accurately drawn, that it would have been Mixed Use Residential on one side of the road and the other side of the road would have been Industrial.

Mr. Miller said when the Comprehensive Plan land use maps were drawn up ten years ago or so, that the individual parcels of land were not scrutinized this closely.

Mr. Voelckers said in this case they are changing a zone, not moving a line between properties. He said there have been similar cases where the Comprehensive Plan itself was deemed to be incorrect.

Mr. Palmer said he agreed with Mr. Voelcker’s statement. If the Commission determines that the Industrial zone does not substantially conform to the Heavy Industrial district then the Comprehensive Plan amendment would need to be done first, and then do the subsequent rezone, he said.

In answer to a question of Mr. Voelckers, Mr. Palmer said it could not be done this evening, as the Comprehensive Plan amendment is a completely separate process.

Mr. Voelckers said this is not an easy issue, but like Mr. Miller, he was impressed by the graphic that illustrated the physical distance of this property from the fire training center. He added he does think this is more than a trivial line adjustment, that this item should be tabled until they can perform a Comprehensive Plan amendment.

Mr. Campbell said he supports the motion of Mr. Miller. He said he does appreciate the value of the work that goes on at the fire training center, but that he hates to deny an application based upon a hypothetical situation. He said he is familiar with the property and the path taken by the stream. That area will have no development, he said. He said he appreciates the concern of the fire training center, but that future development could be addressed that time.

Mr. Dye said he found this rezone request to be very straightforward. A buffer in the form of the rezone makes perfect sense, said Mr. Dye, especially when considering the anadromous stream. He said he does not think the argument posed by the fire training center is extraordinary enough to prevent the rezone. He asked if the applicant was made aware that a Comprehensive Plan amendment would be needed for the rezone.

Mr. Voelckers said there appears to be the consensus on the part of the Planning Commission that a rezone of the property to Light Commercial would be favorable. He said he wanted to be careful that the Commission did something that was procedurally sound.

Mr. Miller said on page 200 of the staff report it states that it must be in substantial conformance with the land use maps of the Comprehensive Plan and that this means the proposed zoning district needs to substantially conform to the land use land use designation which is Heavy Industrial. This means the proposed zoning district may deviate slightly from the Comprehensive Plan land use map designation but must be materially the same.

This zoning request is materially the same as the portion of the zone it is near. They are on the same side of Sherwood Lane as this property, and it would act as a buffer to neighboring residential zones, said Mr. Miller. Mr. Miller said when viewing the actual land and what is on the ground, that the property does substantially conform.

Mr. Voelckers asked the staff how long it would take to come up with a Comprehensive Plan land use map change.

Ms. Maclean said she felt it is important to keep in mind not just what is on the ground today, but what it will be like in 20 years. Light Commercial zoning could provide a good buffer, she said, if it conforms to the Comprehensive Plan land use designations, but substantially conforming to what is on the ground today may look very different in 20 years, she said.

Ms. Maclean said she felt the staff could come back to the Commission with a companion Comprehensive land use amendment in four weeks.

Mr. Dye asked if the applicant was aware that the Comprehensive Plan would need to be amended for the rezone.

Ms. Camery said this was not discussed with the applicant.

Mr. Voelckers said this is not something that the staff would discuss typically with an applicant. He said he felt there has been concern in the past about spot Comprehensive Plan land use amendments.

Mr. Dye said the land as it is zoned Industrial could be divided up into numerous lots, each with its own allowable caretaker residence, which would indeed be in substantial conformance with Light Commercial zoning.

Mr. Campbell asked if there is a legal definition of “substantial conformance”.

Mr. Palmer said the staff report provides most of the context for “substantial conformance”. It is also available on pages 249, 252 and 253.

Mr. Campbell noted that referring to the table on page 215, that 10 out of 16 cases have similar uses for the zones. He said to him that is a pretty good argument that they are in substantial conformance.

Mr. Miller said that the comment of Mr. Dye is true. There could be 40 lots, each with a caretaker's unit. The Table of Permissible Uses also provides a good example, he said.

Mr. Hickok said he supports the rezone.

Mr. Greene said it made sense to him to rezone the property.

Roll Call Vote:

Yeas: Miller, Greene, Dye, Frisby, Campbell

Nays: Voelckers

The motion passes.

Mr. Campbell called for notice of reconsideration of item USE2018 0016.

This Conditional Use Permit case will come before the Commission at its next public meeting for a vote regarding whether or not to reconsider.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

A. Director's Report: FY 2020-2025 Capital Improvement Program

Mr. Felstead told the Commission that the Capital Improvement Program will be before the Commission at its next regular meeting on November 13, 2018, when the Director of Engineering and Public Works will be present to answer questions. The staff has also produced a summary of potential CIP projects in plans that have either been adopted into the land use code, or relate to past priority policies identified by the Planning Commission. These include the Housing Action Plan, the Climate Action Implementation Plan and the Renewable Energy Strategy, said Mr. Felstead.

Mr. Dye asked if there is a reason the CDD does not make its own recommendation for the CIP.

Ms. MacLean said this is how it has been done in the past, and due to timing, there will be no changes in the procedure for this CIP. She said this is something they can work on in the future, if this is of interest to the Commission.

Mr. Voelckers said a small subcommittee could draft a letter of recommendation for the CIP from the Planning Commission as it did last year. Subcommittee members will be named at a later date.

XII. COMMITTEE REPORTS

Mr. Dye said the appeal for which he is the presiding officer is moving forward by a joint stipulation of the parties.

The Auke Bay Steering Committee meets November 6, 2018.

XIII. LIAISON REPORTS

Assembly Liaison to the Planning Commission Wade Bryson said the Assembly has been discussing the Alternative Residential Subdivision ordinance.

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 10:45 p.m.



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

DATE: November 20, 2018

TO: Planning Commission

FROM: Laurel Bruggeman, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'Laurel Bruggeman', is written over the printed name in the 'FROM' field.

FILE NO.: SMF2018 0001

PROPOSAL: A subdivision of one (1) lot into five (5) lots within a Planned Unit Development.

GENERAL INFORMATION

Applicant: Douglas Island Development LLC

Property Owner: Douglas Island Development LLC

Property Address: 1011 Teufelshund Way

Legal Description: USS 2960 Lot 7B1

Parcel Code No.: 6D0701010174

Site Size: 139,058 sq. ft. (3.19 acres)

Comprehensive Plan Future
Land Use Designation: Rural Dispersed Residential (RDR)

Zoning: D3

Utilities: Public Water & Sewer

Access: N. Douglas Highway to Teufelshund Way, a private shared driveway

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Existing Land Use: Residential Planned Unit Development

Surrounding Land Use: Northeast – N. Douglas Highway
Southwest – Vacant CBJ Parcel
Southeast – D3 Residential
Northwest – D1 Residential

VICINITY MAP



ATTACHMENTS

Attachment A:	Development Permit Application
Attachment B:	Preliminary PUD Plat, showing phased development.
Attachment C:	Final Plat
Attachment D:	SMP2018 0001 NOD and Staff Report

BACKGROUND

In 2015, PDF2015-0001 approved the final plan for a 12 unit Planned Unit Development (PUD) in the D-3 zoning district. The final approved PUD included 12 single-family dwellings on common property managed by a homeowners' association (HOA) accessed by a common driveway, with

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 File No.: SMF2018 0001
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public utilities. See Attachment B. In 2018 the applicant requested an amendment to the approved PUD to allow the creation of 12 individual lots for single-family residences within the PUD (PDP20180001 & PDF20180001). At the Regular Planning Commission (PC) meeting on November 13, 2018, the PC approved the PUD amendment and preliminary plat to allow the creation of 12 individual lots and one parent lot within the PUD through 3 phases. Additionally, at the November 13th, Regular PC meeting, the preliminary plat (SMP2018 0001) associated with the Sunset Heights Planned Unit Development was approved.

The proposed subdivision would be the first of three phases and would subdivide the PUD into five (5) lots; four (4) lots for individual single family homes and one (1) parent lot to be owned under common ownership by the HOA which will contain future phases of the PUD, common open space, and the shared driveway.

Because the developer requested an amendment to the previously approved PUD, and per CBJ 49.15.620(a) Planned Unit Developments shall be reviewed as a major subdivision when there is a proposed change in the number or boundaries of lots:

(a) General procedure. A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

According to 49.15.630(b)(5), phased development is allowed within PUDs. The developer proposes 3 phases of development, each including 4 residential units located on their own individual lot. The first phase of development will include units 1-4 and this requires a subdivision creating 5 total lots (4 individual residential lots & 1 parent lot for the PUD). The second phase of development will include units 5-8, and another subdivision to create the 4 additional lots. The third phase of development will include units 9-12 and the final subdivision to create the last 4 lots. The developer may choose to complete the subdivision in two phases rather than the three proposed through the major subdivision process. Throughout the 3 phases, 12 single-family homes will be built and 13 lots will be created. This subdivision case will address phase one (1) of the PUD. Attachment B shows the proposed final design of the PUD with the phases shown.

ANALYSIS

Zoning – The proposed subdivision is within the D3 residential zoning district. According to CBJ 49.15.670(c) there is no required minimum lot size within the PUD; the small lots proposed for

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single-family homes in phase one will be 2,419 square feet each and the larger PUD parent lot will contain 129,382 square feet.

Drainage – In 2014, PDP2014 0001 approved the preliminary design for the PUD. Under this review, Department of Transportation and Public Facilities (DOT&PF) required an engineered stamped pre and post runoff model to ensure adequacy of highway cross culvert to pass increased storm water flow that could result from site development. CBJ engineering reviewed and approved the associated grading permit (BLD2014 0633) which addressed drainage issues and the stamped plans required by DOT&PF. Storm Water Best Management Practices measures were also required under the grading permit.

Wetlands – There are no known wetlands on the subject parcel.

Habitat – There are no habitat concerns on the subject parcel.

Access – The approved access to the site will remain through the existing driveway of lot 7A. An access easement is identified on the proposed plat (Attachment B). The common driveway was approved to encroach into the required 25 foot PUD perimeter buffer through the variance process (VAR2014 0028). The common driveway will extend into lot 7B1 and throughout the PUD. An access easement agreement will be recorded with the final subdivision plat. Additionally, a pedestrian access easement along the southeastern property line allows access to the PUD by foot.

Traffic Analysis – Per CBJ 49.40.300, a traffic impact analysis is required if a development is projected to generate 500 or more average daily trips. No traffic impact analysis was required when the PUD was approved in 2015. The PUD is estimated to generate 115 vehicle trips per day. There are no proposed changes in the number of dwelling units, so the trips generated will not increase and a traffic impact analysis is not required for the proposed amendment.

FINDINGS

CBJ §49.15.440(3) states:

The commission may place conditions upon the granting of final plat commission as are necessary to preserve the public welfare. The commission shall approve the application for a final plat if the following criteria are met:

- (A) The applicant has compiled with any conditions or plat notes required in the notice of decision approving the preliminary plat;*
- (B) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010; and*
- (C) The final plat meets the standards set forth in CBJ 49.15.412*

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The conditions of the preliminary plat are as follows:

1. All changes requested by General Engineering, as discussed in a MEMO from Autumn Sapp, dated October 23, 2018.

Comments: All required changes have been completed.

2. Title Block
 - a. Revise title block (you could also shorten the name to just “SUNSET HEIGHTS”):

PLAT OF
SUNSET HEIGHTS PLANNED COMMUNITY
A SUBDIVISION OF
LOT 7B1, U.S. Survey 2960
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDER’S OFFICE AT JUNEAU

- b. Alternatively, the developer could also name the subdivision “SUNSET HEIGHTS” or “SUNSET HEIGHTS PHASE 1”. The next plat iteration will be “SUNSET HEIGHTS PLANNED COMMUNITY II” or “SUNSET HEIGHTS PHASE 2”.

Comments: The developer requested not to change the name of the subdivision. Formatting of the Title Block has been met as required.

3. Plat Graphic
 - a. Show the private drive and label it “TEUFELSHUND WAY”
 - b. Change the name of LOT 7B1 to “LOT 13”, and use a dashed or ghost font to label previous LOT 7B1.
 - c. Prior to final plat recording, remove all structures from the plat.
 - d. Prior to final plat recording, remove phases two and three from the plat, only showing lots 1-4 and lot 13.

Planning Commission
 File No.: SMF2018 0001
 November 20, 2018
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- e. Prior to final plat recording, remove the note "DEVELOPMENT RIGHTS RESERVED IN PHASE 2&3 MAY BE WITHDRAWN. UNITS SHOWN HEREON ARE PROPOSED AND NEED NOT BE BUILT."
- f. Remove the "Typical Foundation with Setbacks" graphic within the plat graphic.

Comments: All required changes have been completed.

4. Scale:

- a. Check the verbal scales. It appears that they should be 1" = 20' instead of 1" = 40'.

Comments: All required changes have been completed.

5. Plat Notes:

- a. Add the following plat note: "LOTS ONE THROUGH FOUR (1-4) OF THIS SURVEY ARE PERMITTED TO BE DEVELOPED WITH ONLY ONE (1) SINGLE FAMILY DWELLING UNIT ON EACH LOT. NO ADDITIONAL DWELLING UNITS ARE ALLOWED BEYOND WHAT IS INDICATED."

Comments: All required changes have been completed.

RECOMMENDATION

Since the plat is generally consistent with the Preliminary Plat and the conditions of approval have been met, staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the requested Final Plat. We further recommend that the approval be subject to the following conditions:

1. *The homeowners' association documents shall be recorded with the approved final plat*
2. *Prior to the final plat recording, certification from the CBJ Treasurer is required that all real property taxes and special assessments levied against the property for the year of recording have been paid.*



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address USS 2960 Lot 7B1		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 2960 Lot 7B1		
	Parcel Number(s) 6D0701010174		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Douglas Island Development LLC	Contact Person Joanne Schmidt	Phone Number(s) 907-723-6803
	Mailing Address 5405 North Douglas Highway Juneau, AK 99801		
	E-mail Address joanne.schmidt@gci.net		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X _____ Landowner/Lessee Signature Digitally signed by Joanne M Schmidt DN: cn=Joanne M Schmidt, o, ou, email=joanne.schmidt@gci.net, c=US Date: 2018.09.14 13:04:21 -08'00' X <u>Joanne M Schmidt</u> Joanne M Schmidt Date: 2018.09.14 13:04:21 -08'00' Landowner/Lessee Signature Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant same	Contact Person	Phone Number(s)	
Mailing Address			
E-mail Address			
X _____ Applicant's Signature Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number PDP15-001 PDP15-001 Sim D 14-001 Sim F 15-001	Intake Initials
	Date Received

*Sunset Heights Planned Community**Minor Plat Amendment**August 29, 2018*

The applicant respectfully requests review and approval of the application for a minor plat amendment with the intention of creating 12 small residential parcels on the larger 3.19 acre lot dedicated to the Sunset Heights Planned Unit Development (PUD).

The twelve parcels (See Exhibit I, Condo Plat) are platted and will serve as the privately owned land upon which the twelve single family homes will be built as a part of the PUD. The primary reason for the site plan being developed in this manner is to allow the developers to fully monetize their investment. The 3.19 acre parcel dedicated to the PUD has an estimated market value of approximately \$450,000; as such, to only sell the structures and thereby dedicate the 3.19 acre parcel to the Sunset Heights Planned Community Homeowners' Association would force the developers to take a substantial financial loss after already incurring a great deal of personal debt to bring this project to market.

In addition, if the site plan and project were designed such that prospective buyers would not own the underlying land fee simple, this would render the project completely uncompetitive with similar projects of this kind in Juneau, and likely result in a product that is undesirable in the local market. Extensive consultation with legal counsel retained specifically for this project and another attorney with extensive experience with planned communities produced a unanimous recommendation that this approach would be consistent with municipal code, state statutes and regulations, and produce a PUD with the greatest added value for both the developer and the customer.

Additional information as required by the Subdivision Application is included below:

- The parcel that is the subject of this minor plat amendment request is LT 7B-1 within USS 2960, approved as the Sunset Heights Planned Unit Development.
- There is one structure on the subject parcel, a single family home residing within Phase 1 of the project (see Exhibit I, Condo Plat).
- The zoning district is Residential, and the density is D-3.
- Access is provided by a shared driveway with a platted access easement to the subject parcel across the adjacent property.
- The current and proposed use of any and all structures is residential.
- All public utilities are available and installed.

RECEIVED
AUG 31 2018
PERMIT CENTER/CDD



SUBDIVISION APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

PROJECT SUMMARY

Major subdivision - modification of existing planned unit development

Number of Existing Parcels 1 Total Land Area 3.1923 acres Number of Resulting Parcels 13

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

☐ NO

☐ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR SUBDIVISION

(changing or creating 13 or fewer lots)

- ☐ Preliminary Plat (MIP)
- ☐ Final Plat (MIF)
- ☐ Panhandle Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation (SLC)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

MAJOR SUBDIVISION

(changing or creating 14 or more lots)

- ☒ Preliminary Plat (SMP)
- ☐ Final Plat (SMF)
- ☐ Preliminary Development Plan - PUD (PDP)
- ☐ Final Development Plan - PUD (PDF)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

☐ Pre-application conference notes

☐ Narrative including:

- ☐ Legal description(s) of property to be subdivided
- ☐ Existing structures on the land
- ☐ Zoning district
- ☐ Density
- ☐ Access
- ☐ Current and proposed use of any structures
- ☐ Utilities available
- ☐ Unique characteristics of the land or structure(s)

☐ Preliminary Plat checklist

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1430</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number

Date Received

Smp 18-001



SUBDIVISION APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

PROJECT SUMMARY

Major subdivision - modification of existing planned unit development

Number of Existing Parcels 1 Total Land Area 3.1923 acres Number of Resulting Parcels 13

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

☐ NO ☐ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR SUBDIVISION

(changing or creating 13 or fewer lots)

- ☐ Preliminary Plat (MIP)
☐ Final Plat (MIF)
☐ Panhandle Subdivision
☐ Accretion Survey
☐ Boundary Adjustment
☐ Lot Consolidation (SLC)
☐ Bungalow Lot Subdivision
☐ Common Wall/Zero Lot Subdivision
☐ Other _____

MAJOR SUBDIVISION

(changing or creating 14 or more lots)

- ☐ Preliminary Plat (SMP)
☒ Final Plat (SMF)
☐ Preliminary Development Plan - PUD (PDP)
☐ Final Development Plan - PUD (PDF)
☐ Bungalow Lot Subdivision
☐ Common Wall/Zero Lot Subdivision
☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☐ Pre-application conference notes
☐ Narrative including:
☐ Legal description(s) of property to be subdivided
☐ Existing structures on the land
☐ Zoning district
☐ Density
☐ Access
☐ Current and proposed use of any structures
☐ Utilities available
☐ Unique characteristics of the land or structure(s)

☐ Preliminary Plat checklist

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>910</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received
<u>SMF 18-001</u>	



(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

June 26, 2018

Case No.: PDF2015 0001

Certified Return Receipt Number
7010 2780 0000 7478 1347

Douglas Island Development, LLC
Attn: Joanne Schmidt
5405 North Douglas Highway
Juneau, Alaska 99801

RE: Sunset Heights PUD – Not in compliance with approved Planned Unit Development final plan

Dear Ms. Schmidt,

Sunset Heights Planned Unit Development (PUD) received its final approval on April 15, 2015, when the Planning Commission approved the final development plan (PDF2015 0001). Since that time, it has come to our attention that the project is being developed and sold outside of what was reviewed and approved by the Planning Commission.

The concept that was applied for, reviewed by staff, and approved by the Planning Commission was a twelve-unit, phased, multifamily project in which the owners would own their own residential unit (in air space above the ground), and all twelve owners would collectively own the underlying un-subdivided land, as well as the common amenities. The recorded condo plat and associated declarations indicate that a portion of land is being sold along with each condo unit, which is a subdivision of land and has not gone through the proper subdivision review and approval process.

The recently approved condo plat, Plat No. 2016-33, and the associated declarations recorded along with the condo plat are not what staff reviewed, nor what the Planning Commission approved. The declarations that staff reviewed as part of the PUD application included declaration documents that specifically stated that the underlying land would not be subdivided and would be constructed as a multifamily project, and all owners would collectively own the un-subdivided land lying underneath.

There are two courses of action to rectify this:

- 1) You may either re-file your condo plat and associated declarations to be in compliance with the multifamily development concept for which this project was reviewed and approved. Your project would then be in compliance with your development approvals;

Douglas Island Development LLC
June 26, 2018
Page 2 of 2

- 2) You may submit an application to amend your PUD to show that lots are being created. This option will require a public hearing and the Planning Commission will decide to approve or deny the request. If the PUD amendment is approved by the Commission, you would then need to file a preliminary plat and a final plat for subdivision review. After a final plat is approved and recorded with the State Recorder's office, you may then begin to sell the lots.

Please be aware that it is against state law to sell lots that have not been reviewed by the Platting Authority. Alaska Statute 40.15.010 states: *Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be approved by the authority having jurisdiction, as prescribed in this chapter and shall be filed and recorded in the office of the recorder. The recorder may not accept a subdivision or dedication for filing and recording unless it shows this approval.* The condo plat and associated declarations demonstrate that a subdivision of the land has occurred, which was not reviewed and approved by the CBJ.

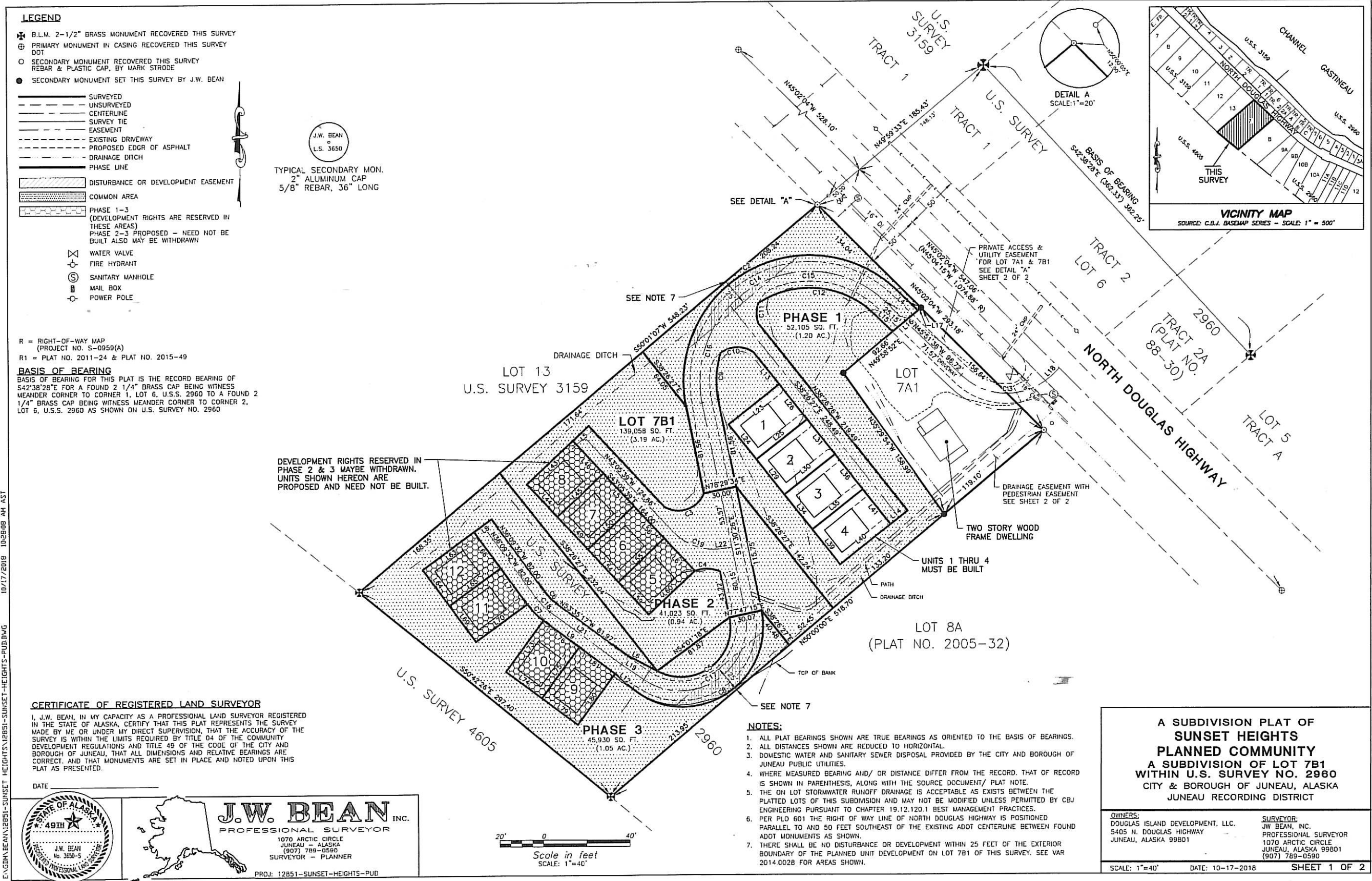
Please call me to discuss this matter and how you plan to remedy the situation, so that we may facilitate a solution, rather than seek enforcement action.

Thank you,



Jill M. Maclean, AICP, Director
Community Development Department
City & Borough of Juneau

Cc: Beth McKibben, AICP, Planning Manager
Charlie Ford, Building Official
Laura A. Boyce, AICP, Senior Planner



Attachment B - Preliminary PUD Plat

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L4	N45°51'36"W	26.68	L24	S38°26'27"E	41.00	L44	S43°05'39"E	41.00	L65	N53°50'28"E	58.00
L5	S46°54'21"W	20.00	L25	N51°36'14"E	59.00	L45	N46°54'21"E	58.00	L70	N53°50'28"E	58.00
L6	N62°28'14"W	24.58	L26	S38°26'27"E	41.00	L46	S43°05'39"E	41.00	L72	S36°09'34"E	4.00
L8	S53°50'28"W	20.00	L29	S38°26'27"E	41.00	L49	S43°05'39"E	41.00	L73	N36°29'37"E	58.00
L9	S53°30'23"E	82.00	L30	N51°36'14"E	59.00	L50	N46°54'21"E	58.00	L75	N36°29'37"E	58.00
L12	S49°10'25"E	21.50	L31	S38°26'27"E	41.00	L51	S43°05'39"E	41.00	L76	S53°30'09"E	15.43
L13	S36°28'29"E	37.59	L34	S38°26'27"E	41.00	L54	S43°05'39"E	41.00	L80	N36°29'37"E	58.00
L14	N51°33'33"E	20.00	L35	N51°36'14"E	59.00	L55	N46°54'21"E	58.00	L81	S53°30'23"E	41.00
L15	S45°51'36"E	23.61	L36	S38°26'27"E	41.00	L56	S43°05'39"E	41.00			
L16	N49°58'52"E	30.16	L39	S38°23'46"E	41.00	L59	S43°05'39"E	41.00			
L17	N49°59'22"E	3.73	L40	N51°36'14"E	59.00	L60	N46°54'21"E	58.00			
L18	S44°57'56"W	7.72	L41	S38°23'46"E	41.00	L61	S43°05'39"E	41.00			
L19	N55°37'45"W	24.68	L43	S46°54'21"W	58.00	L62	S36°09'34"E	1.68			
L21	N53°40'45"W	81.99				L63	S53°50'28"W	58.00			
L22	S81°50'53"W	9.30									
L23	S51°36'14"W	59.00									

NOTE: LINE NUMBERS NOT USED 1, 2, 3, 7, 10, 11, 32, 33, 37, 38, 42, 47, 48, 52, 53, 57, 58, 64, 66, 67, 68, 69, 71, 74, 77, 78 & 79

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	NOT USED				
C2	145°38'49"	115.00'	292.33'	219.74'	S61°18'59"W
C3	98°17'23"	25.00'	42.89'	37.82'	S71°19'05"W
C4	44°51'52"	30.00'	23.49'	22.90'	N88°19'17"W
C5	131°05'42"	45.00'	102.96'	81.93'	S54°02'25"W
C6	17°21'15"	50.00'	15.14'	15.09'	N44°50'09"W
C7	17°21'15"	70.00'	21.20'	21.12'	S44°50'09"E
C8	141°17'14"	73.00'	180.01'	137.75'	N59°08'11"E
C9	29°06'55"	85.00'	43.19'	42.73'	N3°03'02"E
C10	73°11'54"	25.00'	31.94'	29.81'	N89°06'34"E
C11	43°42'52"	25.00'	19.07'	18.61'	N0°00'00"W
C12	77°16'38"	85.00'	114.64'	106.15'	S84°29'55"E
C13	89°10'28"	60.00'	93.38'	84.24'	S89°33'10"W
C14	145°38'49"	100.00'	254.20'	191.08'	S61°18'59"W
C15	90°27'40"	100.00'	157.89'	142.00'	S88°54'33"W
C16	55°11'04"	100.00'	96.32'	92.64'	S16°04'55"W
C17	136°12'11"	60.00'	142.63'	111.34'	S56°35'40"W
C18	17°21'15"	60.00'	18.17'	18.10'	N44°50'09"W
C19	55°03'28"	50.41'	48.44'	46.60'	N70°37'23"W

CERTIFICATE OF REGISTERED LAND SURVEYOR

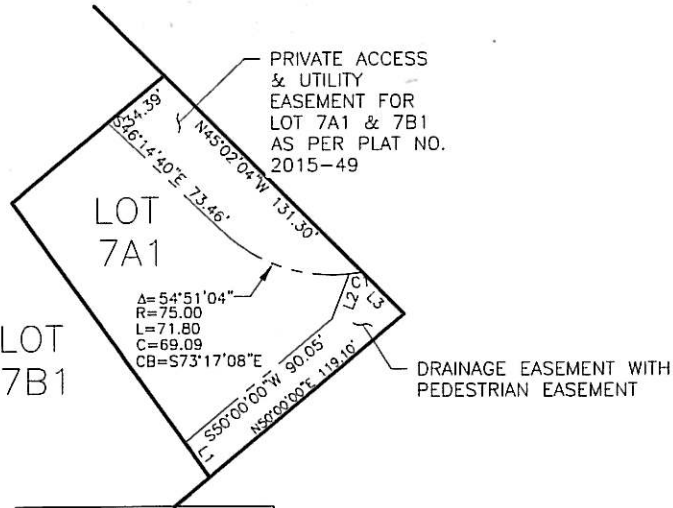
I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 OF THE COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE _____



J.W. BEAN
INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 789-0590
SURVEYOR - PLANNER

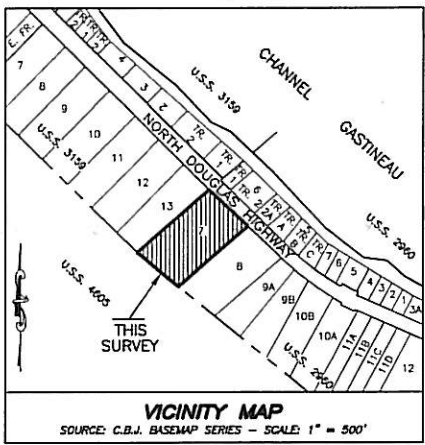
PROJ: 12851-SUNSET-HEIGHTS-PUD



EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S35°29'59"E	20.06
L2	S20°58'31"W	22.62
L3	N45°02'04"W	27.84

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	4°43'12"	75.00'	6.18'	6.18'	N81°38'56"E

DETAIL A
SCALE: 1"=40'



OWNERSHIP CERTIFICATE CORPORATE:

I, JOANNE SCHMIDT, HEREBY CERTIFY THAT DOUGLAS ISLAND DEVELOPMENT, LLC., IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS OWNER, HAVING THE AUTHORITY TO DO SO, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Owner JOANNE SCHMIDT, OWNER DATE: _____
DOUGLAS ISLAND DEVELOPMENT, LLC.

NOTARY ACKNOWLEDGMENT:

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) S.S.
THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2018, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED JOANNE SCHMIDT, OWNER TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA _____
MY COMMISSION EXPIRES _____

COMMUNITY DEVELOPMENT PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY & BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

JILL MACLEAN, DIRECTOR
CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT
ATTEST: _____

MUNICIPAL Clerk
CITY & BOROUGH OF JUNEAU

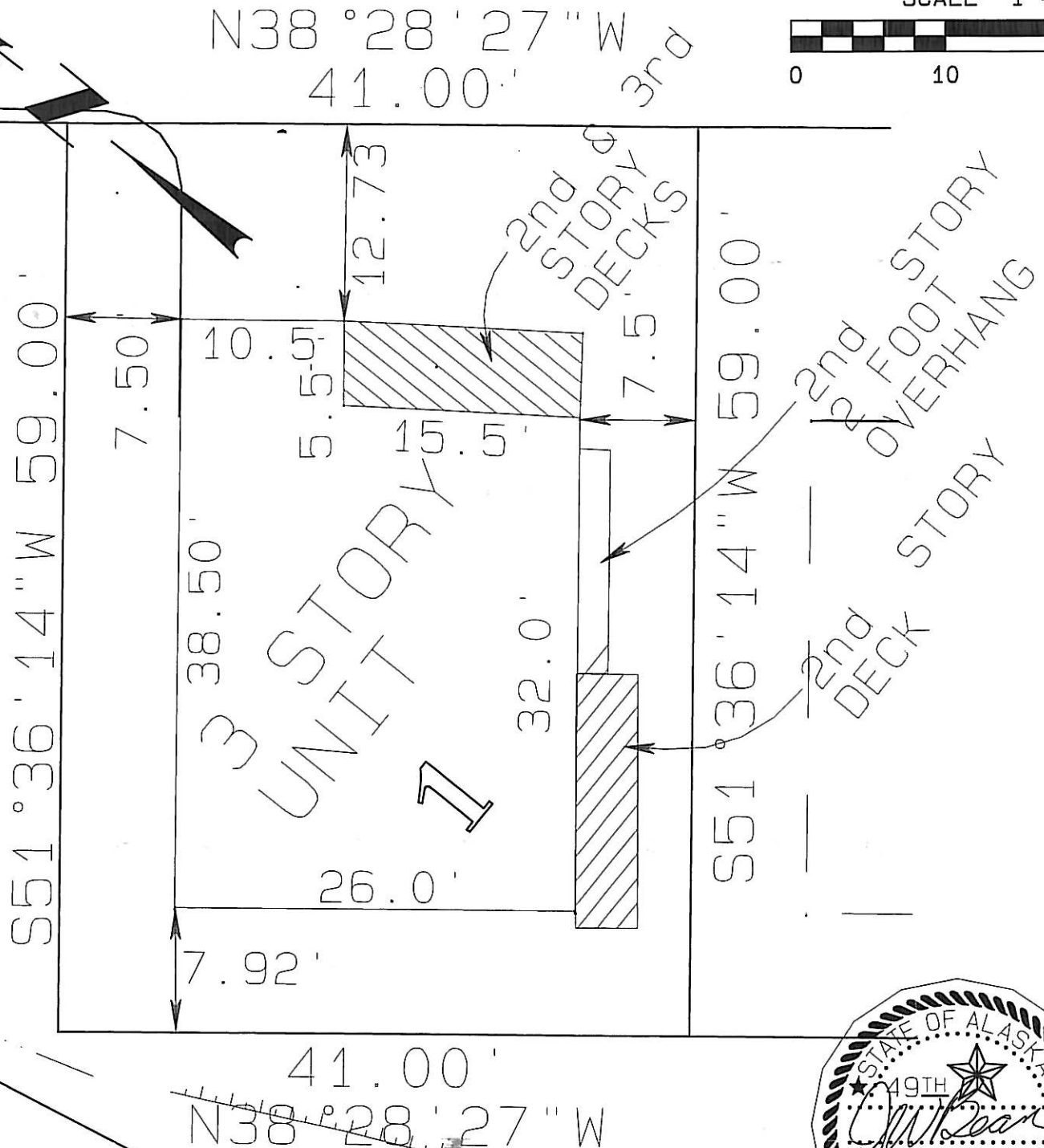
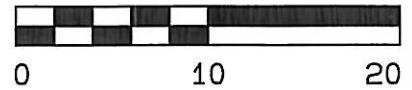
A SUBDIVISION PLAT OF
SUNSET HEIGHTS
PLANNED COMMUNITY
A SUBDIVISION OF LOT 7B1
WITHIN U.S. SURVEY NO. 2960
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNERS:
DOUGLAS ISLAND DEVELOPMENT, LLC.
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

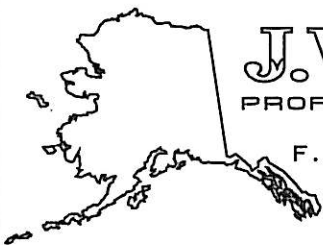
SURVEYOR:
J.W. BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

SCALE: 1"=40' DATE: 10-17-2018 SHEET 2 OF 2

- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
- ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
- DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
- THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
- PER PLO 601 THE RIGHT OF WAY LINE OF NORTH DOUGLAS HIGHWAY IS POSITIONED PARALLEL TO AND 50 FEET SOUTHEAST OF THE EXISTING ADOT CENTERLINE BETWEEN FOUND ADOT MONUMENTS AS SHOWN.
- THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT ON LOT 7B1 OF THIS SURVEY. SEE VAR 2014.C028 FOR AREAS SHOWN.



~~I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.~~



J.W. BEAN
PROFESSIONAL SURVEYOR

F.B. _____ JOB No 12851
SCALE AS-SHOWN
DATE 10-28-17

AS-BUILT SURVEY OF
NUMBER 1 OF
SUNSET HEIGHTS
PLANNED COMMUNITY
(PLAT 2016-33)

Closure Report

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,798			6,251.0432	2,296.9660	-----	0+00.00
	N51°36'14"E	59.00				
1,774			6,287.6878	2,343.2064	-----	0+59.00
	S38°28'27"E	41.00				
1,773			6,255.5894	2,368.7150	-----	1+00.00
	S51°36'14"W	59.00				
1,797			6,218.9448	2,322.4746	-----	1+59.00
	N38°28'27"W	41.00				
1,798			6,251.0432	2,296.9660	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 2

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,773			6,255.5894	2,368.7150	-----	0+00.00
	S38°28'27"E	41.00				
1,769			6,223.4910	2,394.2236	-----	0+41.00
	S51°36'14"W	59.00				
1,794			6,186.8464	2,347.9832	-----	1+00.00
	N38°28'27"W	41.00				
1,797			6,218.9448	2,322.4746	-----	1+41.00
	N51°36'14"E	59.00				
1,773			6,255.5894	2,368.7150	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 3

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,705			6,191.3925	2,419.7323	-----	0+00.00
	N38°28'27"W	41.00				
1,769			6,223.4910	2,394.2236	-----	0+41.00
	S51°36'14"W	59.00				
1,794			6,186.8464	2,347.9832	-----	1+00.00
	S38°28'27"E	41.00				
1,793			6,154.7479	2,373.4919	-----	1+41.00
	N51°36'14"E	59.00				
1,705			6,191.3925	2,419.7323	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 4

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,743			6,159.2941	2,445.2409	0.000	0+00.00
	N38°28'27"W	41.00				
1,705			6,191.3925	2,419.7323	-----	0+41.00
	S51°36'14"W	59.00				
1,793			6,154.7479	2,373.4919	-----	1+00.00
	S38°28'27"E	41.00				
1,790			6,122.6495	2,399.0005	-----	1+41.00
	N51°36'14"E	59.00				

1,791

6,159.2941 2,445.2409

----- 2+00.00

Packet Page 40 of 172

LEGEND

- ⊕ B.L.M. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
⊕ PRIMARY MONUMENT IN CASING RECOVERED THIS SURVEY
○ SECONDARY MONUMENT RECOVERED THIS SURVEY
REBAR & PLASTIC CAP, BY MARK STRODE
● SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN

— SURVEYED
--- UNSURVEYED
--- CENTERLINE
--- SURVEY TIE
--- EASEMENT LINE
PRIVATE DRIVEWAY,
ACCESS, UTILITIES AND
DRAINAGE EASEMENT

TYPICAL SECONDARY MON.
2" ALUMINUM CAP
5/8" REBAR, 36" LONG

R = RIGHT-OF-WAY MAP
(PROJECT NO. S-0959(A))
R1 = PLAT NO. 2015-49, DATED 11/10/2015

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF
S42°38'28"E FOR A FOUND 2 1/4" BRASS CAP BEING WITNESS
MEANDER CORNER TO CORNER 1, LOT 6, U.S.S. 2960 TO A FOUND 2
1/4" BRASS CAP BEING WITNESS MEANDER CORNER TO CORNER 2,
LOT 6, U.S.S. 2960 AS SHOWN ON U.S. SURVEY NO. 2960

RECORD INFORMATION:

THE RECORD INFORMATION FOR THIS SUBDIVISION IS DERIVED FROM
OFFICIAL PLATS: PLAT NO. 2011-24, JUNEAU RECORDING DISTRICT, DATED
9/30/2011 (R1); PLAT NO. 2015-49, JUNEAU RECORDING DISTRICT,
DATED 11/10/2015 (R2).

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S49°58'52"W	4.23
L2	N45°51'36"W	23.61
L3	N51°34'13"E	20.00
L4	N38°25'47"W	43.75
L5	S45°51'36"E	26.68
L6	S45°51'36"E	25.15

OWNERSHIP CERTIFICATE:

DOUGLAS ISLAND DEVELOPMENT, HEREBY CERTIFY THAT DOUGLAS ISLAND DEVELOPMENT IS THE
OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT IT HEREBY ADOPTS
THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS,
WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Owner _____
JOANNE SCHMIDT, OWNER
DOUGLAS ISLAND DEVELOPMENT, LLC.
DATE: _____

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)
S.S.
STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 2018
BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF
ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME
JOANNE SCHMIDT KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO
ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY
FOR THE USES AND PURPOSES THEREIN MENTIONED.
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS
CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA _____
MY COMMISSION EXPIRES _____
Packet Page 41 of 172

PLANNING COMMISSION PLAT APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO
COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU,
ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT
RESOLUTION NO. _____, DATED: _____, 2018,
AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN
THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

CHAIRMAN _____ DATED: _____, 2018.
CITY & BOROUGH OF JUNEAU
PLANNING COMMISSION

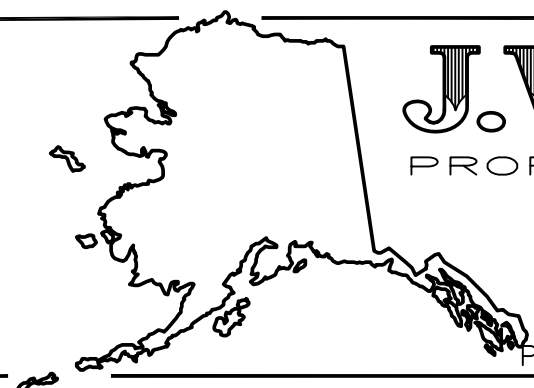
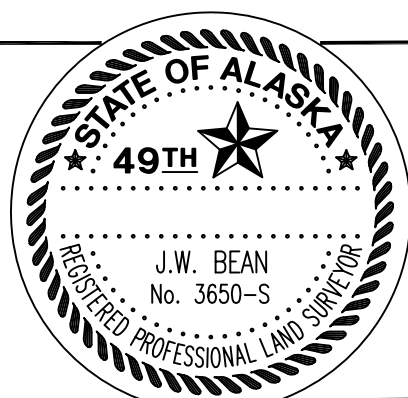
ATTEST:

MUNICIPAL CLERK _____
CITY & BOROUGH OF JUNEAU

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED
IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY
MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE
SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 OF THE COMMUNITY
DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND
BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE
CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS
PLAT AS PRESENTED.

DATE _____



J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 789-0590
SURVEYOR - PLANNER

PROJ:12851-SUNSET-HEIGHTS-PUD-PH1-LOTS1-4

40' 0 80'
Scale in feet
SCALE: 1"=40'

TEUFELSHUND WAY

LOT 13
U.S. SURVEY 3159

LOT 13
129,382 SQ. FT.
(2.97 AC.)

LOT 7B1
(PLAT NO. 2015-49)

LOT 8A
(PLAT NO. 2005-32)

NOTES:

- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
- ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
- DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
- THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
- PER PLO 601 THE RIGHT OF WAY LINE OF NORTH DOUGLAS HIGHWAY IS POSITIONED PARALLEL TO AND 50 FEET SOUTHEAST OF THE EXISTING ADOT CENTERLINE BETWEEN FOUND ADOT MONUMENTS AS SHOWN.
- THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT ON LOT 7B1 OF THIS SURVEY. SEE VAR 2014.0028 FOR AREAS SHOWN.
- THIS SURVEY CLOSES WITHIN A LIMIT OF ERROR OF ONE FOOT IN 10,000 FEET.
- LOTS ONE THROUGH FOUR (1-4) OF THIS SURVEY ARE PERMITTED TO BE DEVELOPED WITH ONLY ONE (1) SINGLE FAMILY DWELLING UNIT ON EACH LOT. NO ADDITIONAL DWELLING UNITS ARE ALLOWED BEYOND WHAT IS INDICATED.

CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	CHORD
C1	77°46'16"	85.00'	115.38'	106.72'
C2	94°47'54"	10.00'	16.55'	14.72'
C3	123°35'20"	15.00'	32.36'	26.44'
C4	29°29'19"	85.00'	43.75'	43.27'
C5	145°38'49"	115.00'	292.33'	219.74'
C6	145°38'49"	100.00'	254.20'	191.08'

A PLAT OF
**SUNSET HEIGHTS
PLANNED COMMUNITY**
A SUBDIVISION OF
LOT 7B1, U.S. SURVEY NO. 2960
CITY & BOROUGH OF JUNEAU, ALASKA

STATES RECORDER'S OFFICE AT JUNEAU

OWNERS:
DOUGLAS ISLAND DEVELOPMENT, LLC.
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

SCALE: 1"=40'

DATE: 11-15-2018

SHEET 1 OF 1



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

DATE: November 2, 2018

TO: Planning Commission

FROM: Laurel Bruggeman, Planner
Community Development Department

FILE NO.: SMP2018 0001

PROPOSAL: A subdivision of one (1) lot into (5) lots within a Planned Unit Development.

GENERAL INFORMATION

Applicant: Douglas Island Development LLC

Property Owner: Douglas Island Development LLC

Property Address: 1011 Teufelshund Way

Legal Description: USS 2960 Lot 7B1

Parcel Code No.: 6D0701010174

Site Size: 139,058 sq. ft. (3.19 acres)

Comprehensive Plan Future Land Use Designation: Rural Dispersed Residential (RDR)

Zoning: D3

Utilities: Public Water & Sewer

Access: N. Douglas Highway to Teufelshund Way, a private shared driveway

Existing Land Use: Residential Planned Unit Development

Surrounding Land Use:
North – N. Douglas Hwy
South – Vacant CBJ Parcel
East – D3 Residential
West – D1 Residential

Planning Commission
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VICINITY MAP



ATTACHMENTS

- | | |
|----------------|--|
| Attachment A - | Development Permit Application |
| Attachment B - | Preliminary Plat |
| Attachment C - | Memo from Autumn Sapp, Engineering & Public Works dated October 23, 2018 |
| Attachment D - | Comments from Greg Chaney, Lands & Resources, Dated 10/22/2018 |
| Attachment E - | Slope Map |

PROJECT DESCRIPTION

The applicant seeks to subdivide one parcel into five lots within an approved Planned Unit Development (PUD). The modification of the approved PUD is reviewed with PDP2018 0001 and PDF2018 0001. This subdivision may only be approved if the associated PUD modifications are approved.

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BACKGROUND

In 2015, PDF2015 0001 approved the final plan for a 12-unit PUD in the D-3 zoning district. The final approved PUD included 12 single family dwellings on common property managed by a homeowners' association (HOA), accessed by a common driveway, with public utilities (Attachment B). In 2014, VAR2014 0028 approved a variance request to allow the driveway for the PUD to encroach into the required 25 foot perimeter buffer around the PUD. There are no proposed changes to the driveway access or encroachment into the perimeter buffer. In 2018 the applicant requested an amendment to the approved PUD to allow the creation of 12 individual lots within the PUD for the single family dwellings (PDP2018 0001 & PDF2018 0001).

ANALYSIS

The proposed subdivision would subdivide the PUD into five (5) lots; four (4) lots for individual single family homes, and one (1) parent lot to be owned under common ownership by the HOA. The parent lot will be further subdivided by future phases of the PUD. Ultimately there will be 12 individual lots within the parent lot. The parent lot will contain the required common open space, and the shared driveway.

CBJ 49.15.620(a) Planned Unit Developments requires amendments to previously approved PUD's to be reviewed as a major subdivision when there is a proposed change in the number or boundaries of lots:

(a) General procedure. A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

CBJ 49.15.630(b)(5) allows for phased development within PUD's. The developer proposes three phases of development, each including four residential units on four individual lots. Phase 1, includes units 1-4, and will require a subdivision creating five total lots (four individual residential lots and one parent lot for the PUD). The second phase of development will include units 5-8, and another subdivision to create the four additional lots. The third phase of development will include units 9-12 and the final subdivision to create the remaining four lots. During the three phases, a total of twelve single family homes will be built and thirteen lots will be created. This subdivision case will address phase one (1) of the PUD. Attachment B shows the proposed final design of the PUD with all the phases shown.

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Zoning- The proposed subdivision is in the D3 residential zoning district. CBJ 49.15.670(c) does not require a minimum lot size within the PUD. In phase one, the small lots proposed for single family homes will be 2,419 square feet each and the parent lot will contain 129,382 square feet. The maximum density allowed on this site by the D3 zoning is 12 units.

Drainage- PDP2014 0001 approved the preliminary design for the PUD. Alaska Department of Transition & Public Facilities (DOT&PF) required an engineered pre- and post-runoff model to ensure the adequacy of highway cross culvert to pass increased stormwater flow that could result from site development. CBJ engineering reviewed and approved the associated grading permit (BLD2014 0633) which addressed drainage issues and the stamped plans required by DOT&PF. Stormwater Best Management Practice measures were also required by the grading permit, which was a condition of approval for PDP2014 0001.

General Engineering has reviewed the proposed preliminary plat. To ensure drainage is adequately managed on site, General Engineering recommends that easements for all established drainage ways be provided and shown on the plat. This is a recommended condition of approval.

Wetlands- There are no known wetlands on the subject parcel.

Habitat- There are no habitat concerns on the subject parcel.

Access- Access to the site will remain through the existing driveway of lot 7A. This access was approved with PDF2015 0001 and VAR2014 0028. An access easement is identified on the proposed plat (Attachment B). The common driveway will extend into lot 7B1 and throughout the PUD. An access easement agreement will be recorded with the final subdivision plat. Additionally, a pedestrian access easement along the southeastern property line allows access to the development by foot. This easement was required thorough approval of PDF2015 0001.

Traffic Analysis- Per CBJ 49.40.300, a traffic impact analysis is required if a development is projected to generate 500 or more average daily trips. No traffic impact analysis was required when the PUD was approved in 2015. The PUD is estimated to generate 115 vehicle trips per day. There are no proposed changes in number of dwelling units, so the trips generated will not increase and a traffic impact analysis is not required for the proposed amendment.

Agency Review- The proposed amendment was sent to the Assessor's office, General Engineering, Building Official, Fire Department, Lands & Resources, and the Alaska Department of Transportation. Through this agency review, staff received one comment, from Greg Chaney, Lands & Resources Manager. He requested that a pedestrian access easement be platted to allow pedestrian access to the CBJ owned property to the rear of the PUD to "provide an access path for future trail construction that would make it possible to create a more connected community" (Attachment D).

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CBJ 49.15.60(h)(4) states:

The development shall have access to a public right-of-way. A planned unit development which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate.

The private driveway provides the required access to a public right-of-way. In order to provide a 12% grade for the driveway, the developer needed to construct a switch-back design. Upgrading the entire driveway to meet CBJ right-of-way standards would take up a significant portion of the required common open space and impact the developable area. Additionally, the rear of the subject parcel has slopes of 18% or greater, as shown in Attachment E, Slope Map. During the review of the PUD in 2015 it was determined that in this case, it is not appropriate to require the applicant to plat right-of-way to the rear undeveloped CBJ parcel. Additionally, the CBJ parcel to the rear has access to North Douglas Highway 0.6 miles away from the subject parcel through a parcel also owned by CBJ that has frontage on North Douglas Highway. At this time, the developer is not proposing any changes to access. No changes to what was previously approved under PDF2015 0001 are recommended.

Public Comments- At time of this report, no public comments have been received regarding the proposed subdivision.

FINDINGS

CBJ 49.15.402(4) Major Subdivisions, the Director shall prepare and submit a report to the Planning Commission noting any conditions of approval or plat notes recommended and addressing the following criteria:

- (A) Whether the preliminary plat complies with CBJ 49.15.411.
Yes. The modified preliminary plat complies with CBJ 49.15.411.
- (B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions.
Yes. The modified subdivision meets the standards of Title 49.
- (C) Whether the proposed subdivision will provide building sites suitable for the zoning district.
Yes. All lots have building sites that have been found suitable with the D3 zoning district through the PUD process.

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- (D) Whether the proposed street names are unique in the City and Borough or are continuations of existing streets and are otherwise acceptable.

Yes. All proposed street names are unique to the City and Borough.

- (E) Whether the director of engineering and public works has reviewed the application and determined that:

- (i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;
- (ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;
- (iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with this title; and
- (iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.

Yes. The subdivision has been reviewed by the Director of Engineering and Public Works for appropriate drainage, traffic, compliance with code, and access to public sewer. Additionally, Engineering has requested drainage easements be shown on the plat prior to final recording (Attachment D).

CBJ 49.15.402(5) Major Subdivisions, in issuing its notice of decision on a preliminary plat, the Commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Preliminary Plat for the Sunset Height Subdivision. This approval would allow the applicant to submit for the Final Plat Application. We further recommend that the approval be subject to the following conditions:

1. All changes requested by General Engineering, as discussed in a MEMO from Autumn Sapp, dated 10/23/2018.
2. Title Block

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- a. Revise title block (you could also shorten the name to just “SUNSET HEIGHTS”):

PLAT OF

SUNSET HEIGHTS PLANNED COMMUNITY

A SUBDIVISION OF

LOT 7B1, U.S. Survey 2960

CITY & BOROUGH OF JUNEAU, ALASKA

JUNEAU RECORDING DISTRICT

STATE RECORDER’S OFFICE AT JUNEAU

- b. Alternatively, the developer could also name the subdivision “SUNSET HEIGHTS” or “SUNSET HEIGHTS PHASE 1”. The next plat iteration will be “SUNSET HEIGHTS PLANNED COMMUNITY II” or “SUNSET HEIGHTS PHASE 2”.
3. Plat Graphic
- a. Show the private drive and label it “TEUFELSHUND WAY”
 - b. Change the name of LOT 7B1 to “LOT 13”, and use a dashed or ghost font to label previous LOT 7B1.
 - c. Prior to final plat recording, remove all structures from the plat.
 - d. Prior to final plat recording, remove phases two and three from the plat, only showing lots 1-4 and lot 13.
 - e. Prior to final plat recording, remove the note “DEVELOPMENT RIGHTS RESERVED IN PHASE 2&3 MAY BE WITHDRAWN. UNITS SHOWN HEREON ARE PROPOSED AND NEED NOT BE BUILT.”
 - f. Remove the “Typical Foundation with Setbacks” graphic within the plat graphic.
4. Scale:
- a. Check the verbal scales. It appears that they should be 1” = 20’ instead of 1” = 40’.
5. Plat Notes:
- a. Add the following plat note: “LOTS ONE THROUGH FOUR (1-4) OF THIS SURVEY ARE PERMITTED TO BE DEVELOPED WITH ONLY ONE (1) SINGLE FAMILY DWELLING UNIT ON EACH LOT. NO ADDITIONAL DWELLING UNITS ARE ALLOWED BEYOND WHAT IS INDICATED.”



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address USS 2960 Lot 7B1		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 2960 Lot 7B1		
	Parcel Number(s) 6D0701010174		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Douglas Island Development LLC	Contact Person Joanne Schmidt	Phone Number(s) 907-723-6803
	Mailing Address 5405 North Douglas Highway Juneau, AK 99801		
	E-mail Address joanne.schmidt@gci.net		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X _____ Landowner/Lessee Signature Digitally signed by Joanne M Schmidt DN: cn=Joanne M Schmidt, o, ou, email=joanne.schmidt@gci.net, c=US Date: 2018.09.14 13:04:21 -08'00' X <u>Joanne M Schmidt</u> Joanne M Schmidt Landowner/Lessee Signature Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant same		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X _____ Applicant's Signature Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

Attachment D - SMP2018 0001 NOD & Staff Report

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number SMP18-001 PDF 18-001 SMP 18-001 Case File	Intake Initials
	Date Received

*Sunset Heights Planned Community**Minor Plat Amendment**August 29, 2018*

The applicant respectfully requests review and approval of the application for a minor plat amendment with the intention of creating 12 small residential parcels on the larger 3.19 acre lot dedicated to the Sunset Heights Planned Unit Development (PUD).

The twelve parcels (See Exhibit I, Condo Plat) are platted and will serve as the privately owned land upon which the twelve single family homes will be built as a part of the PUD. The primary reason for the site plan being developed in this manner is to allow the developers to fully monetize their investment. The 3.19 acre parcel dedicated to the PUD has an estimated market value of approximately \$450,000; as such, to only sell the structures and thereby dedicate the 3.19 acre parcel to the Sunset Heights Planned Community Homeowners' Association would force the developers to take a substantial financial loss after already incurring a great deal of personal debt to bring this project to market.

In addition, if the site plan and project were designed such that prospective buyers would not own the underlying land fee simple, this would render the project completely uncompetitive with similar projects of this kind in Juneau, and likely result in a product that is undesirable in the local market. Extensive consultation with legal counsel retained specifically for this project and another attorney with extensive experience with planned communities produced a unanimous recommendation that this approach would be consistent with municipal code, state statutes and regulations, and produce a PUD with the greatest added value for both the developer and the customer.

Additional information as required by the Subdivision Application is included below:

- The parcel that is the subject of this minor plat amendment request is LT 7B-1 within USS 2960, approved as the Sunset Heights Planned Unit Development.
- There is one structure on the subject parcel, a single family home residing within Phase 1 of the project (see Exhibit I, Condo Plat).
- The zoning district is Residential, and the density is D-3.
- Access is provided by a shared driveway with a platted access easement to the subject parcel across the adjacent property.
- The current and proposed use of any and all structures is residential.
- All public utilities are available and installed.

RECEIVED
AUG 31 2018
PERMIT CENTER/CDD



SUBDIVISION APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

PROJECT SUMMARY

Major subdivision - modification of existing planned unit development

Number of Existing Parcels 1 Total Land Area 3.1923 acres Number of Resulting Parcels 13

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

☐ NO ☐ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR SUBDIVISION

(changing or creating 13 or fewer lots)

- ☐ Preliminary Plat (MIP)
- ☐ Final Plat (MIF)
- ☐ Panhandle Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation (SLC)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

MAJOR SUBDIVISION

(changing or creating 14 or more lots)

- ☒ Preliminary Plat (SMP)
- ☐ Final Plat (SMF)
- ☐ Preliminary Development Plan - PUD (PDP)
- ☐ Final Development Plan - PUD (PDF)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☐ Pre-application conference notes
- ☐ Narrative including:
 - ☐ Legal description(s) of property to be subdivided
 - ☐ Existing structures on the land
 - ☐ Zoning district
 - ☐ Density
 - ☐ Access
 - ☐ Current and proposed use of any structures
 - ☐ Utilities available
 - ☐ Unique characteristics of the land or structure(s)
- ☐ Preliminary Plat checklist

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1430</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

Attachment D - SMP2018 0001 NOD & Staff Report

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received
<u>Smp 18-001</u>	



SUBDIVISION APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

PROJECT SUMMARY

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Number of Existing Parcels 1 Total Land Area 3.1923 acres Number of Resulting Parcels 13

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MINOR SUBDIVISION

(changing or creating 13 or fewer lots)

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- ☐ Final Plat (MIF)
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- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation (SLC)
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- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

MAJOR SUBDIVISION

(changing or creating 14 or more lots)

- ☐ Preliminary Plat (SMP)
- ☒ Final Plat (SMF)
- ☐ Preliminary Development Plan - PUD (PDP)
- ☐ Final Development Plan - PUD (PDF)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☐ Pre-application conference notes
- ☐ Narrative including:
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 - ☐ Zoning district
 - ☐ Density
 - ☐ Access
 - ☐ Current and proposed use of any structures
 - ☐ Utilities available
 - ☐ Unique characteristics of the land or structure(s)

☐ Preliminary Plat checklist

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>910</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

Attachment D - SMP2018 0001 NOD & Staff Report

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received
<u>SMP18-001</u>	



(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

June 26, 2018

Case No.: PDF2015 0001

Certified Return Receipt Number
7010 2780 0000 7478 1347

Douglas Island Development, LLC
Attn: Joanne Schmidt
5405 North Douglas Highway
Juneau, Alaska 99801

RE: Sunset Heights PUD – Not in compliance with approved Planned Unit Development final plan

Dear Ms. Schmidt,

Sunset Heights Planned Unit Development (PUD) received its final approval on April 15, 2015, when the Planning Commission approved the final development plan (PDF2015 0001). Since that time, it has come to our attention that the project is being developed and sold outside of what was reviewed and approved by the Planning Commission.

The concept that was applied for, reviewed by staff, and approved by the Planning Commission was a twelve-unit, phased, multifamily project in which the owners would own their own residential unit (in air space above the ground), and all twelve owners would collectively own the underlying un-subdivided land, as well as the common amenities. The recorded condo plat and associated declarations indicate that a portion of land is being sold along with each condo unit, which is a subdivision of land and has not gone through the proper subdivision review and approval process.

The recently approved condo plat, Plat No. 2016-33, and the associated declarations recorded along with the condo plat are not what staff reviewed, nor what the Planning Commission approved. The declarations that staff reviewed as part of the PUD application included declaration documents that specifically stated that the underlying land would not be subdivided and would be constructed as a multifamily project, and all owners would collectively own the un-subdivided land lying underneath.

There are two courses of action to rectify this:

- 1) You may either re-file your condo plat and associated declarations to be in compliance with the multifamily development concept for which this project was reviewed and approved. Your project would then be in compliance with your development approvals;

Douglas Island Development LLC
June 26, 2018
Page 2 of 2

- 2) You may submit an application to amend your PUD to show that lots are being created. This option will require a public hearing and the Planning Commission will decide to approve or deny the request. If the PUD amendment is approved by the Commission, you would then need to file a preliminary plat and a final plat for subdivision review. After a final plat is approved and recorded with the State Recorder's office, you may then begin to sell the lots.

Please be aware that it is against state law to sell lots that have not been reviewed by the Platting Authority. Alaska Statute 40.15.010 states: *Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be approved by the authority having jurisdiction, as prescribed in this chapter and shall be filed and recorded in the office of the recorder. The recorder may not accept a subdivision or dedication for filing and recording unless it shows this approval.* The condo plat and associated declarations demonstrate that a subdivision of the land has occurred, which was not reviewed and approved by the CBJ.

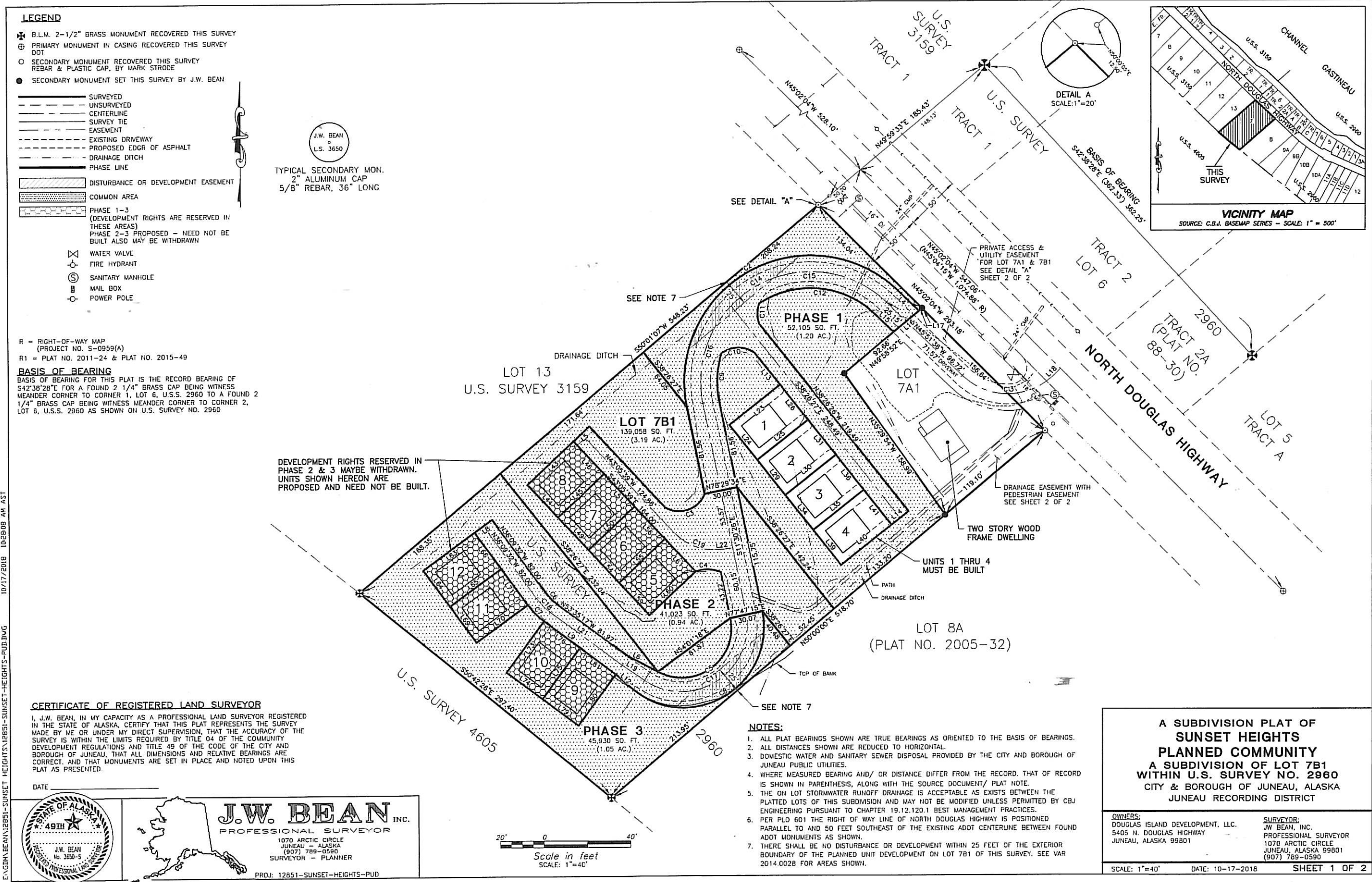
Please call me to discuss this matter and how you plan to remedy the situation, so that we may facilitate a solution, rather than seek enforcement action.

Thank you,



Jill M. Maclean, AICP, Director
Community Development Department
City & Borough of Juneau

Cc: Beth McKibben, AICP, Planning Manager
Charlie Ford, Building Official
Laura A. Boyce, AICP, Senior Planner



ENDMAN BEAN 12851-SUNSET HEIGHTS-HEIGHTS-PUD.DWG 10/17/2018 10:28:00 AM AST

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L4	N45°51'36"W	26.68	L24	S38°26'27"E	41.00	L44	S43°05'39"E	41.00	L65	N53°50'28"E	58.00
L5	S46°54'21"W	20.00	L25	N51°36'14"E	59.00	L45	N46°54'21"E	58.00	L70	N53°50'28"E	58.00
L6	N62°28'14"W	24.58	L26	S38°26'27"E	41.00	L46	S43°05'39"E	41.00	L72	S36°09'34"E	4.00
L8	S53°50'28"W	20.00	L29	S38°26'27"E	41.00	L49	S43°05'39"E	41.00	L73	N36°29'37"E	58.00
L9	S53°30'23"E	82.00	L30	N51°36'14"E	59.00	L50	N46°54'21"E	58.00	L75	N36°29'37"E	58.00
L12	S49°10'25"E	21.50	L31	S38°26'27"E	41.00	L51	S43°05'39"E	41.00	L76	S53°30'09"E	15.43
L13	S36°28'29"E	37.59	L34	S38°26'27"E	41.00	L54	S43°05'39"E	41.00	L80	N36°29'37"E	58.00
L14	N51°33'33"E	20.00	L35	N51°36'14"E	59.00	L55	N46°54'21"E	58.00	L81	S53°30'23"E	41.00
L15	S45°51'36"E	23.61	L36	S38°26'27"E	41.00	L56	S43°05'39"E	41.00			
L16	N49°58'52"E	30.16	L39	S38°23'46"E	41.00	L59	S43°05'39"E	41.00			
L17	N49°59'22"E	3.73	L40	N51°36'14"E	59.00	L60	N46°54'21"E	58.00			
L18	S44°57'56"W	7.72	L41	S38°23'46"E	41.00	L61	S43°05'39"E	41.00			
L19	N55°37'45"W	24.68	L43	S46°54'21"W	58.00	L62	S36°09'34"E	1.68			
L21	N53°40'45"W	81.99				L63	S53°50'28"W	58.00			
L22	S81°50'53"W	9.30									
L23	S51°36'14"W	59.00									

NOTE: LINE NUMBERS NOT USED 1, 2, 3, 7, 10, 11, 32, 33, 37, 38, 42, 47, 48, 52, 53, 57, 58, 64, 66, 67, 68, 69, 71, 74, 77, 78 & 79

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	NOT USED				
C2	145°38'49"	115.00'	292.33'	219.74'	S61°18'59"W
C3	98°17'23"	25.00'	42.89'	37.82'	S71°19'05"W
C4	44°51'52"	30.00'	23.49'	22.90'	N88°19'17"W
C5	131°05'42"	45.00'	102.96'	81.93'	S54°02'25"W
C6	17°21'15"	50.00'	15.14'	15.09'	N44°50'09"W
C7	17°21'15"	70.00'	21.20'	21.12'	S44°50'09"E
C8	141°17'14"	73.00'	180.01'	137.75'	N59°08'11"E
C9	29°06'55"	85.00'	43.19'	42.73'	N3°03'02"E
C10	73°11'54"	25.00'	31.94'	29.81'	N89°06'34"E
C11	43°42'52"	25.00'	19.07'	18.61'	N0°00'00"W
C12	77°16'38"	85.00'	114.64'	106.15'	S84°29'55"E
C13	89°10'28"	60.00'	93.38'	84.24'	S89°33'10"W
C14	145°38'49"	100.00'	254.20'	191.08'	S61°18'59"W
C15	90°27'40"	100.00'	157.89'	142.00'	S88°54'33"W
C16	55°11'04"	100.00'	96.32'	92.64'	S16°04'55"W
C17	136°12'11"	60.00'	142.63'	111.34'	S56°35'40"W
C18	17°21'15"	60.00'	18.17'	18.10'	N44°50'09"W
C19	55°03'28"	50.41'	48.44'	46.60'	N70°37'23"W

CERTIFICATE OF REGISTERED LAND SURVEYOR

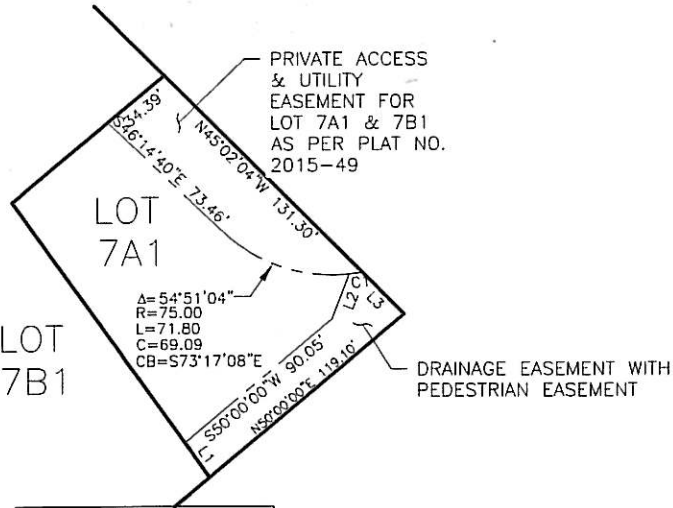
I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 OF THE COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE _____



J.W. BEAN
INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 789-0590
SURVEYOR - PLANNER

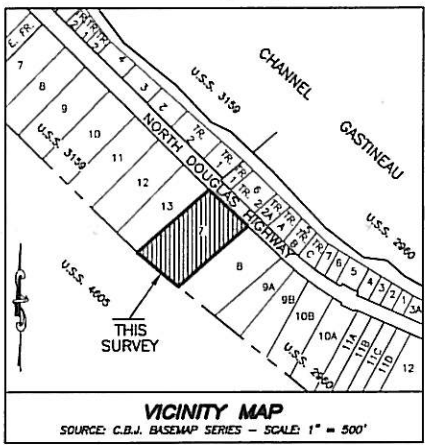
PROJ: 12851-SUNSET-HEIGHTS-PUD



EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S35°29'59"E	20.06
L2	S20°58'31"W	22.62
L3	N45°02'04"W	27.84

CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	CHORD
C1	4°43'12"	75.00'	6.18'	6.18'

DETAIL A
SCALE: 1"=40'



OWNERSHIP CERTIFICATE CORPORATE:

I, JOANNE SCHMIDT, HEREBY CERTIFY THAT DOUGLAS ISLAND DEVELOPMENT, LLC., IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS OWNER, HAVING THE AUTHORITY TO DO SO, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Owner JOANNE SCHMIDT, OWNER DATE: _____
DOUGLAS ISLAND DEVELOPMENT, LLC.

NOTARY ACKNOWLEDGMENT:

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) S.S.
THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2018, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED JOANNE SCHMIDT, OWNER TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA _____
MY COMMISSION EXPIRES _____

COMMUNITY DEVELOPMENT PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY & BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

JILL MACLEAN, DIRECTOR
CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT
ATTEST: _____

MUNICIPAL Clerk
CITY & BOROUGH OF JUNEAU

A SUBDIVISION PLAT OF
SUNSET HEIGHTS
PLANNED COMMUNITY
A SUBDIVISION OF LOT 7B1
WITHIN U.S. SURVEY NO. 2960
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

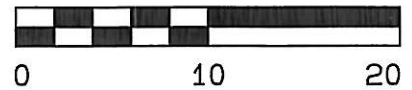
OWNERS:
DOUGLAS ISLAND DEVELOPMENT, LLC.
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:
J.W. BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

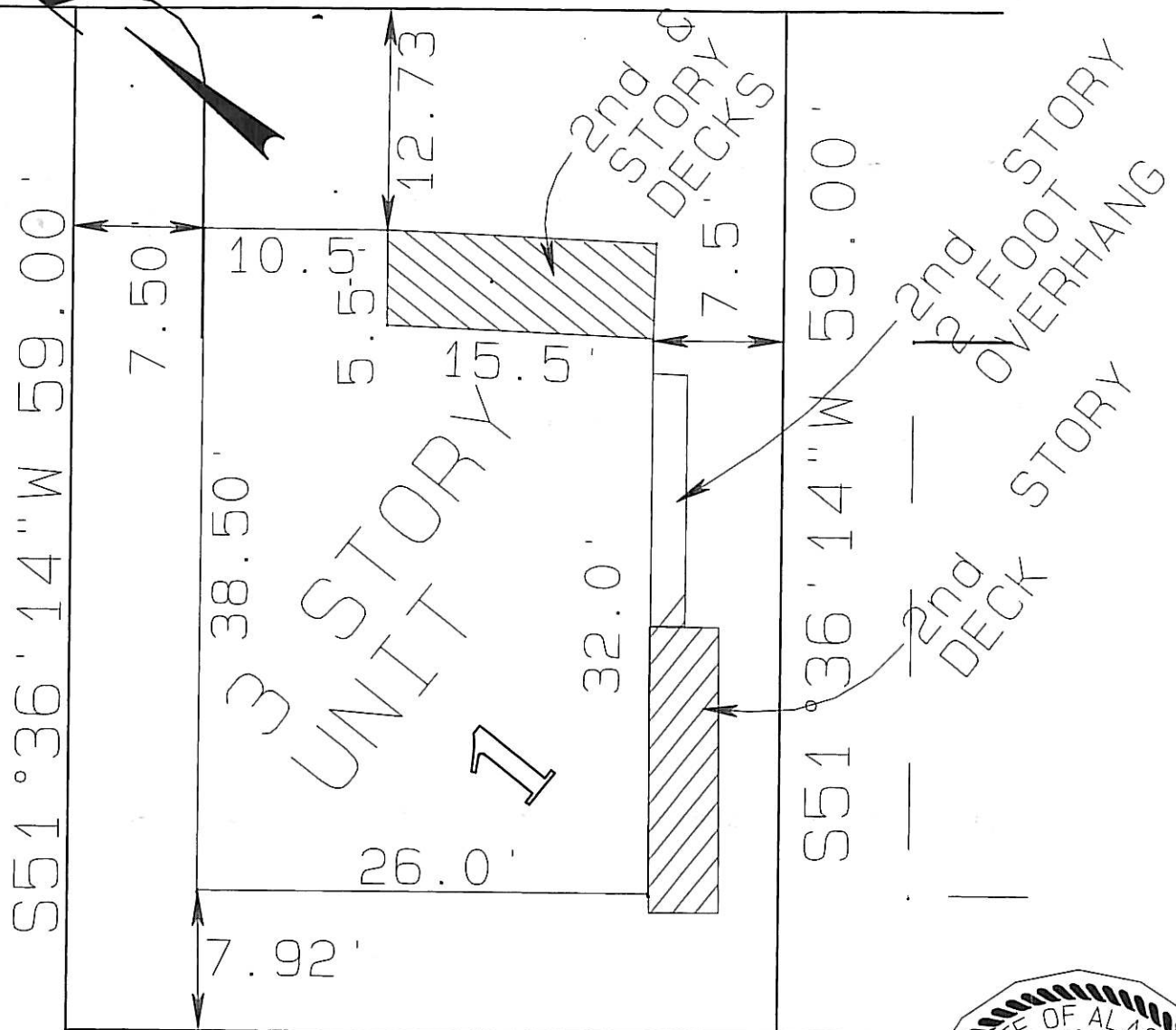
SCALE: 1"=40' DATE: 10-17-2018 SHEET 2 OF 2

- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
- ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
- DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
- THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
- PER PLO 601 THE RIGHT OF WAY LINE OF NORTH DOUGLAS HIGHWAY IS POSITIONED PARALLEL TO AND 50 FEET SOUTHEAST OF THE EXISTING ADOT CENTERLINE BETWEEN FOUND ADOT MONUMENTS AS SHOWN.
- THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT ON LOT 7B1 OF THIS SURVEY. SEE VAR 2014.C028 FOR AREAS SHOWN.

SCALE 1"=10'

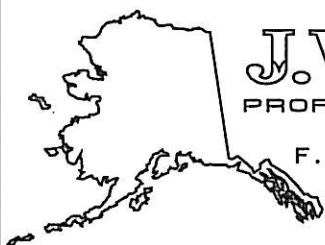


N38°28'27"W
41.00'



41.00'
N38°28'27"W

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT, THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.



J.W. BEAN
PROFESSIONAL SURVEYOR

F.B. _____ JOB No. 12851
SCALE AS-SHOWN
DATE 10-28-17

AS-BUILT SURVEY OF
NUMBER 1 OF
SUNSET HEIGHTS
PLANNED COMMUNITY
(PLAT 2016-33)

Closure Report

Set description: (No description)
 Area: 2,419.00
 0.06
 Perimeter: 200.00
 Closure: 0.00

LOT 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,798			6,251.0432	2,296.9660	-----	0+00.00
	N51°36'14"E	59.00				
1,774			6,287.6878	2,343.2064	-----	0+59.00
	S38°28'27"E	41.00				
1,773			6,255.5894	2,368.7150	-----	1+00.00
	S51°36'14"W	59.00				
1,797			6,218.9448	2,322.4746	-----	1+59.00
	N38°28'27"W	41.00				
1,798			6,251.0432	2,296.9660	-----	2+00.00

Set description: (No description)
 Area: 2,419.00
 0.06
 Perimeter: 200.00
 Closure: 0.00

LOT 2

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,773			6,255.5894	2,368.7150	-----	0+00.00
	S38°28'27"E	41.00				
1,769			6,223.4910	2,394.2236	-----	0+41.00
	S51°36'14"W	59.00				
1,794			6,186.8464	2,347.9832	-----	1+00.00
	N38°28'27"W	41.00				
1,797			6,218.9448	2,322.4746	-----	1+41.00
	N51°36'14"E	59.00				
1,773			6,255.5894	2,368.7150	-----	2+00.00

Set description: (No description)
 Area: 2,419.00
 0.06
 Perimeter: 200.00
 Closure: 0.00

LOT 3

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,705			6,191.3925	2,419.7323	-----	0+00.00
	N38°28'27"W	41.00				
1,769			6,223.4910	2,394.2236	-----	0+41.00
	S51°36'14"W	59.00				
1,794			6,186.8464	2,347.9832	-----	1+00.00
	S38°28'27"E	41.00				
1,793			6,154.7479	2,373.4919	-----	1+41.00
	N51°36'14"E	59.00				
1,705			6,191.3925	2,419.7323	-----	2+00.00

Set description: (No description)
 Area: 2,419.00
 0.06
 Perimeter: 200.00
 Closure: 0.00

LOT 4

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,743			6,159.2941	2,445.2409	0.000	0+00.00
	N38°28'27"W	41.00				
1,705			6,191.3925	2,419.7323	-----	0+41.00
	S51°36'14"W	59.00				
1,793			6,154.7479	2,373.4919	-----	1+00.00
	S38°28'27"E	41.00				
1,790			6,122.6495	2,399.0005	-----	1+41.00
	N51°36'14"E	59.00				

1,791

6,159.2941 2,445.2409

----- 2+00.00

Packet Page 59 of 172



DATE: October 23, 2018

TO: Laurel Bruggeman, CDD

FROM: Autumn Sapp, Engineering & Public Works Department

RE: SMP20180001 – Lots 1, 2, 3, 4, and 7B1, Sunset Heights- Plat Review v1

PLAT:

1. Verify the following bearings for Lots 1, 2, 3, and 4 as they are not consistent with the closure report:
 - a. S38°25'47"E
 - b. N38°25'47"E
2. Submit closure report for Lot 7B1 and revise area listed.
3. Show monument symbols for lot corners set for Lots 1, 2, 3, and 4.
4. Change property line types for Lot 7A1 that are not part of this subdivision to unsurveyed line type.
5. Include dimension for southeastern lot line of Lot 7B1 and add arrow to BLM monument.
6. Add arrow to the secondary monument for N50° 00'00"E 518.70 lot line.
7. Add bearing and/or distances for the following:
 - a. ROW centerline
 - b. Basis of Bearing line
 - c. Basis of bearing tie line
8. Include the width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary.
9. Show, describe, and provide basis and bearings for all shared access, utility, and drainage easements within this survey.
10. Provide easements for all established drainage ways until it reaches ADOT ROW.
11. Correct the graphic scale annotations for 1:40.
12. Add an R2 record reference for Plat No. 2015-49.
13. Add the following Record Information statement and complete with the pertinent information:

RECORD INFORMATION

- THIS SURVEY CLOSES WITHIN A LIMIT ERROR OF ONE FOOT IN 10,000 FEET.

- # OWNERSHIP CERTIFICATE

DOUGLAS ISLAND DEVELOPMENT HEREBY CERTIFIES THAT DOUGLAS ISLAND DEVELOPMENT IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT IT HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: _____ 2018

JOANNE SCHMIDT, OWNER
DOUGLAS ISLAND DEVELOPMENT, LLC

NOTARY ACKNOWLEDGEMENT

UNITED STATES OF AMERICA)
) SS
STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 20XX,
BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF
ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME
JOANNE SCHMIDT KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED
THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT
SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND
PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE
FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA _____

MY COMMISSION EXPIRES _____

- ## PLANNING COMMISSION PLAT APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. _____, DATED _____, 2018, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

DATED _____, 2018

CHAIRMAN OF THE PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU

ATTEST:

MUNICIPAL CLERK
CITY AND BOROUGH OF JUNEAU

Laurel Bruggeman

From: Greg Chaney
Sent: Thursday, October 11, 2018 10:22 AM
To: Laurel Bruggeman; Beth McKibben
Cc: Dan Bleidorn; Bhagavati Braun
Subject: RE: Teufelshund Way PUD PDF2018 0001

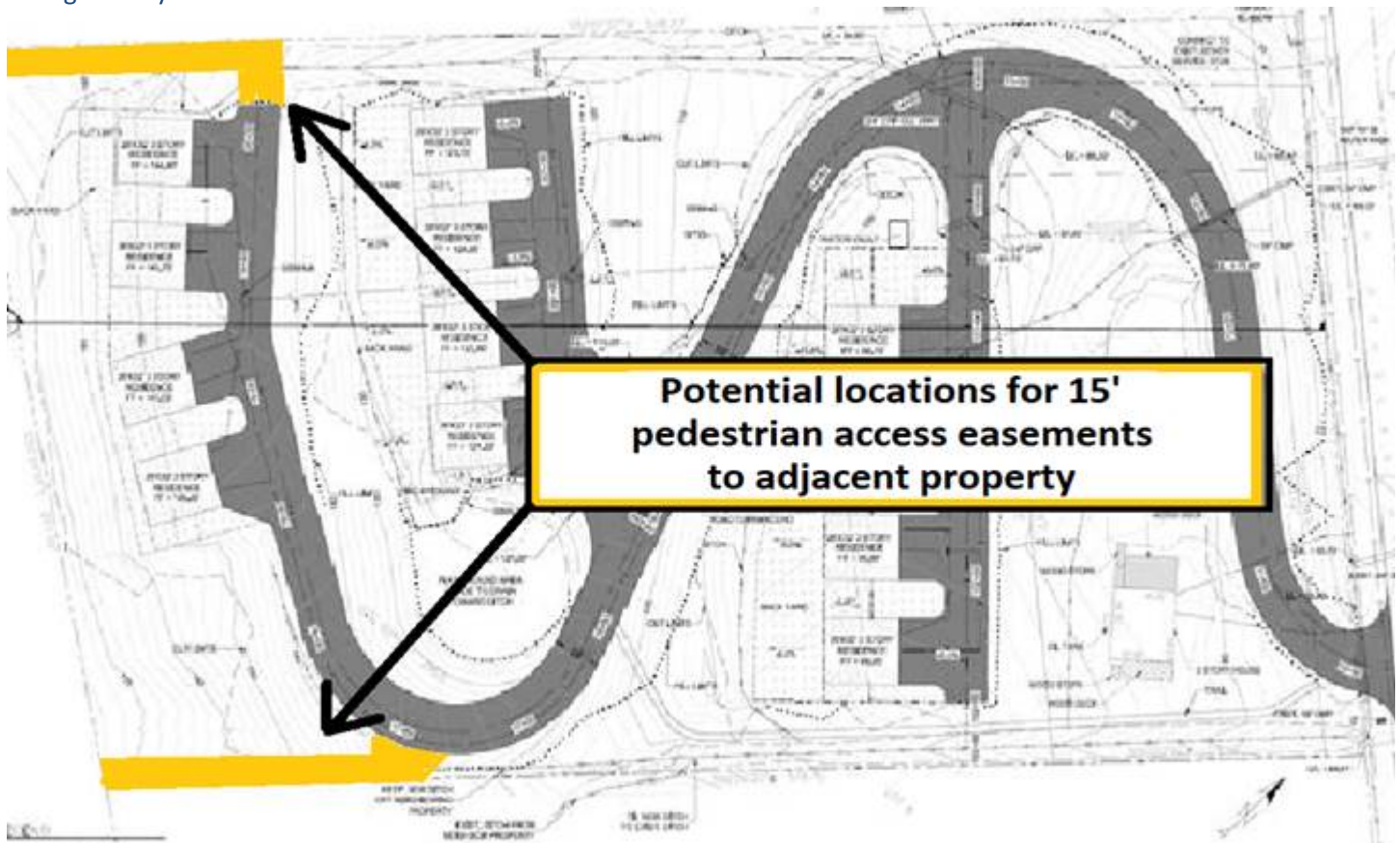
Hi Laurel,

I didn't realize that Teufelshund Way was a private road. Since I am not certain about the nature of the ammendment to the PUD, it's not clear to me what level of adjustment to the previously approved PUD is appropriate at this time but it doesn't hurt to ask.

The nearest connection to CBJ upland property is over half a mile away. It is unfortunate that the code only specifies that rights-of-way must provide access to adjacent property because this is a significant disincentive to create public roads. In the spirit of establishing connections between properties, I would like to propose a 15' wide pedestrian access easement be designated to connect Teufelshund Way to the adjoining CBJ property. Since this easement would be located along the perimeter of the required common open space, it wouldn't create a barrier to housing development. The spirit of the code is to provide access to adjacent property. This access easement would provide an access path for future trail construction that would make it possible create a more connected community.

Thank you for the opportunity to comment.

- Greg Chaney





From: Laurel Bruggeman
Sent: Wednesday, October 10, 2018 2:40 PM
To: Greg Chaney
Cc: Dan Bleidorn; Bhagavati Braun
Subject: RE: Teufelshund Way PUD PDF2018 0001

Hi Greg,

Thanks for reminding me to get back to you on this.

I can't say for sure if that was considered when the PUD was originally approved in 2015, there is no mention of it in the staff reports I have been able to find. I can say though that the access to the site is through a private driveway that would not be able to meet the requirements for a public right of way. If we required CBJ§49.15.60(h)(4), then the developer would need to upgrade the entire private driveway to a ROW in order to provide a ROW between an existing public ROW and the CBJ parcel to the rear, in this case it does not seem appropriate. In order to preserve a 12% grade for the driveway, the developer needed to construct the driveway with a switchback design (shown below), upgrading the entire driveway to public ROW standards would eat up a significant portion of the lot and the required 40% common open space required.

The developer is not proposing any changes to this access, so at this time we are not requesting any changes to what was previously approved.

Let me know if you have any questions.

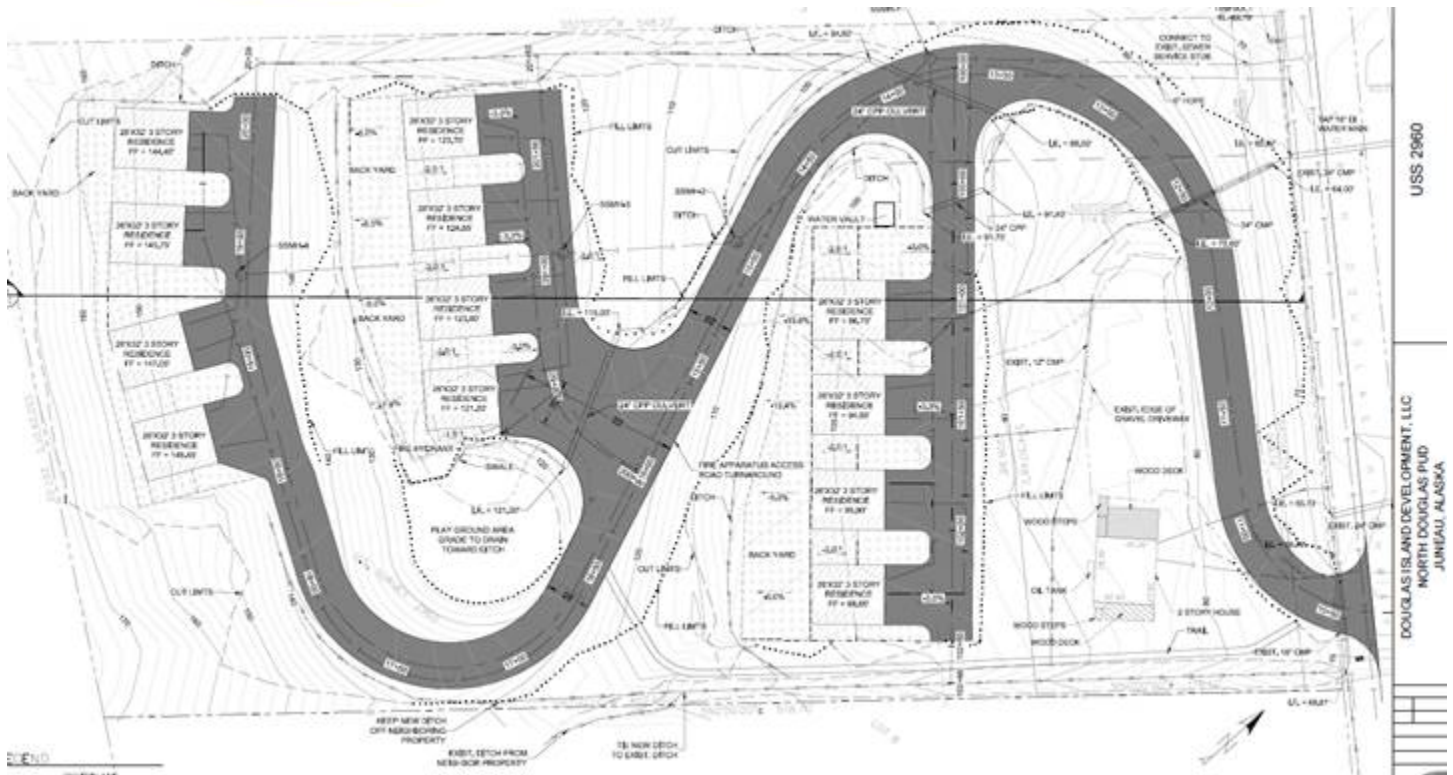
Thanks,

Laurel Bruggeman | Planner

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0761

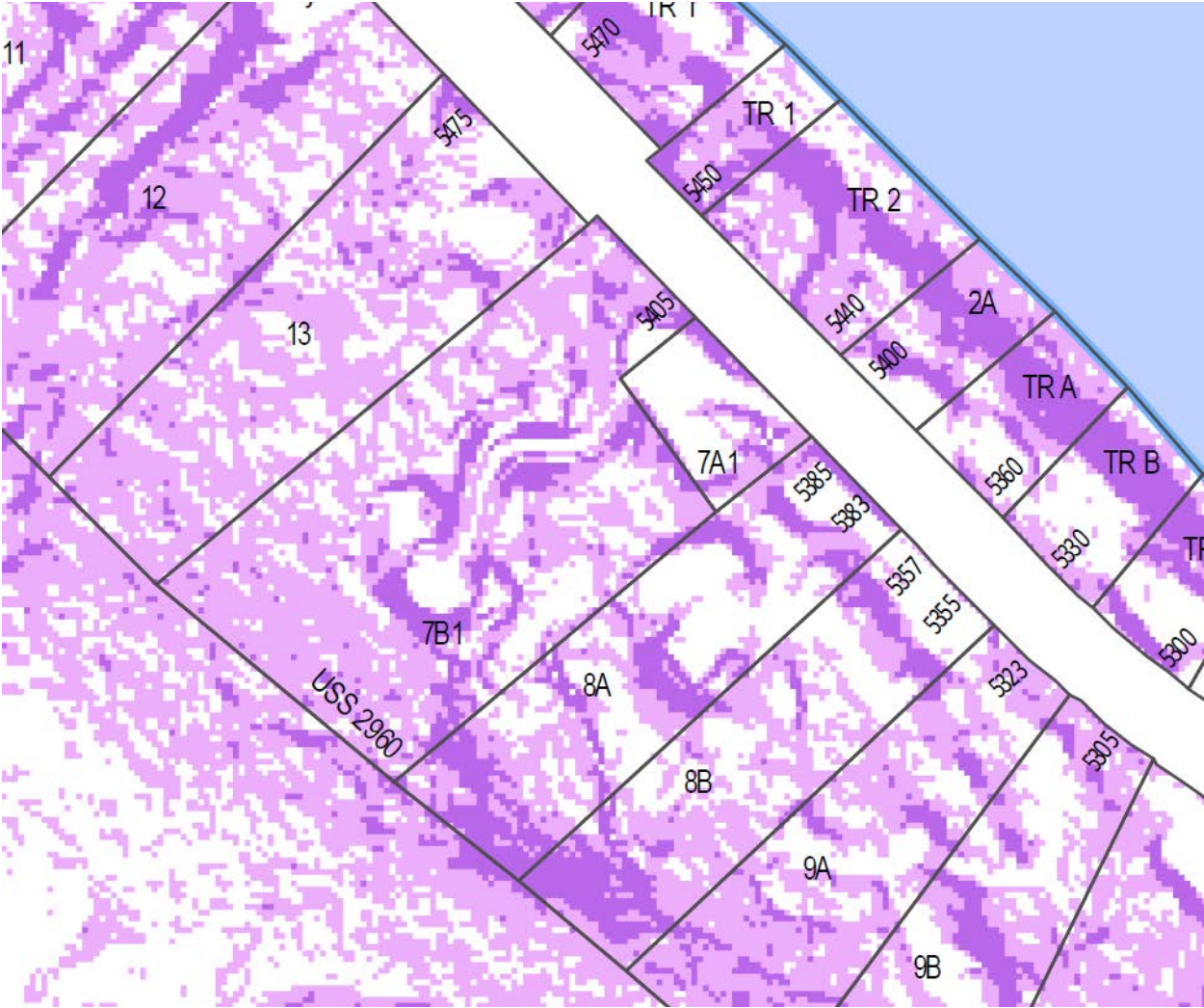


From: Greg Chaney
Sent: Wednesday, October 10, 2018 12:57 PM
To: Laurel Bruggeman
Cc: Dan Bleidorn; Bhagavati Braun
Subject: Teufelshund Way PUD PDF2018 0001

Hi Laurel,

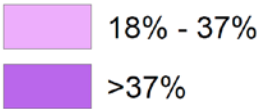
I received the "Invitation to Comment" card concerning the Teufelshund Way PUD. I was wondering if there has been any consideration of CBJ\$49.15.60(h)(4)? "...A planned unit development which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate."

Thank you for your thoughts.



Slopes >18% & >37% Derived from 2013 Lidar

Slopes





Planning Commission

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

PLANNING COMMISSION

NOTICE OF DECISION

Date: November 15, 2018

File No.: SMP2018 0001

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

Proposal: A subdivision of one (1) lot into five (5) lots within a Planned Unit Development.
Property Address: 1011 Teufelshund Way
Legal Description: USS 2960 Lot 7B1
Parcel Code No.: 6D0701010174
Hearing Date: November 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 2, 2018, and approved the preliminary plat to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. All changes requested by General Engineering, as discussed in a MEMO from Autumn Sapp, dated October 23, 2018.
2. Title Block
 - a. Revise title block (you could also shorten the name to just "SUNSET HEIGHTS"):

PLAT OF
SUNSET HEIGHTS PLANNED COMMUNITY
A SUBDIVISION OF
LOT 7B1, U.S. Survey 2960
CITY & BOROUGH OF JUNEAU, ALASKA

Douglas Island Development LLC
 File No.: SMP2018 0001
 November 15, 2018
 Page 2 of 3

JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT JUNEAU

- b. Alternatively, the developer could also name the subdivision "SUNSET HEIGHTS" or "SUNSET HEIGHTS PHASE 1". The next plat iteration will be "SUNSET HEIGHTS PLANNED COMMUNITY II" or "SUNSET HEIGHTS PHASE 2".
- 3. Plat Graphic
 - a. Show the private drive and label it "TEUFELSHUND WAY"
 - b. Change the name of LOT 7B1 to "LOT 13", and use a dashed or ghost font to label previous LOT 7B1.
 - c. Prior to final plat recording, remove all structures from the plat.
 - d. Prior to final plat recording, remove phases two and three from the plat, only showing lots 1-4 and lot 13.
 - e. Prior to final plat recording, remove the note "DEVELOPMENT RIGHTS RESERVED IN PHASE 2&3 MAY BE WITHDRAWN. UNITS SHOWN HEREON ARE PROPOSED AND NEED NOT BE BUILT."
 - f. Remove the "Typical Foundation with Setbacks" graphic within the plat graphic.
- 4. Scale:
 - a. Check the verbal scales. It appears that they should be 1" = 20' instead of 1" = 40'.
- 5. Plat Notes:
 - a. Add the following plat note: "LOTS ONE THROUGH FOUR (1-4) OF THIS SURVEY ARE PERMITTED TO BE DEVELOPED WITH ONLY ONE (1) SINGLE FAMILY DWELLING UNIT ON EACH LOT. NO ADDITIONAL DWELLING UNITS ARE ALLOWED BEYOND WHAT IS INDICATED."

Attachment: November 2, 2018 memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding SMP2018 0001.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Douglas Island Development LLC

File No.: SMP2018 0001

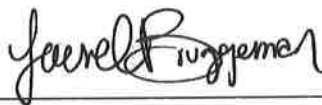
November 15, 2018

Page 3 of 3

Effective Date: The permit is effective upon approval by the Commission, November 13, 2018

Expiration Date: The permit will expire five (5) years after the effective date, or November 13, 2023, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Laurel Bruggeman, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission

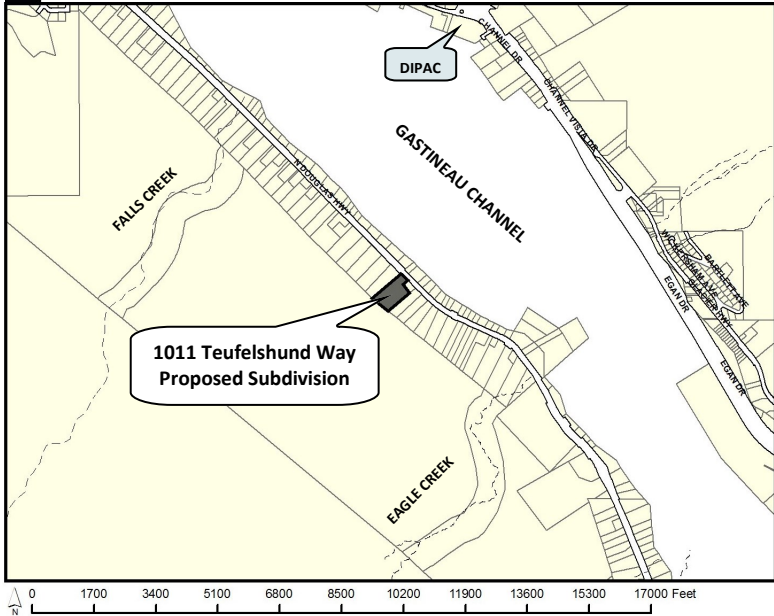

Filed With Municipal Clerk
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. 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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **subdivision to create 5 lots within an approved Planned Unit Development** located at **1011 Teufelshund Way** in a D3 Zone.

TIMELINE

Staff Report expected to be posted **Monday, November 19** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through November 5, 2018

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

Nov 6 through 12 noon, Wed. Nov 21

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, November 27, 2018

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.

November 28

The results of the hearing will be posted online.

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

Case No.: SMF2018 0001
Parcel No.: 6D0701010174
CBJ Parcel Viewer: <http://epv.juneau.org>



Planning Commission

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

PLANNING COMMISSION

NOTICE OF DECISION

Date: November 27, 2018

File No.: SMF2018 0001

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

Proposal: A subdivision of one (1) lot into five (5) lots within a Planned Unit Development.

Property Address: 1011 Teufelshund Way

Legal Description: USS 2960 Lot 7B1

Parcel Code No.: 6D0701010174

Hearing Date: November 27, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 20, 2018, and approved the final plat to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The homeowners' association documents shall be recorded with the approved final plat.
2. Prior to the final plat recording, certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.

Attachment: November 20, 1028 memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding SMF2018 0001.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030

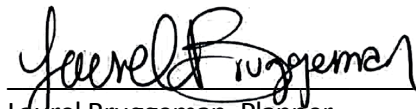
Douglas Island Development LLC
File No.: SMF2018 0001
November 27, 2018
Page 2 of 2

(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

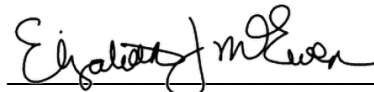
Effective Date: The permit is effective upon approval by the Commission, November 27, 2018.

Approval of a final plat consisting of a portion of the preliminary plat will not extend the expiration date of the remaining lots.

Project Planner:


Laurel Bruggeman, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With Municipal Clerk

11/30/2018
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. 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: November 15, 2018
TO: Planning Commission
FROM: Beth McKibben, AICP, Senior Planner
Community Development Department
FILE NO.: CSP2018 0013
PROPOSAL: A City Project to pave and make drainage, water, and sewer improvements along Birch Lane between Mendenhall Boulevard and Dogwood Lane

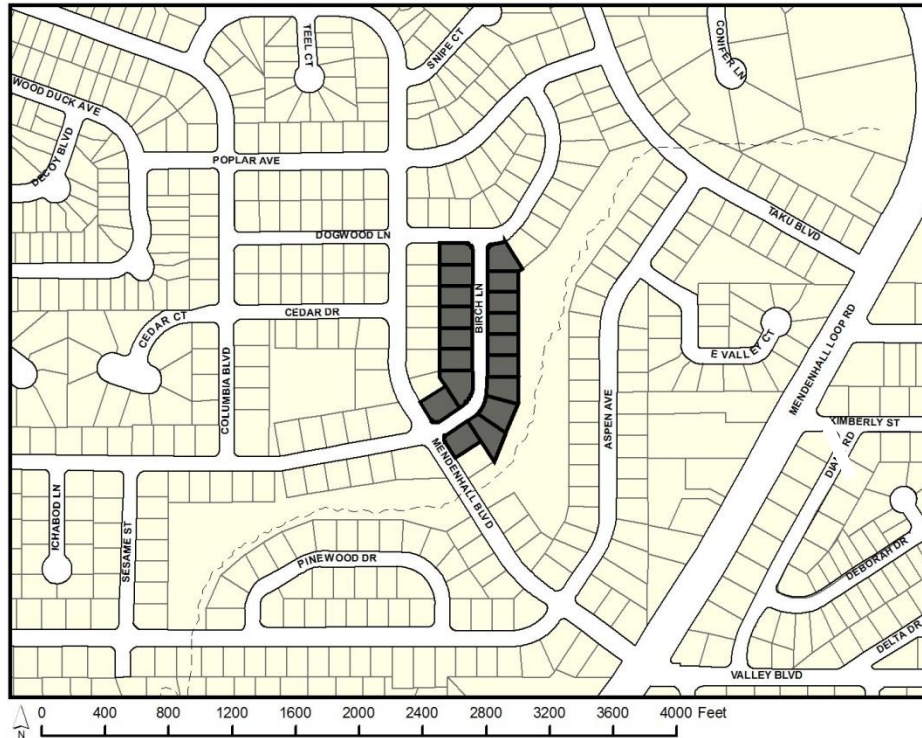
A handwritten signature in black ink, likely belonging to Beth McKibben, is positioned to the right of the 'FROM' field.

GENERAL INFORMATION

Applicant: City & Borough of Juneau, Engineering and Public Works
Property Owner: City & Borough of Juneau
Project Area: Birch Lane
Comprehensive Plan Future Land Use Designation: Urban Low Density Residential
Zoning: D5 Single Family/Duplex
Utilities: City water and sewer
Existing Land Use: CBJ right of way/neighborhood residential street
Surrounding Land Use: Single family/duplex

Planning Commission
 File No.: CSP2018 0013
 November 15, 2018
 Page 2 of 7

VICINITY MAP



ATTACHMENTS

Attachment A: Project Application (including summary of public comment)
 Attachment B: Public Notice

PROPOSAL

The applicant is requesting a City Project Review of the proposed pavement, sewer, and drainage improvements along Birch Lane between Mendenhall Boulevard and Dogwood Lane. The project includes the following work (Attachment A):

- New underground storm sewer
- New catch basins and shallow drainage swales routed to a new underground storm sewer pipe that will replace existing open drainage ditches
- Replacement of aging sewer and water infrastructure
- New pavement that will be laid on a reconstructed shot rock road base
- Replacement of existing lighting with LED

Planning Commission
File No.: CSP2018 0013
November 15, 2018
Page 3 of 7

BACKGROUND

Birch Lane was developed in the 1960s. It consists of a 50 foot right of way (ROW) with a 20 foot wide travel way. There is no sidewalk. No sidewalks are proposed with this project. The existing sewer and water infrastructure is original to the subdivision and is in need of replacement. The pavement is failing.

AGENCY REVIEW

Staff contacted CBJ General Engineering, Streets, Wastewater Utility, CBJ Assessor, Capital City Fire and Rescue (CCFR), and the Juneau Police Department as well as the Alaska Department of Fish and Game (ADF&G). No issues or concerns were identified. CCFR notes that the proposed lane widths meet the minimum requirement for road surface required by fire code (20 feet).

PUBLIC COMMENTS

Comments submitted through email and made during the November 8, 2018, open house were in support of the project. The majority of those that have commented have indicated a preference for no sidewalk.

ANALYSIS

CBJ 49.10.170(c) City and borough land acquisitions, disposals and projects. The commission shall make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement project 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.

This project will improve road conditions and storm water drainage by resurfacing the roadway and installing storm drains and catch basins connected to an underground storm sewer pipe. Also, aging water and sewer lines will be replaced. As stated above, the existing ROW is 50 feet wide and does not comply with the requirements of CBJ 49.35.240 which requires a 60 foot ROW. The applicant indicates traffic is estimated to be less than 212 average daily trips. For this level of service, the minimum travel way required is 20 feet wide. This project complies. Additionally, a sidewalk is not required per 49.35.240 Table of Roadway Construction Standards. The extent of the project does not include the existing lighting at the intersections of Mendenhall Boulevard or Dogwood Lane. The one mid-block street light will be replaced with energy efficient LED lighting.

CBJ 49.15.580(a) CBJ Project Review. The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title...The Commission may recommend conditions on and modifications to any project

Planning Commission
 File No.: CSP2018 0013
 November 15, 2018
 Page 4 of 7

reviewed by the Commission through a notice of recommendation. The notice of recommendation shall be forwarded to the Assembly for further action.

The six-year Capital Improvements Program (CIP) for FY2019-2024 lists “Birch Lane Improvements Mendenhall Blvd. to Dogwood” to be funded as a wastewater utility improvement. The applicant states that the estimated cost of the project is \$800,000.

Because the width of the ROW is nonconforming, the applicant is seeking a waiver to roadway construction standards as provided by 49.35.240(i)(4). This section of code provides for the Director to make the findings and approve the waiver when the proposed project complies with the American Association of State Highway and Transportation Officials (ASHTO) guidelines.

49.35.240(i)(4)(A) *Roadway construction standards may be waived by the director if:*

- i. The existing roadway does not comply with the roadway construction standards identified in Table 49.35.240;*

Birch Lane is currently nonconforming. Table CBJ 49.35.240 requires a minimum 60 foot wide right-of-way (ROW). Birch Lane currently has a 50 foot right-of-way.

- ii. There are unique circumstances that make compliance with requirements of the table unreasonable;*

Due to the infeasibility of purchasing private property, the right of way cannot be widened. The existing and proposed travel way is 20 feet wide and complies with the Table of Roadway Construction Standards for a street with less than 212 average daily vehicle trips. Compliance with the ROW width requirement of the table is unreasonable.

- iii. The proposed project will not aggravate the intent of the requirements of this chapter.*

The intent of the requirements of this chapter is to protect public health, safety, and welfare. The Table of Roadway Construction Standards establishes the minimum ROW width and improvement requirements for the expected level of service of the roadway section. This section of Birch Lane provides access to approximately 17 homes and is generally only used by those living on the street. Birch Lane improvements will increase vehicular safety while sufficiently supporting traffic demands. The narrow travel lanes calm traffic by slowing drivers. The requirements of this chapter will not be aggravated.

- iv. The proposed project complies with the American Association of State Highway and Transportation Official Guidelines.*

American Association of State Highway and Transportation Official (AASHTO) guidelines state that ten foot wide travel lanes are acceptable for low speed streets. Birch Lane improvements comply with the AASHTO Guidelines.

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File No.: CSP2018 0013
November 15, 2018
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The director waives roadway construction standards for the proposal.

CONFORMITY WITH ADOPTED PLANS

2013 Comprehensive Plan stresses that “A full complement of services and facilities to promote the public’s health, safety and quality of life is needed to provide adequately for the density and intensity of land uses envisioned in the Urban Service Area...”

Repaving the roadway, upgrading the storm drainage, and replacing aging water, sewer, and lighting will promote health and safety for drivers and pedestrians in the area.

Chapter 6 - Energy:

POLICY 6.5 TO INCORPORATE TECHNOLOGIES AND OPERATING PRACTICES THAT WILL PROMOTE EFFICIENT AND COST EFFECTIVE ENERGY USE INTO ALL OF ITS NEW AND EXISTING BUILDINGS AND ENERGY-USING PROJECTS.

6.5-SOP1 Replace inefficient street lighting and lighting in CBJ owned buildings and facilities with efficient fixtures upon replacement cycle.

This project proposes to replace the one existing mid-block street light with a more efficient LED light.

The Plan also emphasizes storm water management:

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-SOP5 Incorporate the goal of protecting and improving water quality into the planning, site selection, budgeting, design and construction of CBJ capital projects with consideration of watershed management plans when available.

The project improves storm water management. The catch basins and shallow drainage swales will route storm water to a new underground storm water sewer pipe and will no longer discharge storm water into Duck Creek. Duck Creek is an anadromous water body and has been identified as impaired. Reducing storm water discharge into this creek is expected to improve the water quality of Duck Creek.

Juneau Non-Motorized Transportation Plan advocates for increasing pedestrian safety. The plan does not specifically address Birch Lane.

Planning Commission
 File No.: CSP2018 0013
 November 15, 2018
 Page 6 of 7

Area-Wide Transportation Plan (AWTP) considers land use and future development and establishes direction with respect to transportation in Juneau.

Solution 1.6 – With new construction and reconstruction, evaluate pedestrian and bicycle needs and recommend sidewalks on one or both sides of a street, as appropriate, in all commercial and residential subdivisions.

Birch Lane is not mentioned specifically. The plan includes an area-wide solution list that addresses the need for additional sidewalks and street paving. The proposed project will bring Birch Lane into greater conformance with the AWTP.

Juneau Safe Routes to School Plan (SRTS) found that safety concerns are a primary reason for parents not allowing children to walk or bike to school. A goal of the Juneau SRTS plan is to “improve pedestrian and bicycle infrastructure - such as sidewalks, crosswalks and bicycle lanes – to increase the number of children walking and cycling to school”. The addition of a sidewalk to this section of Birch Lane was not specifically identified in the plan. The proposed project does not include a sidewalk and Title 49 does not require one for a street with this number of average daily trips.

HABITAT

Storm water will drain to the storm drain system on Mendenhall Boulevard and will no longer discharge through a culvert feeding Duck Creek. Duck Creek is an anadromous water body and has been identified as impaired. Reducing storm water discharge into this creek is expected to improve the water quality of Duck Creek.

FINDINGS

Staff finds the proposed Birch Lane pavement, sewer, and drainage improvements to be consistent with CBJ adopted plans and consistent with Title 49.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2018 0013 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580, and **approve** CSP2018 0013 to repave and make drainage improvements on Birch Lane between Mendenhall Boulevard and Dogwood Lane with the following two advisory conditions in order to provide consistency with adopted plans and for the benefit of the applicant and the project contractor:

1. Per *CBJ 42.20.095(b) Construction of buildings and projects*. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment before 7:00 a.m. or after 10:00 p.m. Monday through Friday or before 9:00 a.m. or after 10:00 p.m. Saturday and Sunday unless a permit is first obtained from the Building Official. Such a permit shall be issued by the Building Official

Planning Commission
File No.: CSP2018 0013
November 15, 2018
Page 7 of 7

only upon a determination that operation during those hours is necessary and will not result in unreasonable disturbance to surrounding residents.

2. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshal and Chief of Police. Failure to provide such notice may result in suspension of any CBJ-issued permits for such work and is punishable by a fine as an unlawful street closure under CBJ 72.17.010.



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address Birch Lane between Mendenhall Blvd and Dogwood Ln - Mendenhall Valley, Juneau		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Mendenhaven Subdivision		
	Parcel Number(s) 0 (CBJ ROW)		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner CBJ	Contact Person Keri Williamson	
	Mailing Address 155 South Seward St, Juneau, AK 99801	Phone Number(s) 907-586-5200	
	E-mail Address Keri.Williamson@juneau.org		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X _____ Landowner/Lessee Signature Date			
X _____ Landowner/Lessee Signature Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant SAME	Contact Person SAME		
Mailing Address	Phone Number(s)		
E-mail Address			
X _____ Applicant's Signature	11/1/2018 Date of Application		

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Attachment A: Application

Case Number CSP20180013	Intake Initials AL 12/5/18
	Date Received 11/2/18



CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

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

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

To be completed by Applicant	PROJECT SUMMARY	
	Pavement, drainage, water and sewer improvements to the segment of Birch Lane between Mendenhall Boulevard and Dogwood Lane.	
	TYPE OF PROJECT REVIEW:	
	☒ City Project Review ☐ City Land Acquisition /Disposal ☐ State Project Review	
	PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:	
	Is this project associated with any other Land Use Permits? ☐ YES Case No.: _____ ☒ NO	
	Capital Improvement Program # (CIP) <u>R72-131</u>	
	Local Improvement District # (LID) _____	
	State Project # _____	
	ESTIMATED PROJECT COST: \$ 800,000	
	ALL REQUIRED MATERIALS ATTACHED	
	☒ Complete application	
	☐ Pre-Application notes (if applicable)	
	☒ Narrative including:	
	☒ Current use of land or building(s)	
	☒ Proposed use of land or building(s)	
	☒ How the proposed project complies with the Comprehensive Plan	
	☒ How the proposed project complies with the Land Use Code (Title 49)	
	☒ Site Plan (details on page 2)	

NOTE: This application is required even if the proposed project is associated with other Land Use permits.

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

CITY/STATE PROJECT FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ _____			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
CSP20140013	11/27/14

Attachment A: Application

City/State Project Review Application
for

Birch Lane Reconstruction
CBJ Contract BE19-083

Project Narrative

The CBJ intends to make pavement, water, sewer, and drainage improvements on Birch Lane, between Mendenhall Boulevard and Dogwood Lane. Birch Lane is a residential street located in the Mendenhall Valley, Juneau Alaska.

This segment of Birch Lane consists of two, 10' paved lanes with rolled curbs on both sides of the street. The rolled curbs carry storm water from half the street to two inlets that discharge via a culvert to Duck Creek, while the rest of the street drains to inlets on Mendenhall Boulevard. Municipal water and sewer mains run under the street. All electrical and communication utilities are buried underground alongside and crossing under the street. Above ground utility pedestals and electrical transformers are typically located several feet behind the rolled curbs. A single aging electrical pole is present midway down the street. Limited improvement work has been done to the street since it was built in the 1960s.

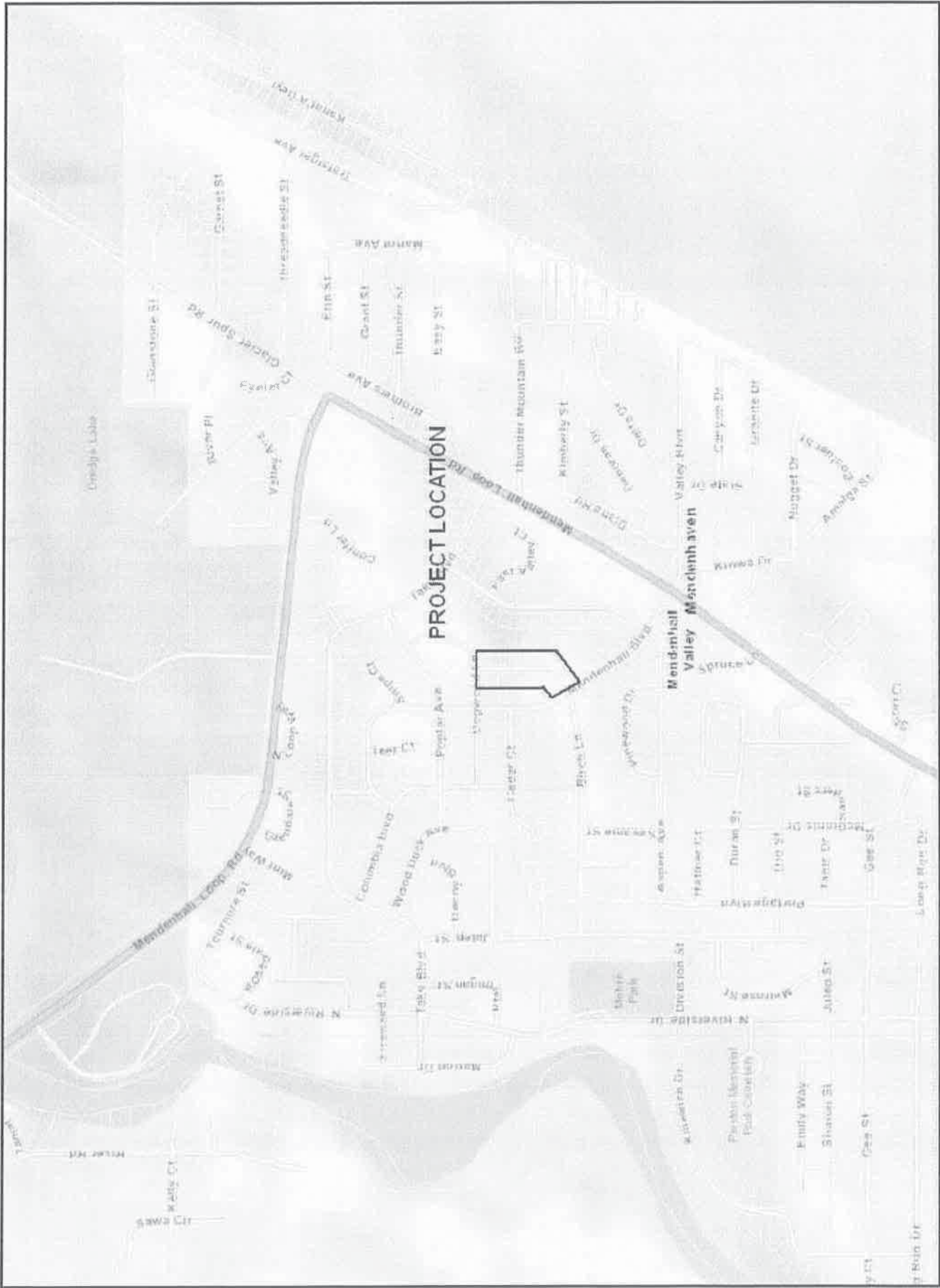
The road and all utilities are located within a 50 ft wide CBJ Right of Way (ROW).

The Birch Lane Reconstruction project will install a new underground storm sewer system, tying in to the storm drain system at Mendenhall Boulevard. The existing sewer infrastructure will be replaced, as well as old cast iron water lines. A new valley gutter will be constructed along both sides of the road with catch basins connecting to a new underground storm system. New pavement matching the existing lane widths will be placed on a reconstructed shot rock road base. The existing lighting will be replaced.

No sidewalk currently exists on the street, and none is planned for the reconstruction. The existing roadway does not comply with roadway construction standards, as the current ROW is 50'. Seventeen homes are on this stretch of road, which is virtually all local traffic only, and traffic counts on the street are likely under 212 average daily vehicle trips, which would not require a sidewalk according to Table 49.35.240 of city code. The street is also not a main thoroughfare for traffic coming into or through Mendenhall, and is not discussed as a priority road segment to provide sidewalks in the Non-motorized Transportation Plan.

Approximately 40% of the residents have also provided comments to date regarding a possible sidewalk, of those respondents, 86% did not want a sidewalk at all, or did not want a sidewalk on their side of the street. The remaining comment indicated no preference on a sidewalk. A public meeting is scheduled for 11/8/2018, where the topic will be discussed with residents, and maps showing the potential impacts of a sidewalk on either side will be presented to them. Any additional comments received from residents can be submitted after the public meeting.

Attached are maps showing the location, typical section, plan view, and a summary of the sidewalk analysis and resident comments to date.



The City and Borough of Juneau is not responsible and shall not be liable to the user for damages of any kind arising out of the use of data or information provided by the City and Borough of Juneau, including the installation of the data or information, its use, or the results obtained from its use. ANY DATA OR INFORMATION PROVIDED BY THE City Borough of Juneau IS PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Data or information provided by the City Borough of Juneau shall be used and relied upon only at the user's sole risk, and the user agrees to indemnify and hold harmless the City Borough of Juneau, its officials, officers and employees from any liability arising out of the use of the data/information provided. NOT FOR ENGINEERING PURPOSES.

Attachment A: Application



STA. 10+00 to STA. 17+60

VIEW LOOKING EAST

NOTE:
CONTRACTOR TO PROVIDE TEMPORARY SHORING,
BRACING AND SHEETING NECESSARY TO INSTALL
STORM DRAIN SYSTEM TO MINIMIZE IMPACTS TO
PRIVATE PROPERTY. SEE SPECIAL PROVISION
SECTION 02200.

PAVING SEQUENCE REQUIREMENTS

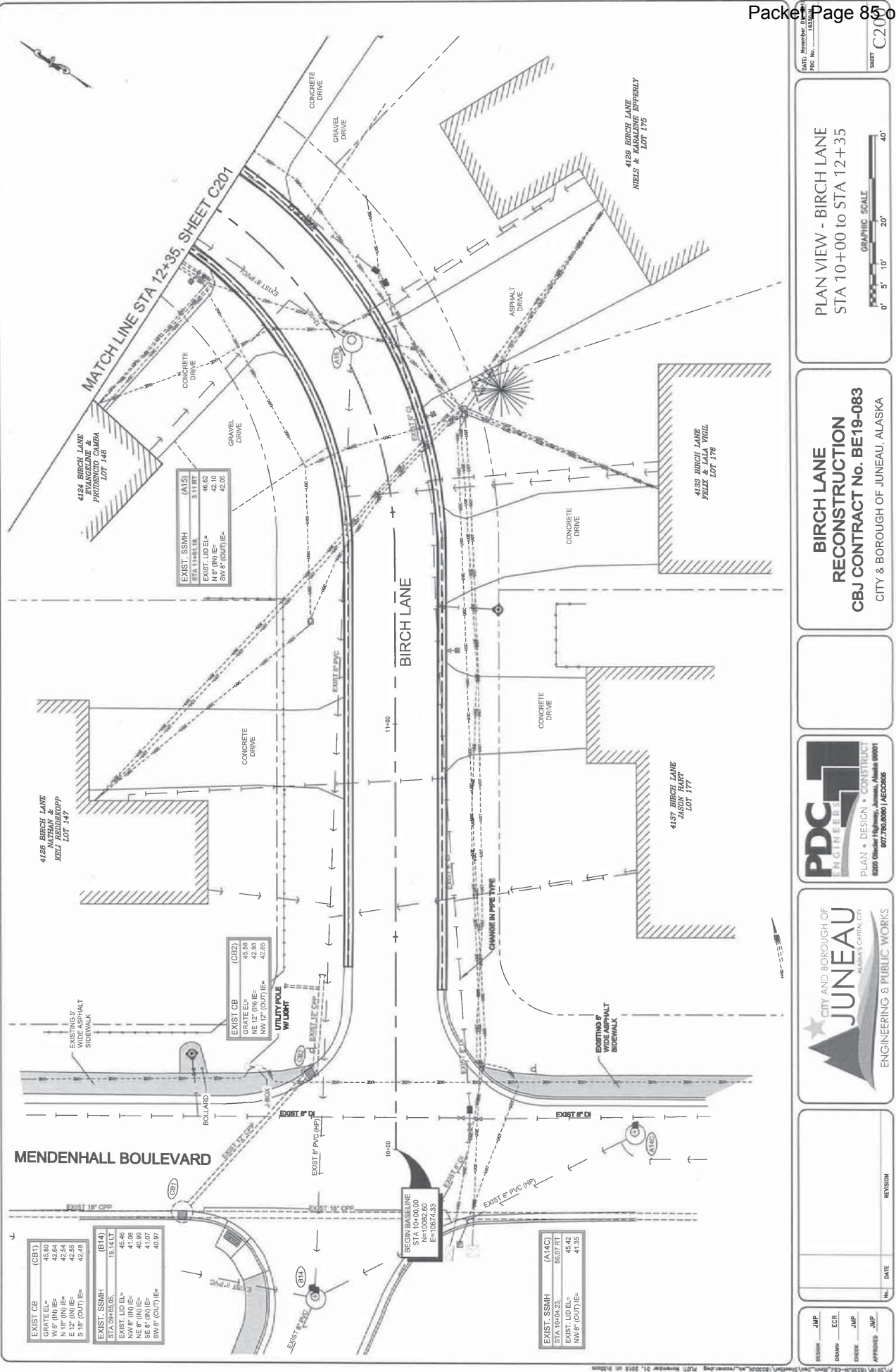
1. LAYDOWN OPERATIONS SHALL BE CONDUCTED IN A MANNER WHICH ENSURES THAT THE MINIMUM TEMPERATURE ALONG THE CENTERLINE EDGE OF THE FIRST PAVED LANE DOES NOT FALL BELOW 200°F BEFORE THE SECOND LANE IS PAVED.
2. THE CONTRACTOR SHALL MONITOR THE TEMPERATURE OF THE CENTERLINE EDGE OF THE FIRST PAVED LANE AND MOVE THE LAYDOWN OPERATIONS TO THE SECOND LANE ALLOWING SUFFICIENT TIME FOR THE PAVEMENT OF THE SECOND LANE TO COVER THE CENTERLINE EDGE OF THE FIRST LANE PRIOR TO COOLING TO LESS THAN 200°F.

**BIRCH LANE
RECONSTRUCTION
CBJ CONTRACT No. B-08-0007**

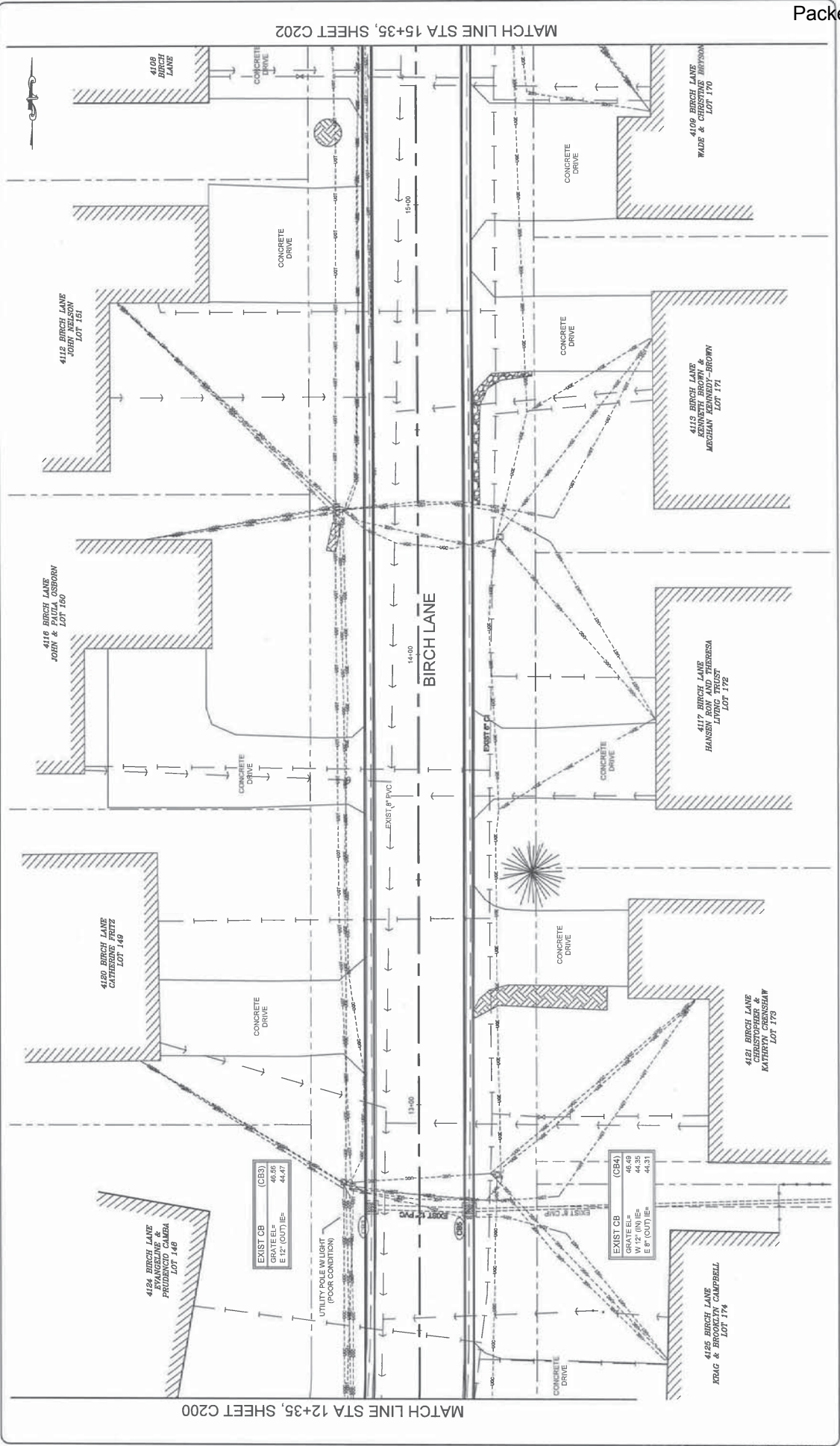


REGION _____ JMP _____
 DRAWN _____ ECR _____
 CHECK _____ JMP _____
 APPROVED _____ JMP _____

TYPICAL SECTION



Attachment A: Application



DATE: 11/11/2019
DRAWN: JMP
CHECK: JMP
APPROVED: JMP

REVISION

DATE

REVISION

CITY AND BOROUGH OF JUNEAU
ALASKA CAPITAL CITY
ENGINEERING & PUBLIC WORKS

PDC ENGINEERS & CONSTRUCTORS
PLAN • DESIGN • CONSTRUCT
6200 Glacier Highway, Juneau, Alaska 99901
907.760.0060 | AEC5266

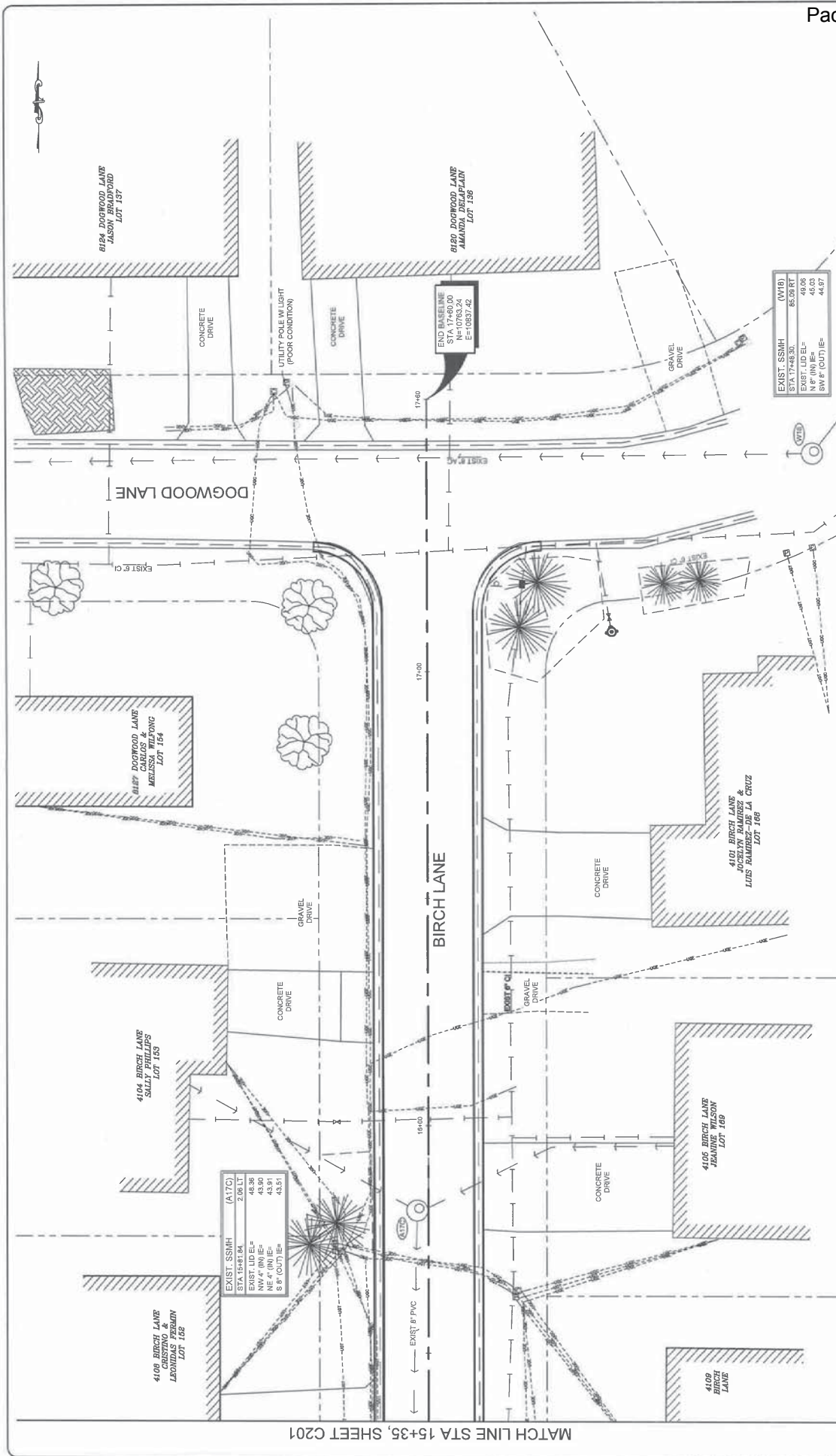
**BIRCH LANE
RECONSTRUCTION**
CBJ CONTRACT No. BE19-083
CITY & BOROUGH OF JUNEAU, ALASKA

PLAN VIEW - BIRCH LANE
STA X12+35 to STA 15+35

GRAPHIC SCALE
0' 5' 10' 20' 40'

Sheet C200

Attachment A: Application



MATCH LINE STA 15+35, SHEET C201

DESIGN: JWP

CHECK: JWP

APPROVED: JWP

REVISION

DATE

CITY AND BOROUGH OF JUNEAU

ENGINEERING & PUBLIC WORKS

PDC ENGINEERS

PLAN • DESIGN • CONSTRUCT

6005 Chukchi Highway, Juneau, Alaska 99901

907.760.0060 / 1450006

BIRCH LANE RECONSTRUCTION

CBJ CONTRACT No. BE19-083

CITY & BOROUGH OF JUNEAU, ALASKA

PLAN VIEW - BIRCH LANE

STA 15+35 to STA 17+60

GRAPHIC SCALE

0' 5' 10' 20' 40'

DATE: November 13, 2019

PCD No.: 133324

SHEET: C201

DATE: November 13, 2019

PCD No.: 133324

SHEET: C201



MEMORANDUM

To	Keri Williamson	From	Ethan Roemeling
Title	CBJ Project Manager		
Firm	CBJ Engineering Department	Date	11/1/2018
		PDC #	18330JN
		Project Name	Birch Lane Reconstruction CBJ No. BE19-083
RE	Sidewalk Analysis and Resident Input		

Option 1 – No SidewalkPros

- no electrical relocation required
- provides maximum yard space for residents
- lower cost

Cons

- pedestrians must walk in roadway

Option 2 – West SidePros

- provides safe walkway for pedestrians
- sidewalk continuity with Birch Lane across Mendenhall Boulevard
- sidewalk continuity with Mendenhall Boulevard sidewalk

Cons

- 4 electrical relocates required
- residents on west side lose 5' of yard area within public right-of-way
- large number of curb cuts to allow for driveway/boat storage access

Option 3 – East SidePros

- provides safe walkway for pedestrians
- sidewalk continuity with Mendenhall Boulevard sidewalk

Cons

- 1 electrical relocates required
- residents on east side lose 5' of yard area within public right-of-way
- large number of curb cuts to allow for driveway/boat storage access
- sidewalk discontinuity with Birch Lane on other side of Mendenhall Boulevard

Transforming Challenges into Solutions.

Anchorage | Fairbanks | Juneau | Palmer | Soldotna | www.pdceng.com

Attachment A: Application

Sidewalk Analysis and Resident Input
November 1, 2018
Page 2

Resident Feedback

Via email and onsite visits for survey, notice delivery and crawlspace/service investigations PDC has received the following input from the residents of Birch Lane regarding the installation of a sidewalk.

4137 Birch Lane (Jason Hart)

Ok with sidewalk if it is on the west side of the street

4133 Birch Lane (Felix Vigil via daughter Julie Vigil)

Ok with sidewalk if it is on the west side of the street

4113 Birch Lane (Kenneth Brown)

No preference on sidewalk

4109 Birch Lane (Christine Bryson)

Does not want sidewalk

4105 Birch Lane (Jeanine Wilson)

Does not want sidewalk

4128 Birch Lane (Nathan Redekopp)

Does not want sidewalk on west side of street

4120 Birch Lane (Catherine Fritz)

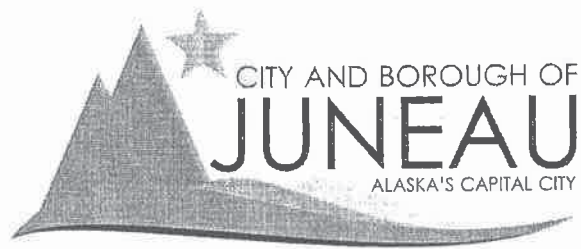
Does not want sidewalk on west side of street

Transforming Challenges into Solutions.

Anchorage | Fairbanks | Juneau | Palmer | Soldotna | www.pdceng.com

Attachment A: Application





Engineering & Public Works Department
155 S. SEWARD STREET • JUNEAU, ALASKA 99801
PHONE: 907-586-0800 • FAX: 907-463-2606

NOTICE OF PUBLIC MEETING

Birch Lane Reconstruction

Floyd Dryden Middle School Library

6:30 PM – 7:30 PM Thursday November 8, 2018

October 30, 2018

Dear Residents of Birch Lane,

Next year the City & Borough of Juneau (CBJ) will reconstruct Birch Lane between Mendenhall Boulevard and Dogwood Lane. Our engineering design consultants, PDC Engineering (PDC), recently completed the field survey and have prepared a preliminary road reconstruction design that we would like to share with you. You are cordially invited to attend a public meeting to be held at the **Floyd Dryden Middle School Library from 6:30 to 7:30 PM Thursday November 8, 2018** where the CBJ project manager and PDC design engineer will explain the planned work and be available to answer questions and take comments.

In general, the work involves installing a new underground storm drain system with lateral drain pipes to each lot, replacing old sewer lines and service connections, replacing old water lines and service connections, reconstruction of the road base, placement of new asphalt pavement, and possible construction of a new sidewalk.

We will have maps of the project area laid out on desks for you to look at and will be able to show you how the reconstruction will affect your specific property and answer any questions you may have. If your property has drainage or other issues of concern, this meeting would be an excellent time to bring these to our attention.

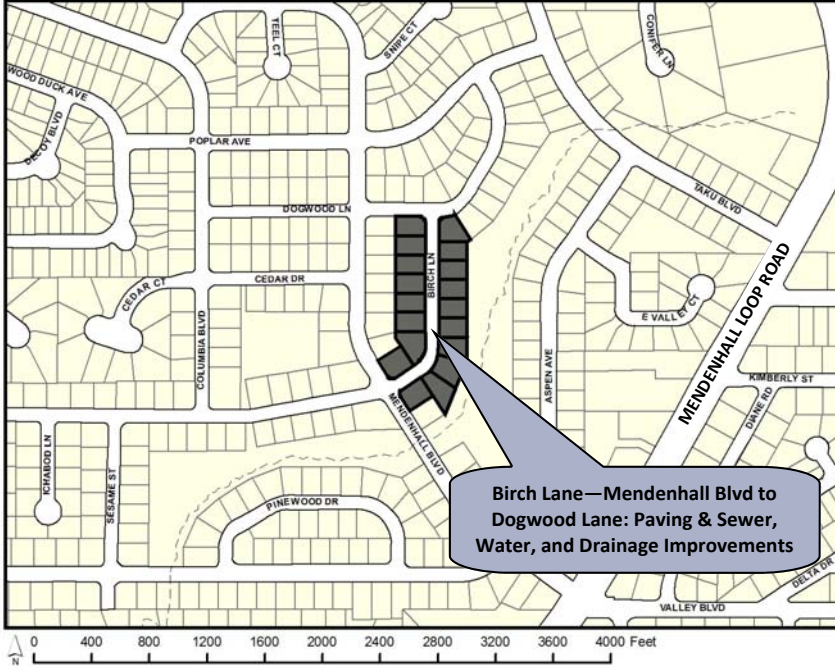
Should you have any questions about the meeting or the project, please contact either Keri Williamson, P.E., (CBJ Project Manager) at 586-5200, email: keri.williamson@juneau.org or Mark Pusich, P.E. (PDC Design Engineer) at 780-6060, email: MarkPusich@pdceng.com

I look forward to seeing you at the meeting.

Keri Williamson, PE,
Project Manager

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:

Birch Lane—Mendenhall Blvd to
Dogwood Lane: Paving & Sewer,
Water, and Drainage Improvements

An application has been submitted for review and public hearing by the Planning Commission for a **city project to pave and make drainage, water and sewer improvements along Birch Lane** between Mendenhall Blvd and Dogwood Lane.

TIMELINE

Staff Report expected to be posted **Monday, November 19, 2018** at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through 12 noon, November 23, 2018

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

Phone: **(907) 586-0715**

Email: **pc_comments@juneau.org**

Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed November 7, 2018

HEARING DATE & TIME
7:00 pm, November 27, 2018

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.

November 28

The results of the hearing will be posted online.

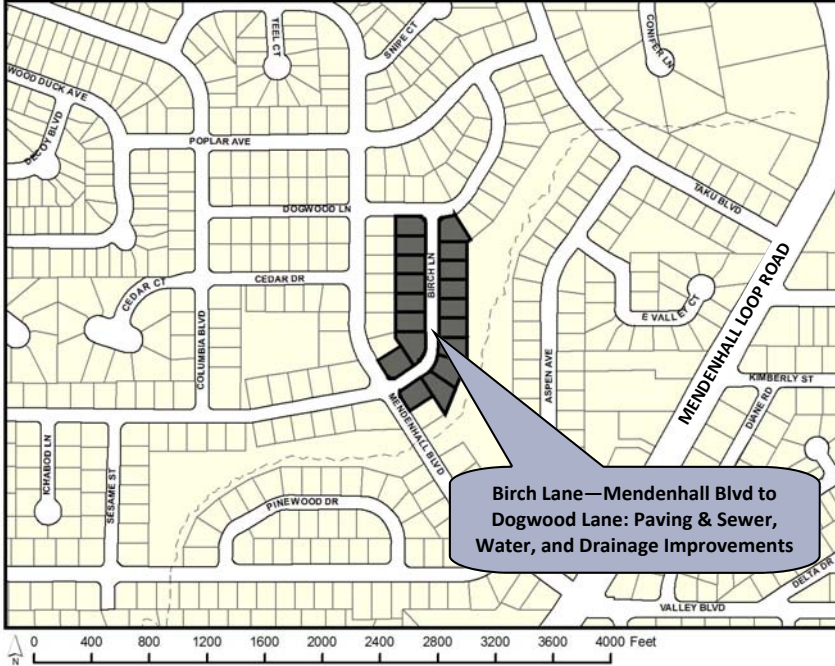
Case No.: CSP2018 0013

Parcel No.: n/a

CBJ Parcel Viewer: <http://epv.juneau.org>

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:

Birch Lane—Mendenhall Blvd to
Dogwood Lane: Paving & Sewer,
Water, and Drainage Improvements

An application has been submitted for review and public hearing by the Planning Commission for a **city project to pave and make drainage, water and sewer improvements along Birch Lane** between Mendenhall Blvd and Dogwood Lane.

TIMELINE

Staff Report expected to be posted **Monday, November 19, 2018** at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through 12 noon, November 23, 2018

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

Phone: (907) 586-0715

Email: pc_comments@juneau.org

Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed November 7, 2018

HEARING DATE & TIME
7:00 pm, November 27, 2018

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.

November 28

The results of the hearing will be posted online.

Case No.: CSP2018 0013

Parcel No.: n/a

CBJ Parcel Viewer: <http://epv.juneau.org>



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: November 28, 2018
File No.: CSP2018 0013

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a City Project to pave and make drainage, water, and sewer improvements along Birch Lane between Mendenhall Boulevard and Dogwood Lane.

Legal Description
or ROW name: Birch Lane

Hearing Date: November 27, 2018

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 15, 2018, and recommended that the City Manager direct CBJ staff to design and build the project in accordance with the following advisory recommendations:

1. Per CBJ 42.20.095(b) Construction of buildings and projects. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment before 7:00 a.m. or after 10:00 p.m. Monday through Friday or before 9:00 a.m. or after 10:00 p.m. Saturday and Sunday unless a permit is first obtained from the Building Official. Such a permit shall be issued by the Building Official only upon a determination that operation during those hours is necessary and will not result in unreasonable disturbance to surrounding residents.
2. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshal and Chief of Police. Failure to provide such notice may result in suspension of any CBJ-issued permits for such work and is punishable by a fine as an unlawful street closure under CBJ 72.17.010.

City and Borough of Juneau
 CBJ Assembly
 File No.: CSP2018 0013
 November 28, 2018
 Page 2 of 2

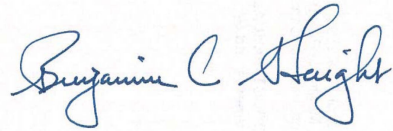
Attachments: November 15, 2018 memorandum from Beth McKibben, AICP, Community Development, to the CBJ Planning Commission regarding CSP2018 0013.

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).

Project Planner:



Beth McKibben, AICP, Planner
 Community Development Department



Benjamin Haight, Chair
 Planning Commission



Filed With Municipal Clerk

11/29/2018

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. The CBJ and project designers are responsible for compliance with ADA. 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: October 12, 2018
TO: Planning Commission
FROM: Allison Eddins, Planner *A. Eddins*
Community Development Department
CASE NO.: USE2018 0016
PROPOSAL: A Conditional Use Permit to allow a 32-unit condominium development

GENERAL INFORMATION

Applicant: The Jetty LLC
Property Owner: The Jetty LLC
Property Address: 11798 Glacier Hwy
Legal Description: Jetty Subdivision, Lot 2
Parcel Code Number: 4B2801030090 (Parent parcel number)
Site Size: 58,160 square feet (1.3 acres)
Comprehensive Plan Future Land Use Designation: Marine Mixed Use (M/MU)
Zoning: General Commercial (GC)
Utilities: City water & sewer
Access: Glacier Highway
Existing Land Use: Vacant lot
Surrounding Land Use:
North - 60 unit condo development/Light Commercial
South - Glacier Highway; Statter Harbor/Waterfront Commercial
East - AEL&P power station/General Commercial
West - Restaurants; Retail/General Commercial

Planning Commission
Case No.: USE2018 0016
October 12, 2018
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VICINITY MAP



ATTACHMENTS

Attachment A – Conditional Use Permit Application

Attachment B – The Jetty Subdivision Plat (2018-29)

Attachment C – Proposed Floor Plan

Attachment D – Site Plan: Parking/Circulation, Vegetative Cover/Landscaping, and Lighting

Attachment E – Building Façade Design

Attachment F – Public Comment Emails (2)

Planning Commission
Case No.: USE2018 0016
October 12, 2018
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PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 32-unit condominium complex on a vacant lot in Auke Bay. The condominiums will be a mixture of two and three bedroom units. The subject lot is located within the Auke Bay Center area, as identified in the [Auke Bay Area Plan \(ABAP\)](#).

BACKGROUND

The development will be located on a 58,160 square foot lot. The lot is the result of a recent subdivision (MIF2018-0011). While the subdivision has been approved, the plat has been recorded (Plat 2018-29), and a new legal description has been created, a new CBJ parcel number has not been assigned. Therefore, the parcel identification number used in this report is for the parent parcel.

The parent lot is East ½ Lot A, USS 2391. US Survey 2391 was platted in 1940. Lot A was created by deed in 1966. The East ½ of Lot A was created by deed in 1973. In 1996, the owner of East ½ Lot A granted an access and utility easement to West ½ Lot A. This access and utility easement is still in place on the subject lot (Jetty Subdivision Lot 2) and is cited on the 2018 Jetty Subdivision plat. The 2018 plat establishes this easement as access to Jetty Subdivision Lot 1. See Attachment B for the Jetty Subdivision plat.

ANALYSIS

Project Site – The project site is currently vacant and is being used for vehicle storage. The lot has the appearance of a panhandle but meets the minimum dimensional standard for a lot width in the General Commercial (GC) zoning district which is 20 feet. The lot is 454 feet deep and 224 feet wide at the rear. The minimum lot depth in GC is 60 feet and the minimum lot size is 2,000 square feet. As stated above, the lot is 58,160 square feet.

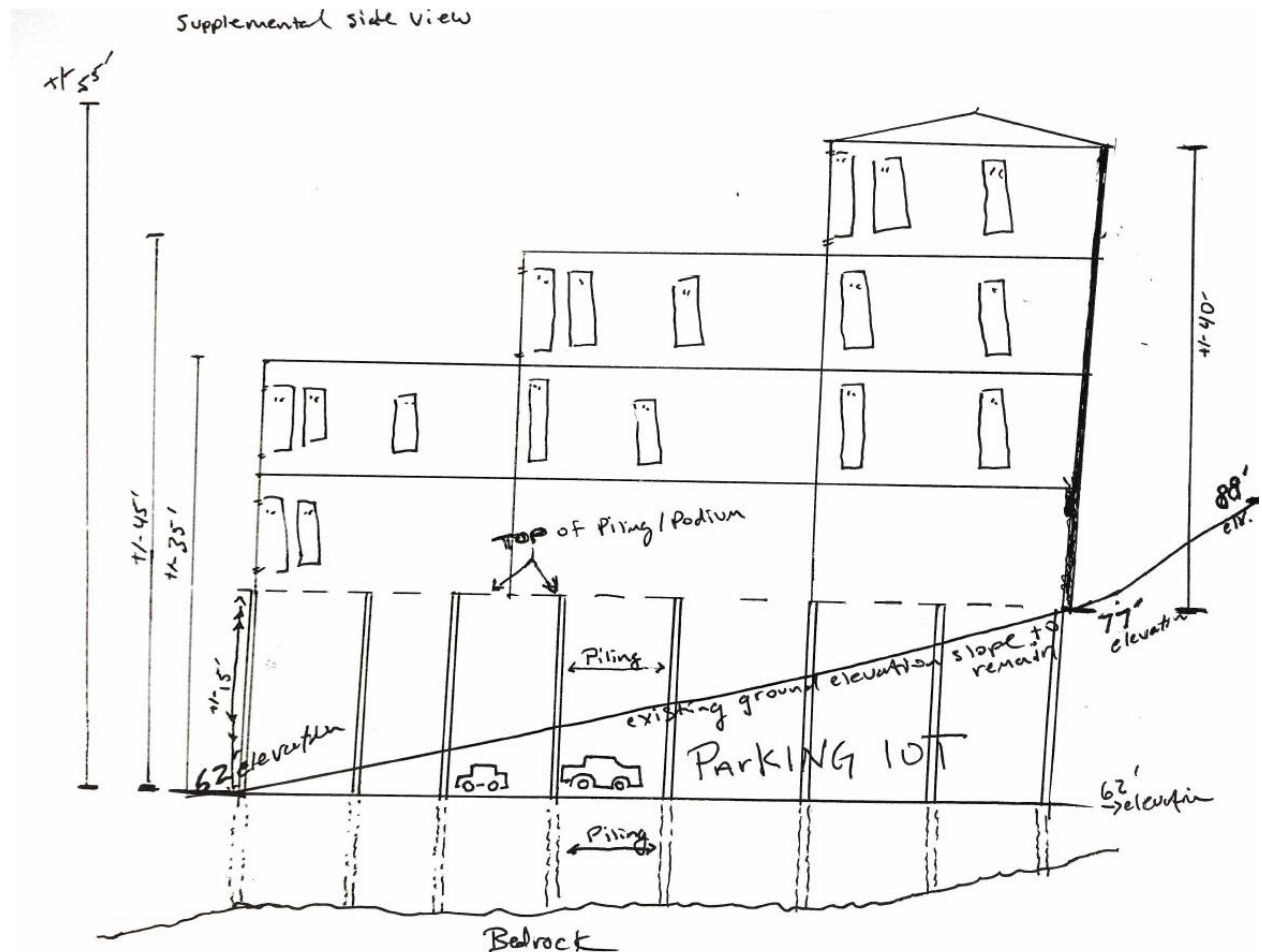
Although this lot is steep in places, this project does not require a Hillside Endorsement. *CBJ 49.70.200 Hillside Development* requires a Hillside Endorsement application for all development that involves excavation of any slope or the creation of any slope in excess of 18 percent. The steepest portion of the lot is in the rear. The rear 70 feet of the lot has an elevation increase of 16 feet, creating a 22 percent slope. This portion of the lot will be left undeveloped, and a retaining wall will be built to stabilize the slope. The remainder of the lot gradually increases in elevation with a 9.8 percent slope.

Project Design – The proposed condominium complex will be built on pilings. There will be at-grade, covered parking. The condominiums will be constructed above the parking. The condominium building will be a “stepped back” design. The front of the building will be two stories. The third and fourth stories will be stepped back. The total height of the building will be

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45 feet. The maximum height in the General Commercial zoning district is 55 feet. See the image below for a sketch of the proposed building.

The development will consist of 28 two-bedroom units and 4 three-bedroom units. The proposed floor plans are shown in Attachment C.



Calculating Building Height – CBJ 49.25.420 (a) states that *the height of a building is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of a pitched roof.*

CBJ 49.25.420 (b) *The reference datum shall be whichever of the following yields the greater height of the building:*

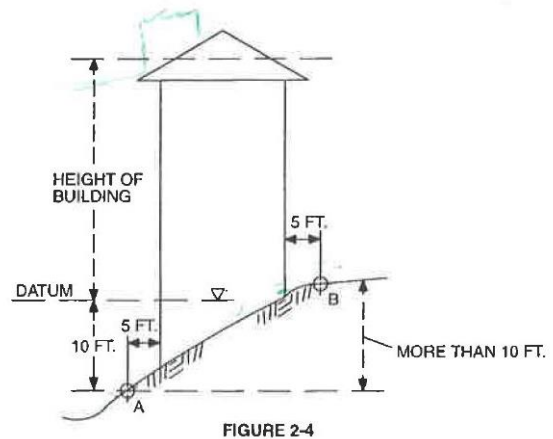
(1) *The highest point within a horizontal distance of five feet from the exterior wall of the building, when such point is not more than ten feet above the lowest point within said five feet.*

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(2) An elevation ten feet higher than the lowest point, when the highest point described in subsection (b)(1) is more than ten feet above the lowest point.

Using the side view elevation on the previous page and measuring five feet from the exterior of the proposed building provides two reference datum points. Point A, five feet from the front of the building, is approximately 62 feet elevation. Point B, five feet from the rear of the building, is approximately 77 feet elevation. Point B is 15 feet higher than Point A, therefore the method for measuring height described in CBJ 49.25.420 (b) (2) should be used. Below is an image showing how this method is used.

To calculate the height of the proposed condominium building, begin with datum point A at 62 feet elevation. Next, ten feet is added to datum point A. This brings the elevation point to 72 feet. This is where the measurement begins. From this point at 72 feet elevation to the mid-point of the proposed roof line is approximately 45 feet.



Traffic –The Institute of Transportation Engineers Manual categorizes condominiums as residential condos/townhouses (Land Use 230) and estimates that each residence will generate 5.81 vehicle trips per day, making the average daily traffic for the entire development to be 186 trips per weekday. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 vehicle trips per day.

There will be a 24 foot wide two-way access to the condominiums from Glacier Highway. This is an existing access point that will be used by Jetty Subdivision Lot 1 and West ½ Lot A via an access and utility easement. Alaska Department of Transportation and Public Facilities (AKDOT&PF) was asked to comment on this project. DOT&PF responded that they had no concerns with the traffic or access for this development and that they have been working with the applicant on a right of way permit to pave and widen the existing driveway.

Parking and Circulation – The proposed parking and circulation plan is approved as part of the site plan. (See Attachment D) The parking requirement for the condominium development is provided in the table below.

Unit Type	# of units	Parking per unit	Total
2 bedroom	28	1.75	49
3 bedroom	4	2.25	9
Grand Total			58

Standard spaces	8.5' by 17'		55
ADA space	13' by 17'		3
ADA Van aisle	8' by 17'	Shall be located between the 2 ADA spaces	ADA signs must be posted and the spaces must be clearly marked

The development will provide 49 covered parking spaces in the at-grade parking structure and 15 uncovered spaces for a total of 64 parking spaces. The covered parking will be angled at 45° and a circular, one-way traffic pattern is planned for the covered parking area. CBJ 49.40.230 requires one-way traffic aisles for 45° angled parking to be 13 feet wide. The 15 uncovered parking spaces will be angled at 90°, and a two-way traffic aisle is planned. Two-way traffic aisles for 90° angled parking are required to be 24 feet wide. The parking and circulation plan submitted for this project is drawn to scale and shows the required parking space and aisle dimensions. CBJ 49.40.220 requires residential developments of 10 units or more to submit a parking and site circulation plan that has been prepared by a licensed engineer or architect. Prior to the issuance of a Building Permit, the applicant must meet this requirement.

Three ADA compliant parking spaces, with appropriate striping and signage, must be provided on the site including one van accessible space. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed. To ensure that all common parking and circulation areas are adequately maintained, it is recommended as a condition of approval that a Homeowner's Association (HOA) Agreement address the maintenance of such areas.

Pedestrian Circulation – CBJ 49.40.230 states that pedestrian walkways within a parking area be a minimum of 4 feet wide and must be raised 6 inches or more above the parking area. The site plan shows a raised 5 foot wide pedestrian walkway leading from the building's main entrance through the center of the parking area. The walkway connects to the abutting lot, Jetty Subdivision Lot 1.

Vegetative Cover and Landscaping – The minimum vegetative cover requirement for General Commercial is 10 percent. For the subject lot, 10% is 5,816 square feet. The steep rear portion of the lot will be left undeveloped and will retain 16,128 square feet of natural vegetation. This meets the minimum vegetative cover requirement.

CBJ 49.40.230 (a) requires parking and circulation areas to be "attractively landscaped". CBJ 49.430.230 (c) (1) states parking areas "shall be landscaped in accordance with design review standards". However, Title 4 of the CBJ Administrative Code no longer includes design review standards for parking lot design. Staff can only subjectively assess whether the parking lot design is "attractive".

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CBJ 49.80 defines landscaping as: *lawns, trees, plants or other natural and decorative features to land.*

The site plan shows that a 20 foot wide vegetated strip will be installed along the southeast side of the parking area. Additional vegetation will be installed along the building's façade. The applicant has not specified the type of vegetation and landscaping that will be installed.

Staff recommends as a condition of approval that prior to the issuance of a Building Permit, the applicant provides a detailed landscape plan for the site and parking area. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.

Prior to the issuance of a Certificate of Occupancy, staff recommends that the Homeowners Association Agreement provide for the maintenance of all required vegetation and landscaping.

Drainage and Snow Storage- A detailed drainage and snow storage plan will be required at the time a Building Permit is applied for. The drainage plan must show that permanent storm water best management practices (BMPS) will be in place and must include all easements that have been granted for drainage. As part of the Building Permit review, CBJ General Engineering requires a maintenance schedule agreement for oil/water separators to be recorded to make it clear what a development's maintenance obligations are.

Lighting- CBJ 49.40.230 (d) requires that parking areas be "suitably lighted" and "shall be full cutoff styles that direct light only onto the subject parcel". This is interpreted to mean exterior lighting should be provided in parking areas, along pedestrian walkways, and immediately adjacent or affixed to the exterior of the building. The applicant has proposed lighting fixtures that meet the required full cutoff design. The lighting locations are shown on the site plan that has been submitted (See Attachment D). The lighting shall be designed, located, and installed to minimize off-site glare.

Noise – The proposed condominium development is not expected to generate any noise impacts beyond what would be expected for multifamily use in a General Commercial zoning district.

Public Health or Safety – During the Building Permit review, all structures will be evaluated for compliance with all zoning, building, and fire standards. Neither the CBJ Building Official nor the CBJ Fire Marshal had any concerns with the proposed development.

Habitat – There are no habitats regulated by the CBJ Land Use Code that would be impacted by the development.

Public Comment – At the time this staff report was written, staff had received two emails (See Attachment F) and one in-person comment from neighboring property owners. The two property owners who emailed comments expressed concerns about increased traffic in the

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area and suggested that a study be conducted to determine if long-term rental property has a negative impact on the neighborhood. As mentioned above, the proposed 32 unit condominium development is estimated to generate 186 vehicle trips per day - not enough to require a Traffic Impact Analysis. Staff reached out to AKDOT&PF for comment. AKDOT&PF staff reviewed the proposal and did not have any concerns. CDD also received an in-person comment from a neighboring property owner who is concerned about the protection of views from his property, which is located behind the subject lot. As mentioned above, the proposed development will be approximately 45 feet high. The ABAP does encourage the preservation of views from public property, but it does not address protecting views from private property.

Property Value or Neighborhood Harmony – The surrounding land uses are commercial, multifamily residential, and an AEL&P utility station. CBJ 49.25.210 states that commercial zoning districts are established to accommodate commercial activities and, more specifically, that General Commercial zoning districts are:

Intended to accommodate most commercial uses. Commercial activities are permitted outright in the zone except for those few uses that are listed as conditional uses to ensure compatibility. Residential development is allowed in mixed and single-use developments in the general commercial district.

The proposed condominium development is allowed in the zoning district and is consistent with the description of the zoning district. The CBJ Assessors Office has stated that they do not foresee any negative impacts on surrounding property values from the development.

Conformity with Adopted Plans –

CBJ 2013 Comprehensive Plan

The Land Use Designation of the site in the Comprehensive Plan is Marine/Mixed Use (MMU). This land use is described as:

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

The proposed dwelling unit density for this project is 24 units per acre, consistent with the intent of the M/MU district. The maximum allowed density in the General Commercial zoning

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district is 50 units per acre. Ideally, lands are developed to their maximum density where possible, but there is no minimum density requirement.

The Comprehensive Plan provides policies to encourage the development of more housing. The following policies are relevant to the proposal:

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. (p.37)

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. (p.41)

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS. (p.129)

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. (p.131)

This development is in general conformity with the 2013 Comprehensive Plan.

Juneau Economic Development Plan

The Juneau Economic Development Plan (JEDP) developed eight economic development priorities, including to “Promote Housing Affordability and Availability”. In order to accomplish the priorities set forth, the Plan states Initiatives, Goals, and Actions. The proposed development is providing additional housing albeit not specifically designed to be ‘affordable’ housing.

Area-Wide Transportation Plan

The Area-Wide Transportation Plan (AWTP) addresses land use revisions and enhancements that developments should provide in projects. These enhancements include sidewalks, pathways that eliminate vehicular conflict points, and infill development and redevelopment. The proposed development will feature a raised 5 foot wide pedestrian pathway through the parking area and will provide connectivity to the adjacent lot. This development is in general conformity with the AWTP.

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October 12, 2018
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Juneau Non-Motorized Transportation Plan

The purpose of the Juneau Non-Motorized Transportation Plan (JNMTP) is “to promote active transportation by guiding development of a community-wide bicycle and walking network that can be used by all Juneau residents for all types of trips”. The location of the development is a walkable distance to public amenities such as restaurants, schools, a post office, a hair salon, and harbor facilities. Transit services operate on Glacier Highway and Mendenhall Loop Road. The pedestrian pathway will help create pedestrian connections between properties and will promote non-motorized transportation. This development is in general conformity with the JNMTP.

Auke Bay Area Plan

The purpose of the Auke Bay Area Plan (ABAP) is to provide a 20 year vision for the Auke Bay neighborhood that will help guide future development. The subject lot is located within the Auke Bay Center, as identified in the plan. The Center is envisioned to be the focal point of the area with multi-story buildings with a mixture of uses, higher density, and pedestrian and road connectivity. The ABAP also recommends design and site features such as canopies, landscaping and screening of parking areas, utility boxes, and trash/recycling receptacles. The proposed density for this development is 24 units per acre which is considered medium-to-high density. The site will feature a pedestrian pathway that will provide connectivity to the neighboring property and the at-grade parking structure will be screened with lattice and vertical planting. The building will have vertical wood siding enclosing an exterior staircase and a covered BBQ/community space for residents. (See Attachment E) This development is in general conformity with the ABAP.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based

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upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Conditional Use Permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the General Commercial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the October 12th and October 22nd issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the above analysis the proposed development, with conditions, will not materially endanger the public health or safety.

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

No. Based on the above analysis, the use, with conditions, will maintain the values and will be in harmony with the neighboring area.

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

Yes. Based on the above analysis, staff finds that the proposed condominium development is in general conformity with the CBJ Land Use Code, 2013 Comprehensive Plan and other relevant adopted plans referenced in this report.

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

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

N/A.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32 unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 11798 Glacier Highway, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Jetty Subdivision, Lot 2 USS 2391 LTA, East 1/2		
	Parcel Number(s) TBD 4B2801030090		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner The Jetty LLC	Contact Person Garrett Schoenberger	
	Mailing Address 2780 Fritz Cove Rd., Juneau, AK 99801	Phone Number(s) Garrett - 602.790.6144	
	E-mail Address garrett@alaskalegacypartners.com	Paul - 949.244.2924	
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X  Landowner/Lessee Signature		8/23/18 Date	
X  Landowner/Lessee Signature		8/23/18 Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X  Applicant's Signature		8/23/18 Date of Application	

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

RECEIVED
AUG 27 2018
PERMIT CENTER/CDD

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Attachment A - Application 20180016

Intake Initials AL
Date Received 8/27/18

Case Number



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

32-unit condo development on a 1.33 acre GC parcel

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

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

Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 58,160 square feet Total Area of Existing Structure(s) N/A square feet

Total Area of Proposed Structure(s) 40,800 square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☐ No
☐ No

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

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

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

If this is a modification or extension include:

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

☒ Plans including:

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

RECEIVED
AUG 27 2018
PERMIT CENTER/CDD

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1070.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ _____			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Attachment A - Application

Case Number

Date Received

24-2018-0016

8/27/18



August 24, 2018

CBJ Community Development Department
230 South Franklin Street
Juneau, AK 99801

RE: Conditional Use Permit Narrative – The Jetty LLC – ***The Jetty Condos***

Alaska Legacy Partners via The Jetty LLC is proposing a four-story, 32-unit condo development in Auke Bay. The project, located at 11798 Glacier Highway in Auke Bay, will be built on a vacant 1.33 acre parcel of land zoned General Commercial (GC). The lot is further defined as Jetty Subdivision, Lot 2.

The Jetty condo project will be accessed from Glacier Highway via panhandle. A 24' wide, two-way driveway will lead up to the Jetty Condo lot. The proposed use fits within the existing Comprehensive Plan. More specifically, it fits nicely within the newly drafted Auke Bay Area Plan.

The project foundation will be built on a podium. The podium construction will be achieved by driving piles into bedrock. This will create covered parking (under the podium) and will allow the development to achieve a more modern, mixed-use feel.

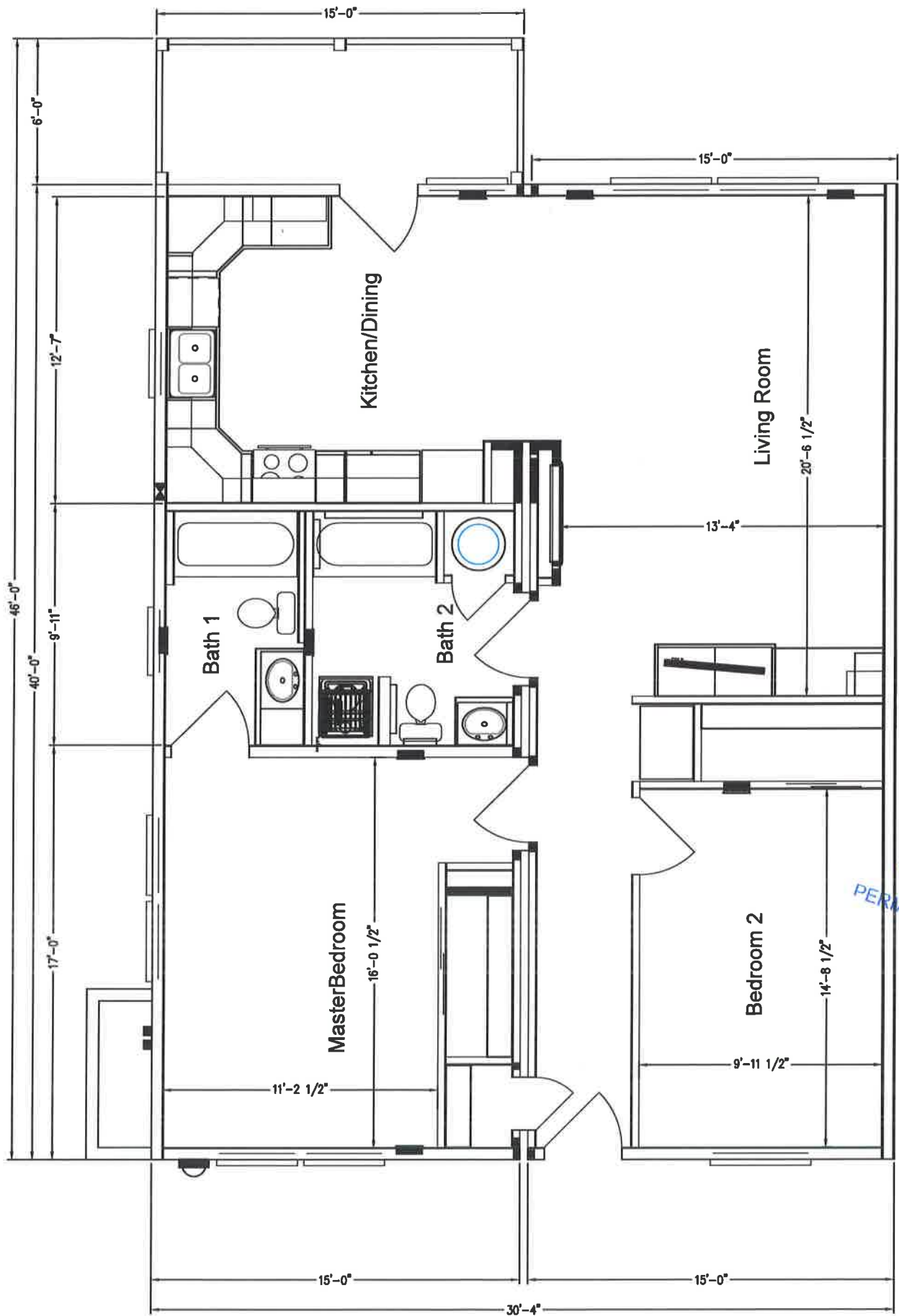
Regards,

Garrett Schoenberger
Managing Member
Alaska Legacy Partners LLC
(602) 790-6144

Paul Simpson
Managing Member
Alaska Legacy Partners LLC
(949) 244-2924

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SAMPLE 2B/2B FLOOR PLAN



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AUG 27 2018
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Attachment C - Floor Plan

Hammerhead access for fire

PARKING
45 SPACES COVERED
15 SPACES OPEN LOT
64 SPACES TOTAL
58 REQUIRED

under Building Parking

4 rows @ 17 feet Deep
2 Aides @ 13 feet wide

11
94 feet

Building Depth = 110 feet

RECEIVED
AUG 27 2018
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PARKING LEVEL
5.25.18

Attachment D - Site Plans

- * - notes location of exterior lights



PARKING LEVEL
5-25-18



Packet Page 114 of 172

VERY SKETCHY ELEVATION SKETCH
 AUKU BAY HOUSING
 JUNE 12 2018

RECEIVED
 AUG 27 2018
 PERMIT CENTER/CDD

From: Michael Bethers <mikebethers@gmail.com>
Sent: Monday, October 1, 2018 7:03 AM
To: PC_Comments
Subject: USE20180016

Ms Eddins and Commissioners, We are opposed to development of 32 condos proposed for development at 11798 Glacier highway or anywhere else in the Juneau area until you conduct a study to determine the negative impact on long term existing rentals in the local area.

Respecfully
Astrid and Mike Bethers

From: Christine Culliton <cmculliton@gmail.com>
Sent: Monday, September 24, 2018 7:48 AM
To: PC_Comments
Subject: New development in Auke Bay

I currently reside on Caroline St. where I have lived for over 20 years; I love my neighborhood and appreciate mindful development which is why I did not oppose the first set of condo's across the street. However, I now must oppose any more development until such time traffic patterns and utilization has occurred with the exiting units already built. The creation of the roundabout has been both a blessing and curse- we cannot merge into traffic off of Caroline because all UAS traffic as well as the roundabout come directly onto our path; this is a dangerous situation and it made worse during June/July and the winter months when the ice builds up from the natural flow of water. Additionally, the noise, dust, and increased foot traffic, homeless camps and attempted break ins in our neighborhood have gone up annually with a huge spike in the past 25 months. It is important to have development that makes sense but continuing to create developments like that on Riverside is not the answer to Juneau's housing issues.

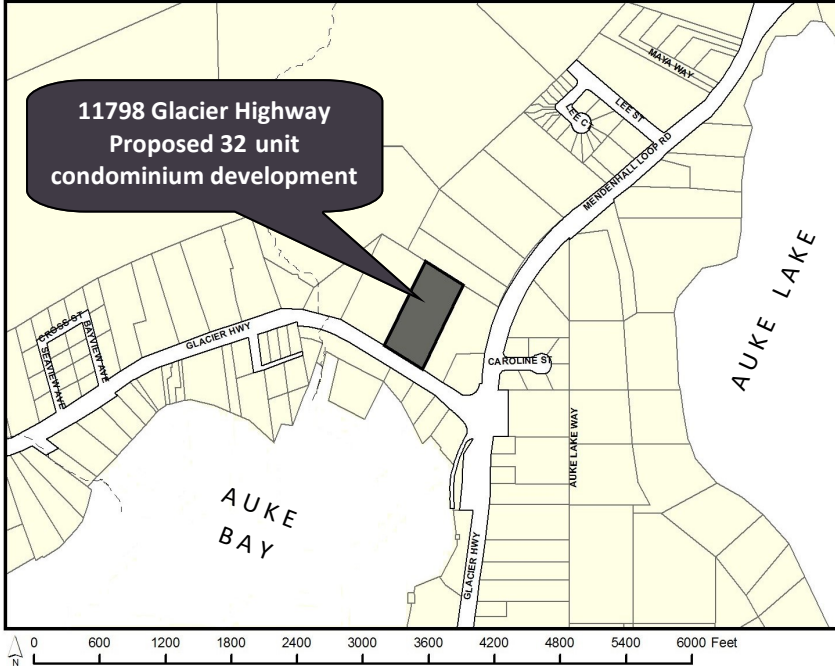
Sincerely, Christine Culliton 3869 Caroline St. Auke Bay AK 99821

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Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** to allow a **32-unit residential condominium development** to be located at **11798 Glacier Highway** in a **General Commercial zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 15**, at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through October 1, 2018

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

October 2 through 12 noon, October 19

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, October 23, 2018

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.

October 24

The results of the hearing will be posted online.

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

Case No.: USE2018 0016
Parcel No.: 4B2801030090
CBJ Parcel Viewer: <http://epv.juneau.org>



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

DATE: November 19, 2018
TO: Planning Commission
FROM: Tim Felstead, Planner
Community Development Department
CASE NO.: AME2018 0015
PROPOSAL: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240,
regarding improvement standards

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the printed name in the 'FROM' field.

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

Applicant: City and Borough of Juneau
Legal Description: Borough wide

ATTACHMENTS

Attachment A Draft ordinance showing proposed changes
Attachment B Title 49 Committee meeting minutes regarding draft ordinance
Attachment C Extract of Planning Commission minutes June 9, 2009, regarding amendments to subdivision improvement requirements

BACKGROUND

The proposed ordinance would remove the requirement for a subdivision developer to provide a financial guarantee for a period of 5 years for construction of a type of platted ROW (ROW) referred to as a 'stub street'.

When new subdivision proposals are reviewed, street connectivity and associated utility improvements to adjoining, 'unsubdivided lands' is required.

This is specifically supported by 49.35.120(a)...

49.35.120 - Improvements; generally.

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November 19, 2018
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(a) The developer must install all of the required improvements within the boundaries of the development, and may be required to make improvements beyond the development boundary in order for all of the improvements to function properly. In addition, improvements must be designed and constructed to provide for future extension to adjoining lands.

And CBJ 49.35.210(a)...

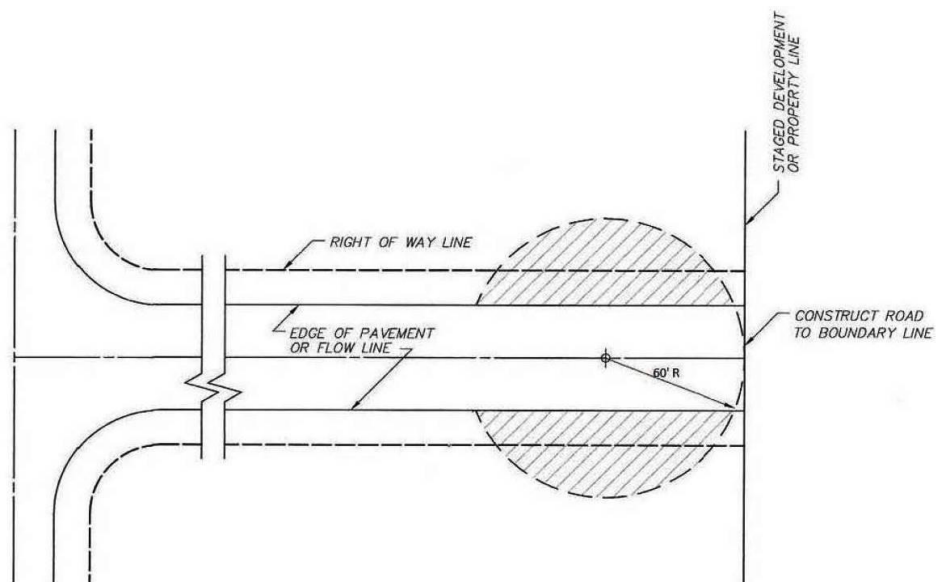
49.35.210 - Street system.

1. (a) [In general.] Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

(1) The street system shall provide for connecting streets into adjoining unsubdivided lands.

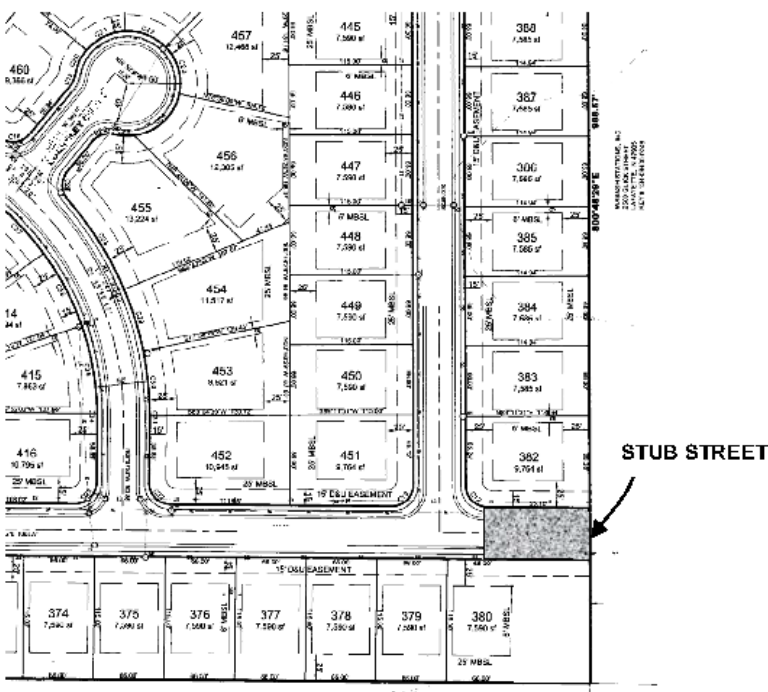
This can result in streets with a dead end since it is anticipated that they will be extended in the future to serve subsequent development such as a subdivision or a permissible land use. The Land Use Code provides two different mechanisms to address streets identified for future extension – stub streets and temporary cul-de-sacs. This proposed amendment concerns stub streets only, although temporary cul-de-sacs are discussed for background.

Temporary cul-de-sacs (CBJ 49.35.240(G)(2)) – Where the ROW does provide frontage to lots within the new subdivision but extension of the road is logical in the ‘near future’, then temporary cul-de-sacs are allowable under the Land Use Code. This ensures vehicles (including emergency services and CBJ Streets operations) are able to turn around at the end of such streets. The temporary cul-de-sac provides for an easement on lots adjacent to the ROW to accommodate the turnaround. The Land Use Code requires the cul-de-sac to be placed at the exterior boundary of the subdivision. If that is not practicable, then any portion of ROW between the temporary cul-de-sac and the exterior property line must be constructed.



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Stub streets (CBJ 49.35.240(i)(2)) – When a ROW is required to be platted to provide connection to adjacent lands but is not used to meet access requirements for any lots within the subdivision, such a ROW is called a ‘stub street’. The Land Use Code allows the Planning Commission discretion for major subdivisions, or the Director of Community Development for minor subdivisions, as to whether the developer has to construct all, part, or none of the street improvements for the stubbed street. To allow waiver of the construction, it must be determined that the stub street does not provide required access to any lot within the subdivision. If full construction of the street is waived, *‘roadbed, utility line extensions, or other appropriate improvements’* can still be required, although there is no ‘standard’ as to when this partial construction should be required.



Financial guarantee requirements – The existing language for these two concepts is provided in the 2015 major overhaul of subdivision requirements (Ord. 2015-03(c)(am)). Both concepts require the subdivision developer to provide a financial guarantee for the removal of a temporary cul-de-sac or the construction of a stub street if it is required within 5 years of the date the subdivision plat was recorded. After that time, the responsibility for these improvements falls on the next developer.

Typical financial guarantees are either a performance bond for the full cost of construction or conveyance of lots equal to the value of full construction. The guarantee is returned when the street improvement is constructed. For a performance bond, a developer may choose to provide a full bond amount themselves or pay for a surety bond from a third party. The surety bond acts like an insurance policy and typically cost ~2% of the cost of the improvement being

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bonded for. However, recent experience has shown that a surety provider may be reluctant to issue a surety bond as they may be wary of the risk of having to pay out on the bond. The 5 year duration increases the risk that the developer may not be in existence. The trigger for cul-de-sac removal or street construction being based on the development plans of a third party is also something beyond the control of the parties involved in the surety bond. This leaves a developer with the option to post a cash bond and tie up capital for up to 5 years or reconvey a lot and be unable to sell the property for 5 years.

Origin of existing requirements - As background, the subdivision ordinance adopted in 2015 was written in two stages. In 2008 to 2009 changes were written by staff, in consultation with the Planning Commission, on subdivision improvement requirements (Chapter 35 of the Land Use Code) and included the new provisions for temporary cul-de-sacs and stub streets (TXT2007 00004). This first phase of the subdivision re-write was then put on hold until the future work was complete. Staff then began working on subdivision permit requirements (Chapter 15 of the Land Use Code) (TXT2009 00001) which was then combined with the previous work on the 'Improvements' section to form the combined 2015 Ordinance (Ord. 2015-03).

Prior to 2015, similar provisions for waiving construction of 'stub streets' were available (although not explicitly identified as 'stub streets', but staff working documents regarding TXT2007 00004 note that there was a recognized issue with the current waivers and how to 'make the connection of stub streets work').

In the review of staff working documents for the 2015 subdivision ordinance for both stub streets and temporary cul-de-sacs, the issue of fairness to the current subdivision developer, and the subsequent subdivision developer, was discussed. Specifically, in a 2008 working document staff noted the following as a question to put forward to the Planning Commission or Public Works and Facilities Committee ...

Is it equitable to put the cost of the connection of the stub street and the reconstruction of the temporary cul de sac all on the next developer.[sic]

One option would be to hold a bond from the original developer for 5 years for his share of the stub street and reconstruction of the cul-de-sac. The bond would be released after 5 years if there was no subdivision of the adjoining property requiring the connection.

In the case of temporary cul-de-sacs, the main issue was who should pay for the cost of removal of the temporary portions of the cul-de-sac turnaround when the road is extended. For stub streets, the issue was who should pay for the construction of the street when a subdivision or other development occurs on the 'unsubdivided' adjacent land.

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The same solution was used in both situations – the current subdivider would be required to provide a financial guarantee for a five year period for the cost of either the cul-de-sac removal or the construction of the stub street. This guarantee would be returned after five years with the subsequent developer then being responsible for these tasks.

However, as summarized in the table below, temporary cul-de-sacs and stub streets benefit the current and subsequent subdividers differently.

	Temporary cul-de-sac	Stub Street
Current subdivider	Enables current subdivider to build a dead end street used for access to lots while meeting connectivity requirements and street construction requirements. Buildings are setback from a temporary right of way edge which means they are further away when the cul-de-sac easement is returned. May prefer to build a permanent cul-de-sac and not provide a guarantee.	Required to provide land for ROW their subdivision does not directly benefit from. No lots in the subdivision are using the street for access or frontage
Subsequent developer on adjoining property (or subdivider)	Now has to remove a cul-de-sac that they did not build (although current subdivider guarantee may help with costs). New subdivision gets no direct benefit from the existence of the temporary turnaround except it enabled the street which serves the new subdivision to be built.	Platted ROW is now provided to their land and some of the street providing connection to the subsequent development is constructed – access improved to the new development where there was less access before.

Based on review of staff working drafts for the 2015 ordinance, the purpose of the 5 year financial guarantee is to ensure that the subsequent developer is not discouraged from their project by the additional cost of removal of the temporary turnaround or the construction of the stub street. The 5 year time limit also provides an incentive for the adjoining land owner to develop their land relatively quickly. On the other hand, this means the financial guarantee required from the current developer may serve as a disincentive, especially where the project is already providing a marginal return. It should also be noted that the purpose of the stub street may be to provide possible connection routes to future proposed arterial or collector streets such as the Douglas Bench Road whose construction horizon is beyond the 5 year period.

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Review by Planning Commission and Title 49 Committee - Financial guarantee requirements for both stub streets and temporary cul-de-sacs were first discussed by the Title 49 Committee on March 21, 2018. The committee directed that temporary cul-de-sac guarantees should remain as is, since this would not be a temporary cul-de-sac if the road would not be extended in the 'near future' (this is part of the determination to make it a temporary cul-de-sac rather than permanent).

For stub streets, two options were requested for further discussion:

OPTION 1) Reword CBJ 49.35.240(h)(i)(B) to allow the Director to waive the bonding requirements when development of the adjacent parcel is unlikely to occur. Factors leading to the Director waiving the decision to require bonding could include:

- a. Limitations on both construction of scale of further subdivision and access roads due to topography,
- b. Ownership by government agency, and
- c. Restricted development status of adjacent lot being connected to (e.g., Tongass Forest, Conservation Lot)

OPTION 2) Remove requirement for bonding completely, recognizing that the current subdivision developer has already provided some paved ROW and platted other ROW to a lot that was previously unconnected to the street system. The provision is already made that actual construction of the stub street may be waived by the Director if it is not needed for access for the lots within the subdivision.

At the May 16, 2018, Title 49 Committee meeting these two approaches were discussed. The Title 49 Committee recommended Option 2 as the preferred approach. A draft ordinance based on the committee's recommended changes was presented to the Commission on September 11, 2018. In preparation for that meeting, minutes were discovered regarding the 2009 Planning Commission discussion regarding temporary cul-de-sacs and to a lesser extent stub streets (see Attachment C for June 9, 2009, Planning Commission minutes). Staff has been unable to find any other minutes of Planning Commission or Assembly meetings (and their subcommittees) which evidence review of this particular change.

In the 2009 Planning Commission discussion, the issue of temporary cul-de-sacs was discussed extensively, but stub streets were discussed to lesser extent. There was also some discussion about portions of ROW that would be created if a temporary cul-de-sac could not be located at the exterior boundary of the subdivision boundary. The requirement to place the temporary cul-de-sac at the exterior subdivision property line or require construction of the additional ROW portion beyond the temporary cul-de-sac was specifically proposed by staff. The intent

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was to insure platted ROW beyond the temporary cul-de-sacs was constructed as part of the subdivision improvements. The Planning Commission requested that the construction of the remnant ROW be allowed a construction waiver in the same way as would be afforded to a stub street and with the requirement of a 5 year financial guarantee for construction. It is unclear as to whether those remnant portions were intended use for the stub street provisions as a mechanism to provide the guarantee option – there was no specific mechanism added to the temporary cul-de-sac section of code. This raised a question as to whether the cul-de-sac remnants should be considered as different situations to a standard stub street.

Following discussion at the September 11, 2018, Planning Commission meeting the Commission voted to send the ordinance back to the Title 49 Committee for further review.

On September 17, 2018 Title 49 reviewed the issue again with a more in-depth examination of the temporary cul-de-sac requirements. The committee agreed on the following:

- A ROW can be platted beyond the temporary turnaround to allow for future street connectivity and should be considered a stub street (i.e. may not need to be constructed provided it did not provide access to any lots within the subdivision.)
- There should be no financial guarantee requirement for the construction of stub streets. Any construction costs would be borne by the developer of adjoining property.
- All cul-de-sacs should be considered permanent. This removes the need for there to be a 5 year financial guarantee requirement for temporary cul-de-sac removal.
- Cul-de-sacs should be built no further from the exterior boundary of the subdivision than the minimum lot width for the zoning district.
- There should be no criteria that dictate when a cul-de-sac is allowed for a subdivision if all cul-de-sacs are permanent.

During that meeting it was recognized that the proposal should be reviewed by CBJ Engineering and Public Works (E&PW), which includes the CBJ Streets Division. In response to the CDD request for comment, Mike Vigue, Director of CBJ E&PW stated that keeping temporary cul-de-sac requirements in the Title 49 would be preferred for the following reasons:

- *Snow removal is complicated by leaving the temporary cul-de-sac in place. This is from a Streets perspective and a homeowner perspective. If Streets makes additional plow passes to move all the snow to the side, larger berms will result for those homeowners. This already is a source of complaint as it is frequently cast as a fairness issue between neighbors. If the snow plowing follows the straight line and leaves snow in the ROW at the edges of the “temporary” cul-de-sac, homeowners will be required to remove snow in the CBJ ROW to access the road from their driveways. This will not be a happy situation for most homeowners.*
- *Leaving the temporary cul-de-sac in place after the road has been extended will complicate ditch drain function.*

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- *Vacating the ROW strip that was once the edge curve of the cul-de-sac to the adjacent homeowner slightly increases lot size and could result in slightly higher property values.*
- *Leaving the temporary cul-de-sac in place with the expectation that it could be used as an intermediate turnaround for emergency vehicles probably is a false hope. Inevitably, the wide spot in the road will become a desired parking spot and will frequently not be available for turnaround use.*

With these E&PW preferences in mind, the proposed ordinance retains provisions for temporary cul-de-sacs, but does remove the 5 year financial guarantee requirement for their removal. The developer of adjoining property will be required to bear the cost of removing the temporary cul-de-sac as part of their public or private improvements. 'Developer' has been used deliberately since a future development of the adjoining land may not be a subdivision but could be a commercial or multifamily residential development.

As the proposed changes to the Land Use Code were drafted some additional clarifications were added based on staff practical experience with this code section. The substantive changes in the proposed ordinance are as follows:

- i) Clarifies temporary cul-de-sacs are intended to facilitate practical road extensions at any time in the future and not just the 'near' future as the current language states.
- ii) Clarifies the turnaround easements allow all the public access and maintenance that occurs with dedicated ROW until the easement is vacated.
- iii) Any unconstructed but platted ROW that continues after a temporary cul-de-sac is considered a stub street and is subject to stub street provisions.
- iv) The temporary cul-de-sac stub street has a maximum length of the minimum lot width for the zoning district. There is no maximum length of other stub streets.
- v) Clarifies that a temporary cul-de-sac has to be constructed up to or be in any lot within the subdivision that has been identified for a future subdivision phase. A stub street after the turnaround would not be allowed in this case.
- vi) Provides amended illustrations of temporary cul-de-sac configurations relative to lots within and outside of the subdivision.
- vii) Clarifies that the turnaround can be an easement on a lot outside of the subdivision - this was implied in the existing illustration and language but a new illustration and language makes this more clear.
- viii) No requirement for a financial guarantee for temporary cul-de-sac turnaround removal or stub streets. Removal of a temporary turnaround and/or construction of an unconstructed stub street would be the responsibility of the next developer.
- ix) Added that it should be demonstrated that the any stub street alignment can be constructed to CBJ standards e.g. a stub street cannot be platted where it would have to exceed maximum ROW grades.

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- x) Amended the cul-de-sac definition to be a street with a turnaround and not just the turnaround portion as is currently the case. A definition of what a temporary cul-de-sac is also added.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

The 2013 Comprehensive Plan recognizes the need to provide more affordable development opportunities while balancing the need to provide for future street connection.

POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

Development Guidelines

8.5 - DG1 Require dedication of all rights-of-way and easements, including those for trails, roads and transit corridors and facilities on subdivision plats and development plans as determined to be appropriate by the Planning Commission for that development. Obtain commitments to construct trails and local and collector roadway improvements from private developers when projects are approved, and ensure that those improvements are complete prior to issuing building permits on adjacent properties within that development.

8.5 - DG2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

Discussion

The balance between appropriate and affordable development standards when requesting improvements that are of no direct benefit to a developer can be difficult. Requiring what is most appropriate for the community is not always the most affordable for a developer.

Access to previously land locked lands adjacent to new subdivisions and/or provision for future street development are good planning practices that provide for future land development and are supported by the Comprehensive Plan. However, it is difficult to know when that connectivity will be utilized in the future and so demonstrating the community purpose of the connection can be difficult.

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Platting a ROW that is of no direct benefit to lots within the subdivision may be seen by the developer as equivalent to removing a lot that could be platted and sold in the subdivision. Not requiring temporary cul-de-sacs to be built any further to a subdivision boundary than is necessary to meet access and frontage requirements can save the current subdivider street construction costs. Furthermore, the allowance of a construction waiver for stub streets is a recognition that construction of such platted ROW are in the speculative in the immediate term and adds to the cost of a subdivision development with no immediate benefit to property owners in the subdivision or the wider community. However, requiring a financial guarantee to cover construction of a stub street or removal of a temporary cul-de-sac still adds to the immediate subdivision cost as it requires additional money or land to be held for 5 years. Removal of the requirement of a financial guarantee reduces immediate subdivision costs for a developer. However, it cannot guarantee the provision of affordable housing. The proposed amendment is an attempt to provide a more equitable way to encourage subdivisions while still providing the opportunity for access to adjacent lands.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

The proposed amendment to Title 49 will not create any internal inconsistencies within the Land Use Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

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

This amendment is not in conflict with any of these intent statements. If it is approved, then it will be found to be consistent with the above purposes, especially 2, 3, 4, and 6. However, as

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described above, the existing language can also be seen as consistent with the same purpose statements as it is trying to make development less costly for the next developer.

CBJ 49.35.210 states that the general purpose of subdivision street systems ...

'...shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

- (1) The street system shall provide for connecting streets into adjoining un-subdivided lands.*
- (2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets ..., to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.*
- (3) Traffic calming should be taken into account in street layout and design.'*

Discussion

Title 49 requires a connecting street system within the CBJ. Street connectivity requirements would not be hindered with the amendment as proposed. The removal of the requirement for a 5 year financial guarantee for stub streets and removal of temporary cul-de-sacs would reduce immediate costs for a subdivision developer, but potentially it would add to costs for a subsequent developer (although they would now benefit from access that they may not have had before).

As discussed above, the proposed waiver process amendment does not create any internal inconsistencies within Title 49.

HABITAT

Not applicable.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

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STAFF RECOMMENDATION

Staff recommends that the Planning Commission review and consider the proposed change to the Land Use Code and forward a recommendation for approval to the Assembly.

This recommendation should include that the associated ordinance include a provision that any financial guarantees provided under the auspices of the 2015 code revision for temporary cul-de-sac removal and stub street construction be returned to the appropriate developer.

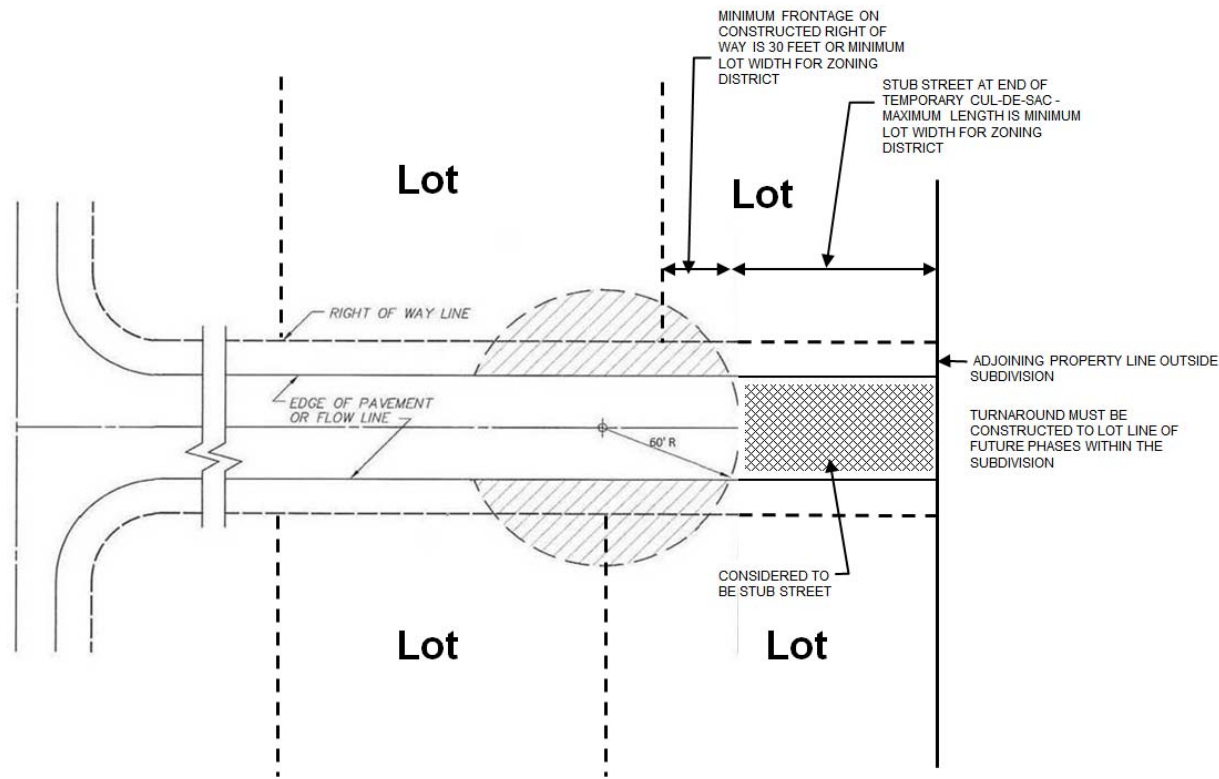
49.35.240 - Improvement standards.

(g) *Cul-de-sacs.*

- (1) *Length.* Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or shorter cul-de-sac if it is found that the unique characteristics of the site warrant modification to the length.
- (2) *Temporary cul-de-sacs.* Temporary cul-de-sacs will be allowed where a street can practicably be extended in the future. They provide for connecting streets into a subdivision of adjoining unsubdivided lands. In addition the following shall apply:
 - (A) The temporary portions of the cul-de-sac turnaround shall be shown as easements on the plat rather than as dedicated right-of-way. Such easements shall allow for public access and maintenance as if it were dedicated right-of-way until such time the easements are vacated.
 - (B) All of the turnaround must be constructed to permanent street construction standards except as noted in (G) below.
 - (C) The CBJ will record a release of the easements for the temporary portions of the turnaround at the state recorder's office at Juneau at the time the turnaround is removed and the street improvements have been extended.
 - (D) Easement lines for the temporary turnaround will be considered front property lines for determining building setbacks.
 - (E) All improvements, including utilities, must be designed to accommodate the eventual extension of the street and reversion of the temporary turnaround to adjoining properties.
 - (F) Temporary turnaround locations provide required access and minimum frontage on a publically maintained right-of-way to all lots within the subdivision including lots identified for a future phase of the subdivision except as otherwise allowed by 49.35.250.

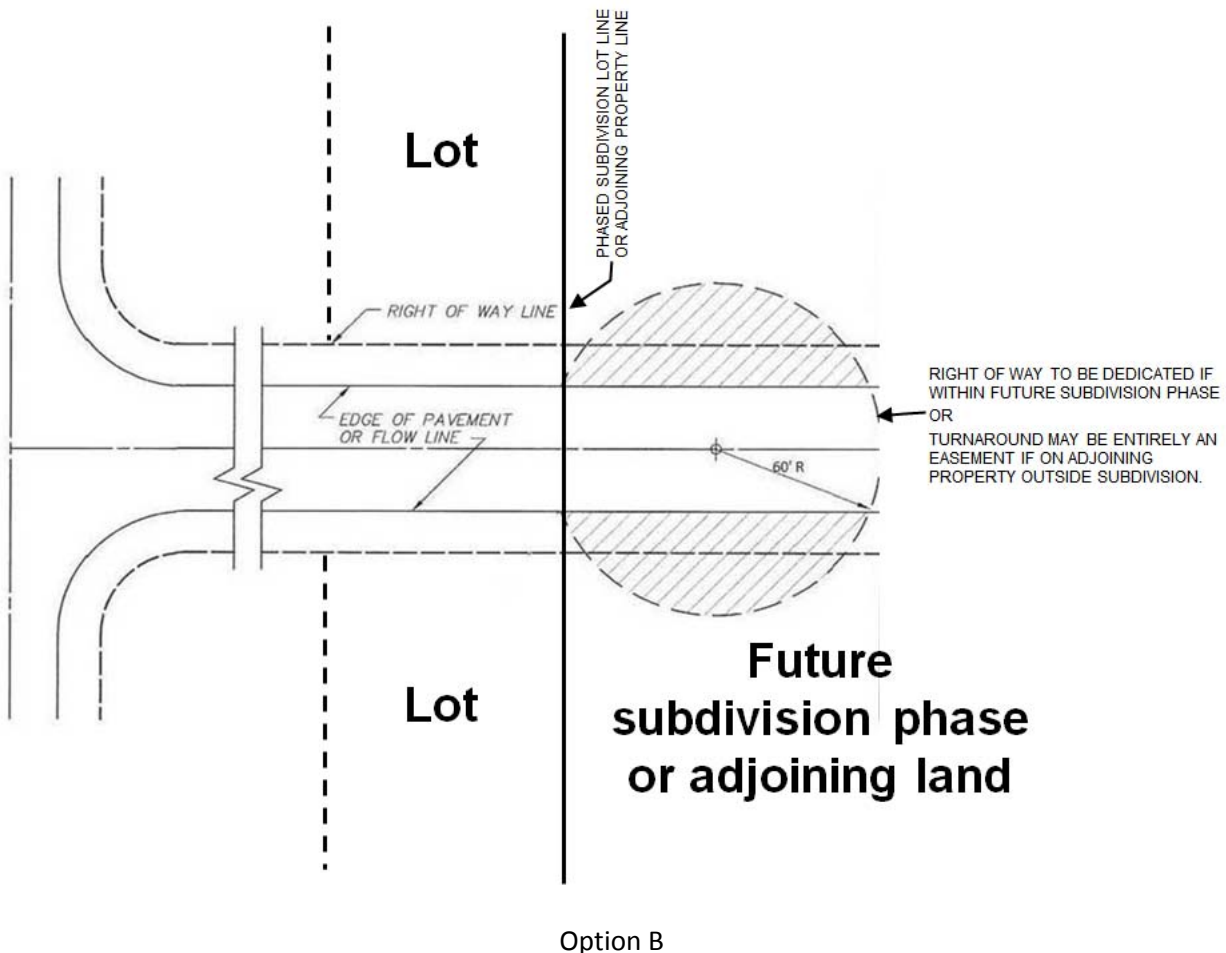
The maximum length of unconstructed roadway between the temporary turnaround and the adjoining property shall be the minimum lot width for the zoning district in which the right-of-way is located. Where a right-of-way is situated in more than one zoning district the shortest minimum lot width for those zoning districts shall be used. See Figure 3 – Option A.

Deleted OLD SHOWN
ABOVE



Option A

Or



NEW FIGURE 3

- (G) The temporary turnaround may be located on property within the subdivision intended for future subdivision phases in conjunction with a platted right-of-way. It may also be located outside the subdivision boundary entirely within an easement. See Figure 3 – Option B. For temporary turnarounds located in this way curb, gutter, and sidewalks are not required for the temporary turnaround.
- (H) Right-of-way between the constructed temporary turnaround within the subdivision and the adjoining property shall be subject to the stub street requirements in 49.35.240(i)(2).
- (I) When the developer of adjoining property is required to connect to the temporary cul-de-sac, then the adjoining developer must remove the temporary portions of the turnaround and reconstruct and extend the street to CBJ standards which may include relocating the turnaround.
- (3) *Hammerhead turnarounds.* Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.
- (h) *Streets construction standards.*
 - (1) *Arterials.* The subdivider is not responsible for the construction of arterial streets, but may be required to dedicate the necessary right-of-way during the platting process.
 - (2) *Other streets.* Other than arterials, street shall comply with the following:

- (i) *Street waivers.* The director, after considering the recommendations of the director of the engineering and public works department and of the fire marshal, may waive the following and no other street improvement requirements:
 - (1) *Right-of-way relocation.* If a plat is submitted for the purpose of relocating a right-of-way, the director may waive all or some of the construction requirements under the following conditions:
 - (A) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served.
 - (B) The subdivider has provided sufficient engineering information to demonstrate to the director of engineering and public works the feasibility of constructing a public street at the location of the relocated right-of-way.
 - (C) The relocated right-of-way and the resulting subdivision layout will conform to all the other standards of this chapter.
 - (D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way.
 - (E) No additional lots are being platted.
 - (2) *Stub streets.*
 - (A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. It shall be demonstrated that the unconstructed roadway can be constructed to CBJ standards. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 4).

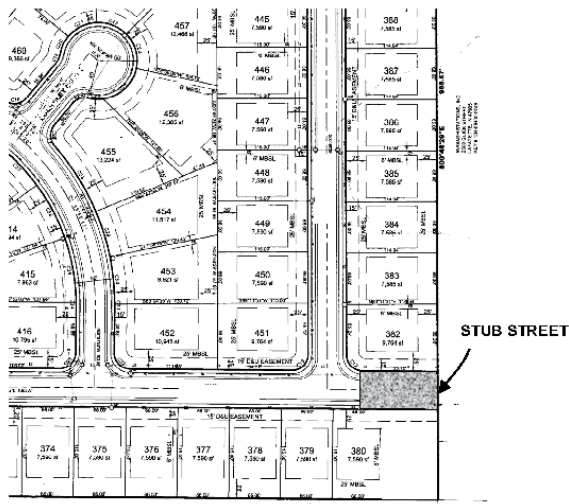


Figure 4

- (B) RESERVED
- (C) When the developer of adjoining property is required to connect to the stub street, then the developer of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

Definition:

Cul-de-sac is a dead-end street that provides for a required vehicle turnaround

Temporary cul-de-sac is a cul-de-sac that may be practicably extended in the future. The required vehicle turnaround of a temporary cul-de-sac shall be located partially or entirely in a public access and maintenance easement that shall be vacated upon future street extension.

Title 49 Committee Work Session
City & Borough of Juneau
March 21, 2018
Marine View Building, 4th Floor Conference Room, 230 S. Franklin Street
12:00 AM

I. ROLL CALL

Staff

Laura Boyce, Senior Planner, CDD
Beth McKibben, Planning Manager, CDD
Jill Maclean, Senior Planner, CDD
Tim Felstead, Planner, CDD
Bhagavati Braun, Administrative Assistant, CDD

Committee Members

Nathaniel Dye, Chair
Paul Voelckers
Michael Levine
Carl Greene

II. APPROVAL OF AGENDA

Agenda approved.

III. APPROVAL OF MINUTES

- a. **December 12, 2017 Draft Minutes** - Approved.

IV. AGENDA TOPICS

a. Election of Vice Chair

Mr. Dye stated that he was happy to not elect a Vice Chair, and in his absence the Committee can select someone to lead. All present agreed on this structure.

b. Code Update Overview

Ms. Boyce presented a status update on current Title 49 cases.

Mr. Voelckers suggested the Committee consider allowing energy efficiency improvements to encroach into setbacks for new construction, similar to the recent code amendment allowing exterior insulation encroachments into setbacks (AME2017 0017). Mr. LeVine questioned this idea, asking if new construction can encroach into setbacks maybe the Committee should analyze setbacks in general. He further stated that existing buildings cannot adjust their footprints, while new construction can take current knowledge on insulation and setbacks into account while planning. He suggested that other incentives for exterior insulation could be created that don't affect setbacks.

Mr. Levine asked what the focus of Street Names and Addressing was. Ms. Boyce answered that the department cartographer would like to clarify how we distinguish and name streets and assign house numbers.

Mr. Dye asked why vegetative cover was on the priority list, and suggested it might not need to be at the top of the list. Ms. Boyce replied that the list was created from priorities in the past. Mr. Greene asked who prioritized these items, Ms. Boyce answered that the Planning Commission and the Assembly determine priorities; the Planning Commission looked at the list most recently at their COW in December. Mr. Greene requested that a new column be added to this sheet to identify who prioritized each item and its priority level.

c. Proposed Canopy Code Changes

Ms. Maclean introduced this item. She spoke to Skye Stekoll in engineering to hear the concerns that the engineering department might have in addition to concerns already aired. She stated that some of

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the biggest problems are how to measure canopy heights with the topography of our town, clarifying which zoning districts the code should apply to, and determining whether we want to move sections of code that applies to canopies from title 4 into title 49. She stated that the department has been trying to move title 4 items into title 49 to clean the code up. Ms. Maclean talked with building side as well and intends to make the definitions in building code, title 49 and title 4 consistent, probably with what is currently in building code because it was the most recently updated.

Mr. Voelckers asked why code needs to stipulate height. He suggested that intent language might suffice, such as: “work harmoniously with adjacent canopies if they exist.” Mr. Dye brought up possible issues with basing code on adjacent canopies because some canopies, for example on South Franklin Street, are quite low, and we would like to encourage new development to have a minimum canopy height of eight feet. Ms. McKibben stated that the purpose of the section is to protect pedestrians from weather. If the canopy is too high it may not achieve that goal. Mr. Levine suggested wording that specifically calls out weather protection. Ms. Maclean stated that the current code has an eight foot minimum and a ten foot maximum. She added that eight feet is a good minimum, but there are many places where higher canopies were needed for practical purposes such as allowing truck access. She continued that their higher canopies still provide some weather protection, but flexibility is useful to accommodate for these unforeseen circumstances. Mr. Voelckers stated that he likes the idea of a minimum, but would like to consider some leeway allowing for consistency. He added that having a maximum height may be overreaching and may lead to unintended consequences. Mr. Voelckers stated his opposition to legislate weather protection saying that he hasn’t seen people willfully create canopies that do not protect from weather. Ms. Maclean stated that Mr. Stekoll also suggested using the term “may” for maximums and not “shall” allowing flexibility.

Mr. Dye asked if the eight foot minimum would align with parking signs, stating that there have been issues with canopies blocking parking enforcement signs downtown and suggesting that the new code be conscious of that and not create issues between the regulations.

The Committee members stated their general agreement that code should encourage canopies, and not create difficulties with this code.

Mr. Greene asked if the use of canopies for signage is addressed in code. Staff stated that signs on canopies are addressed in the sign code.

Ms. Maclean read 49.15.800, the purpose of this section, to the group:

It is the purpose of this chapter to authorize canopy and awning encroachments into public ways, to provide standards for construction of canopies and awnings, and to provide a permitting process. The CBJ requires canopies in the Historic District, and encourages the construction of canopy and awning treatments to protect pedestrians from the elements in all zoning districts.

Mr. Voelckers asked why construction of canopy and awning treatments is encouraged in all districts, citing D5 as a district that doesn’t seem compatible with canopies. Ms. Maclean brought up downtown Douglas, which is a quilt of zones, and might do well to have canopies in many places. Mr. Levine suggested that maybe it should be encouraged in all non-residential districts. Ms. McKibben stated that canopies are only desired if buildings abut the sidewalk, if homes have a setback they wouldn’t be

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encouraged to have a canopy because their building doesn't abut a right of way. Committee members voiced that they are OK with the purpose statement because of the word "encourage". It was clarified that canopies are encouraged on buildings that abut the seawalk in addition to sidewalks.

Ms. Maclean – value of \$25,000 – required canopy – no intention to change this

Ms. Maclean noted that there is an indemnity section in code (49.15.850) which includes "canopie[s], awning[s], cornice[s], or other encroachment[s] in the public way." Cornices here are sometimes overlooked. In 49.15.830(b) the code adds requirements for canopies or awnings in the MU zoning district, Ms. Maclean suggested that that be expanded to include all zoning districts, Mr. Voelckers suggested all commercial zoning districts. The group agreed that whatever language would be used in the purpose statement would be reiterated here. 49.15.830(b)(1) states "canopies and awnings shall span the entire frontage of a building." Ms. Maclean stated that both she and Mr. Stekoll suggested changing this wording from "shall" to "may" and to add "where practicable." Mr. Levine stated that awnings should span the frontage unless there is a reason they can't or shouldn't, Mr. Voelckers added that it should be encouraged but with room for contingencies.

49.15.830(b)(3) states that "for new construction, any clerestory must be located above any canopy or awning." Mr. Voelckers questioned the need for this line, and suggested that it could cause unforeseen problems. He stated that people constructing canopies will, for the most part, try to make something that is good; this code should keep it general allowing administrative flexibility so as not to deny reasonable requests.

Ms. Maclean suggested adding wording from the purpose section to the bonus section. Some of the bonus section is outdated and also found in Title 4, so should be moved into Title 49. Ms. McKibben stated that Title 4 is administrative code, not ordinance, and it doesn't have the same effect as Title 49, the department is working on incorporating applicable parts of Title 4 into Title 49, but it is important to ensure that they do not contradict one another.

Discussion about bonuses ensued, currently awnings are only required in the Historic District, the bonus is for outside the Historic District. Mr. LeVine suggested the new code should clarify that if a canopy is required bonuses do not apply.

Ms. Maclean gave an overview of the historic guidelines as they apply to canopies stating that no changes are proposed except to how height is measured. She warned the Committee to be careful here because a new preservation plan is being worked on and the guidelines may change. It's important to keep this portion flexible.

Ms. Maclean stated that in the Title 4 the zoning districts are outdated, if this portion of code should remain it must be updated, it could be moved into the canopy code or bonus section of Title 49. Ms. Maclean suggested that height requirements be consistent across the code. Mr. Voelckers pointed out that Title 4 gives the requirement of "two-thirds of the width of the sidewalk" and asked how this is measured. He further stated that it might be better to include a minimum width of the awning, with some wiggle room incorporated. Mr. LeVine asked why canopies are addressed in multiple places, Ms. Maclean answered that all of canopy-specific Title 4 could be moved into Title 49.

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Mr. Dye brought up under-canopy lighting, asking if it was being addressed, stating that recent lighting of canopies was put in where gutters would go, it seems they're in opposition to each other. Further, he pointed out that the quality of light in the Right-of-Way can be diminished by canopies, both by blocking sunlight, and by blocking street lighting. Some discussion ensued about transparent canopies, which seemed unreasonable, and it was noted that snow loads could create dark walkways even with transparent canopies. The Committee leaned toward lighting being a reasonable requirement, wanting lighting to create a friendly sidewalk in this winter city.

d. Proposed Stub Street Code Changes

Mr. Felstead gave an overview of stub streets. Bonding for stub streets was added to code in the 2015 subdivision changes, it is being discussed now to determine how to be most fair to the current and future developers. Currently the developer who is building out an area bonds for five years. After the five years subsequent developers would pick up the tab for the development. Mr. Felstead pointed out that in some places, Blueberry Hill for example, future developments are probably not going to be constructed due to topography or ownership of the land.

Mr. Voelckers asked Mr. Felstead to clarify what affect the bond will have on the developer. Mr. Felstead replied that the bond could tie up capital or property, or a developer could take out a surety which is like an insurance policy for the bond. Mr. Dye added that surety policies are inexpensive.

Mr. Felstead clarified that these streets are not being constructed to the developers' advantage. It was discussed that the purpose of stub streets was to allow and incentivize continued access. Ms. Maclean added that if the development can continue it is a good idea, but if not the bonding is difficult to justify.

After giving a bit more information on the current example of this in Blueberry Hills Mr. Felstead stated that there is no wiggle room in the code for this situation, or any in the future. Each developer would have to bond for a full street. Mr. Voelckers suggested a change so that the Director has discretion, taking into account access to further potentially developable land, possible future bench roads, etc.

Mr. Felstead outlined his suggestions.

The Committee voiced their preference for cul-de-sacs, versus stub streets that often gather undesired activity, adding that for plowing and fire requirements cul-de-sacs are a better option. Mr. Felstead asked when we want to put the developer on the hook for a stub street, the Committee voiced the opinion that if future development is likely in the next five years, possibly involving a study of grades or services available. Mr. Voelckers suggested a Directors decision with bullets regarding physical practicality, stating that if it seems reasonably or highly likely it would be good to create a stub street. Mr. LeVine suggested at a minimum, a Directors decision to waive the requirement based on some set of criteria. He added that generally people who live near stub streets don't really like them.

Ms. Maclean suggested the possibility of adding pedestrian access to trails on the stub street, to have some function. Mr. Voelckers voiced that it would be disadvantageous to tear the trees down and begin constructing the stub.

Committee members suggested staff draw up some wording for a Directors decision for multiple options, including the Director waiving the requirement, or the Director requiring the bond. Mr.

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Voelckers wanted to see who would make the decision that there is likely to be a further development, and also suggested an incentive for creating a stub street if there is a practical reason to create one. Mr. LeVine stated that the area of the street would need to be a platted Right of Way for the future, he also suggested the proposals include timing, stating that a bench road above Blueberry Hill was not likely to happen in the next five years.

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Speaking to the priority list Ms. McKibben stated that when childcare was recently addressed adult day care centers were not addressed. She stated that generally these are kept together, and after reviewing the minutes it seems that leaving out adult day care was a decision that the Committee made. She suggested the Committee consider adding adult day care to the list.

VI. ADJOURNMENT

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, May 16, 2018
Community Development Department
Small Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Carl Greene, Dan Miller, Ben Haight

Members Absent:

Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Planner), Tim Felstead (CDD Planner), Bhagavati Braun (CDD Admin)

I) Call to Order

Meeting called to order at 12:04 pm.

II) Approval of Minutes

April 18, 2018 Draft Minutes

MOTION: *by Mr. Voelckers to approve the April 18, 2018 minutes*

The motion passed with no objection.

III) Agenda Topics

a) Review of Bonding for Stub Streets

Mr. Felstead gave an overview of the Stub Streets memo, including details about a subdivision which would benefit from a change in the stub streets rules; the subdivision abuts forest service land that will probably not be developed. He outlined the options discussed in the memo – either creating a provision for the Director to waive the requirement (option 1), or deleting the bonding requirement entirely (option 2).

Mr. Voelckers asked Mr. Felstead what his recommendation would be. Mr. Felstead stated that both options are agreeable. Ms. Boyce added that option two was in the code until around 2015. Mr. Felstead noted that he had found comments in notes from the last subdivision code change that stated the Commission wanted to ease the burden on subsequent developers, of building access to their property behind a subdivision. Mr. Voelckers added that the goal was to strike a balance of not creating a burden to the current or next developer. Mr. Dye noted that if it's making problems in the three years since it was adopted he would prefer to return to option 2.

Ms. Maclean added that developers currently have to set aside a platted right-of-way even if they bond for the street. Mr. Miller commented that setting aside that right-of-way could be a significant outlay for the developer even without bonding or street construction. Mr. Dye suggested that the criteria to waive, if used, could also include a criteria to waive the need of platting a right-of-way. Mr. Felstead clarified that the CBJ would not require a right-of-way to be platted if it wouldn't be feasible to construct.

Mr. Voelckers asked if Mr. Felstead would elaborate on option 2 and how it would affect different parties. Mr. Felstead replied that the current code puts the burden on the current sub-divider; the current sub-divider gets no benefit from platting the right-of-way.

Committee members discussed the costs of bonding and street construction and the lost income from platting a right-of-way, as well as both options presented by staff.

MOTION: *by Mr. Voelckers to adopt option 2 and use the language was proposed in the packet.*

The motion passed with no objections.

b) Common Wall Revisions

Ms. Maclean outlined the changes made since the previous meeting noting that most of the revisions requested, as well as some more updates, were made. Mr. Voelckers asked Ms. Maclean to refresh the Committee on incentives for more dense development, mentioning encouraging three or more units. Ms. Maclean stated that in the way the code was originally written two unit common walls did not get the minimum lot size and in order to incentivize developments of three units or more the reduced lot would be applied. Recently staff discovered that the code was not being applied correctly. The options in front of the Committee, she continued, are to use code as written (not as it has been applied), or to fix the code to reflect the practice that has been used. Current use is to apply the reduced lot size regardless of how many units are being built. She added that the Committee had stated they did not want common walls in Mixed Use (MU) zoning districts (common walls are still recommended in Mixed Use 2 (MU2), Light Commercial (LC), General Commercial (GC), and D5, D10, D10 SF, D15 and D18 zoning districts).

Mr. Voelckers voiced concern about allowing the same incentives for two lots as for three or more. Mr. Dye and Mr. Green voiced their support for reduced lot size for all common walls. Ms. Maclean clarified that three or more common walls receive a reduction in lot size because they provide more density; this may require agreements between neighbors for access to utilities etc. She added that it was her impression that the Committee wanted to extend the reduced lot size to two-unit common walls in the code change, adding that she fixed the numbers on the Table of Dimensional Standards included in the packet.

Mr. Dye asked if common walls would be allowed in the D-3 zoning districts as well – stating that there are currently 138 lots in D-3 zoning districts that have zero-lot lines, and if the property is on city water more common walls should be allowed, with lot size reductions available. Ms. Maclean clarified that D-3 is similar to D-5 and D-10SF in which only two unit common walls are permitted as these are single-family duplex zoning districts.

Mr. Miller asked if a smaller minimum lot size (under 5,800 square feet) would be good in the D-5 zoning district. Mr. Voelckers voiced his support for Mr. Miller's idea.

Mr. Voelckers asked if there were any consequences the Committee and staff hadn't considered regarding the D-3 zoning district, Ms. Maclean noted that there seems to be anecdotal information that when common walls were put into code there was some trepidation about having them in the D-3 zone. She stated she didn't see any more evidence that would preclude common walls from being allowed in the D-3 zoning districts, adding that there are many already throughout the borough.

Mr. Miller requested a smaller lot size for common walls in the D-10SF zoning district. He noted some small lots that could build a common wall instead of only one dwelling, thus increasing density. Mr. Voelckers stated that this seems in character with the mission for the D-10SF zoning district. Ms. Maclean expressed some concern about how this change could affect the upcoming rezone of downtown, but stated that staff would look into this idea. Staff and Commissioners discussed the character of the Flats neighborhood and how this change could affect the character of the neighborhood, weighing the benefits and possible down-sides of allowing common walls in the area. Mr. Haight voiced his support for allowing more options or "more tools in your tool belt" and letting the developers choose. Mr. Dye added that two unit common walls would reduce the cost to developers and encourage infill. Ms. Maclean added that common walls are sometimes preferred (over bungalows) because they allow more square footage.

Ms. Maclean outlined the changes in the notes for the superscripts in the Table of Dimensional Standards (see packet). She noted that in the proposed changes two unit common walls would not be allowed in the Light Commercial (LC), General

Commercial (GC), and MU2 zoning districts to encourage infill, stating that higher density should be encouraged where allowed. Mr. Dye questioned this, suggesting that there may be lots that are too small for a three unit common wall, but which would accommodate a two unit common wall. He stated that if a two unit common wall is the only thing available to a developer the ability to construct one would be encouraging infill, he stated that the market will determine what gets built. Ms. Maclean stated that she was not in favor of allowing too much flexibility in these districts because they're primarily commercial areas. Mr. Dye responded that the common wall units could have multiple uses, parking and retail on the bottom and housing on top, for example.

Mr. Voelckers posited that it could be possible to allow two unit common walls but only for small or otherwise limited lots. He stated his preference, in general, to steer toward higher density, but stated he didn't want to preclude a small lot that would remain undeveloped, stating further that large standard lots should not be able to do under-scaled development. He stated he didn't want to orphan lots because of strong encouragement toward higher density.

Mr. Miller summarized that he agreed with Mr. Dye and Mr. Voelckers, stating that the Committee is supposed to be planning for the community, that incentivizing more units is good, but if there are small lots where a two unit common wall would be the only option the code should be flexible enough to allow that.

Discussion ensued about which common wall developments would allow mixed use development. Staff stated that the underlying zoning districts (49.25) descriptions could be the basis for what uses would be permissible within a common wall structure, this should illuminate the appearance of arbitrariness. Committee members suggested they look at this more closely to check for unintended uses and to be thorough. Ms. Maclean stated that she would draft information for the Committee to review at a future meeting.

The Committee commented on the wording in V2 Attachment A (included in the packet) specifically under 49.65.700 – Purpose. The committee wanted the last clause to be moved closer to the other residential uses portion of the section.

There was some discussion about the advantages of a common wall development compared to a condo-ized development for financing purposes.

Mr. Voelckers pointed out 49.65.735 Parking and Access refers to single family dwellings; he suggested that this gets changed to reflect mixed use development as well. He also suggested adding a period after “zoning districts” in 49.65.745 – Zoning Districts.

Ms. Maclean recommended that the Committee delete density and dimensional standards from the ordinance language in 49.65 so they are all in the Table of Dimensional Standards. Ms. Maclean also mentioned that the variances code change was adopted with minor changes (Ms. Boyce will forward the changes to the Committee) and will be in effect in a few weeks. She stated that having dimensional standards in this portion of code could be tricky. She recommended that the dimensional standards be housed in the Table of Dimensional Standards for this and for future changes.

IV) Next Meeting

Monday, June 18, 12:00 pm.

Common Walls

It was requested that Rob Palmer be in attendance

Mr. Dye asked that the Committee use the next meeting to look at the priorities list and work plan.

Mr. Voelckers asked for an updated on downtown zoning.

VI) Adjournment

The meeting adjourned at 1:26 pm.

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Monday, September 17, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Michael Levine, Carl Green

Members Absent:

Dan Miller

Staff Present:

Laura Boyce (CDD Planner)
Jill Maclean (CDD Director)
Teri Camery (CDD Planner)

Marjorie Hamburger (CDD Admin)
Nate Watts (Code Compliance Officer)

Members of the Public:

Patty Wahto (CBJ Airport)

I. Call to Order

Meeting called to order at 12:05 pm.

II. Approval of Agenda

The agenda was approved as is.

III. Agenda Topics

A. Review of Financial Guarantee Requirements for Stub Streets & Temporary Cul-de-Sacs

Ms. Boyce said that this case, AME2018 0015, was presented at the September 11, 2018, Planning Commission meeting but was referred back to the Title 49 Committee for more discussion.

Tim Felstead's memo was reviewed. Page 2 of the memo asked if there should be a link between a temporary cul-de-sac and a stub street. Mr. Voelckers said there seems to be an obvious link between the intent language for cul-de-sacs and the option for a pseudo-stub street. Mr. Miller said he thought the cul-de-sac should be put in no further than needed and not be required to extend to the edge of the property if not needed. How does staff recommend this be dealt with?

Ms. Boyce said the code now says that temporary cul-de-sacs are to be built as close to property line as possible. She sees that the street extension is a stub, foreseeing that a road will need to be extended in the future. The cul-de-sac is needed for fire access. With a stub street, there is not any purpose except for a future extension. Mr. Voelckers asked if staff had any historical information. Ms. Boyce said that in 2015, temporary cul-de-sacs were added to the code and since then only one temporary cul-de-sac was built, on Blueberry Hill. Mr. Dye asked if that project was bonded for the removal. Yes, said Ms. Boyce. The Vista del Sol subdivision does not have temporary cul-de-sacs but dealt with that in a subdivision plat note.

Mr. Voelckers said he is still interested in considering if cul-de-sacs and stub streets are linked or not.

Mr. Dye said he can't see the point of removing a cul-de-sac; you might just end up with a bulbous area. He also can't see the intent of bonding for a removal. It seems simpler to just leave it and not bond for removal; the area can be used as a traffic calming feature or something like a basketball court, he said. Mr. Levine asked why cul-de-sacs are built at all. Mr. Voelckers said they are for emergency vehicles to turn around in.

Mr. Dye said there currently is a bonding requirement to remove aspects of the cul-de-sacs and realistically there is a reason to get rid of it. Mr. Levine said it could be that an owner of a property in the cul-de-sac might want that little piece of property removed from the right-of-way. Mr. Voelckers said setbacks are established to accommodate and by the time a property owner could get this land back it is a done deal. The house on the property will be situated so that the cul-de-sac setbacks work, and so he does not see this as a big deal. Mr. Dye said that the leftover space can be extra parking, a place to play, etc. or the cul-de-sac can be converted to a roundabout.

Ms. Boyce displayed a permanent cul-de-sac on the GIS viewer. Mr. Dye asked if the person with the narrowest frontage could have a dogleg lot if they are the only one wanting to reclaim the land. He pointed out that others might not want the extra land back due to an increase in property taxes. Ms. Maclean said it seems that CBJ would have to vacate even if just one owner wants it. Mr. Voelckers asked if there is any reason to have a category of "temporary" at all, since these things are built to permanent standards. He said he likes Mr. Dye's point about leaving it be.

Ms. Boyce said from the city's point of view there is more street to maintain that is not needed. Mr. Voelckers said this would be such an insignificant amount of effort versus the effort of rebuilding. Ms. Boyce said if platted today, the street bulbs would be easements on the properties. Mr. Voelckers said so functionally this operates like a property line. Ms. Maclean said the other option is to create a hammer head. Mr. Voelckers pointed out that takes up a lot of space too.

Ms. Boyce asked if the remainder piece is treated as a stub street and dealt with in that way and nothing else is touched does the Committee feel ready to move on and come back later about temp cul-de-sacs? The code would still say developers need to build as close as possible to the property line. Mr. Dye said he thought these needed to be addressed at the same time. Mr. Voelckers said that Vista del Sol could have been moved to the edge but then there would be wasted land.

Mr. Levine said that a hypothetical situation could be that if there are not enough funds to build all the lots in a development and therefore cul-de-sacs would be built in the middle of the property, then the next developer would have to bear the cost. We don't make the developer bond for that, he said. Mr. Voelckers said the stub has to give access to the furthest lot, even if only half the property is being developed. Mr. Dye said he used to think the city should not get rid of bonding, but he has since changed his mind.

Mr. Levine said for landlocked property the developer could create a disincentive for a future developer depending on how he platted the street. CBJ does not want to disincentive a developer, he said. Mr. Dye said the fact that the right-of-way got closer is advantageous. Mr. Levine said the second guy might end up building the road for the first guy. Mr. Greene said if a cul-de-sac is at the end, then there is no need for a stub street. There would need to be a compelling reason not to put it there.

Mr. Levine said the existing code is intending to make the person who is subdividing a property bear the cost of a street that will help connect the community. Having cul-de-sacs about property lines might not be the best way to do it. Mr. Dye asked if there is a way to tie a not-to-exceed number to minimum lot depth. Mr. Levine said he did not feel strongly about the wording but wants to not run a risk. Mr. Voelckers asked for clarification. Ms. Maclean said the guy without access gets a benefit, even if the road helps the first developer because half of it is though his land. Mr. Dye suggested bets should be hedged against future benefits. Mr. Levine pointed out that that this ordinance started down this road because it was requiring folks to bond for roads that will never be built or not be built in the near future and also the situation of temporary cul-de-sacs not needing to be at the end and not removing them. But, he said, he is sensitive to the fact that getting rid of all the requirements might allow for gaming the situation. Is there a possibility of reversing the policy about who is paying for what?

Ms. Maclean said staff agrees that temporary cul-de-sacs should be platted as close as possible to the edge of a subdivision and should plat to un-subdivided lands where practicable. The question is do you consider the extra land for a stub street, and do you have to bond for the stub? Mr. Voelckers said Mr. Miller would likely say that it is necessary to practicably access the next lot but that there is no need to go to the end. Mr. Levine said the purpose is to insure it accesses the back lot.

Ms. Maclean reiterated that it is all about making sure the requirement is practicable. In Vista-del-Sol, a stub street is not most practical because it would be platted on the steepest part of the property. A stub street could have been located on a different lot on the west side, instead of at the back of the property. She said she thinks if there is un-subdivided land next door, access should be allowed. Mr. Greene asked in the example under discussion, why not make the lot accessible from the main road? Ms. Boyce said that code requires connectors; the city wants to create a local street network.

Mr. Levine said it makes sense to treat this as a stub street. Mr. Voelckers said all the members agree. The question is about bonding, and he is not persuaded that the new policy is any better but he does not feel strongly about it. Mr. Voelckers said not doing a stub street if there is no reasonable practical use partly solves it. But developers feel bonding is punitive. Mr. Greene asked if the street in Vista has been turned over to CBJ. Ms. Maclean said not yet; bonding is for 5 years from plat approval.

Mr. Dye asked what happens if a stub street is bonded for but the intermediary road is never built. Ms. Boyce said generally 2 years is the timeframe from plat to build. Ms. Boyce said having a 5 year time frame in code provides the next-door developer incentive to develop. Mr. Dye said he felt that it is crazy to bond out at the start.

Mr. Voelckers asked if there is an appetite to get rid of bonding and go back to cul-de-sacs. Ms. Maclean said she is only concerned with a situation like a large parcel that has to plat all 30 acres and build cul-de-sacs at the far end although only building 10 of the acres. Mr. Voelckers asked how that is practicable defined. Ms. Maclean said if phasing a large development, a developer would put cul-de-sacs 1/3 of the way up because of the large size of the phase.

Mr. Greene said so if someone is phasing, they do not have to plat the whole thing? Yes, they would provide a sketch plat if phasing, said Ms. Maclean. Mr. Greene said if someone was phasing, then the 5 years makes sense. Ms. Maclean said that the first developer has enough skin in the game.

Mr. Voelckers stated that the committee agreed that the remnant is a stub street. Ms. Boyce said she trusts the market will dictate for the first developer. Mr. Levine suggested the wording could say "as close and practical, not to exceed unless determined by director. He suggested finding a way to give the director discretion to put the stub street somewhere else on the property.

Ms. Boyce said so the issue left is bonding for the temporary cul-de-sacs. Who converts the stub street then, asked Mr. Greene. Mr. Voelckers said it would be the next guy up who picks up the first 150 feet or so. Ms. Maclean said it makes sense if the owner of the land behind that developer could get a lot back.

Mr. Voelckers asked if committee members see any issue with Mr. Dye's idea of allowing it to be built permanently once and just leaving it. Mr. Levine said right now there can only be temporary cul-de-sacs if it is determined that there is undeveloped land adjoining. Mr. Dye said can't someone just do it when they want to? There are no minimum requirements, just maximum. Is there any code language that says you can't do it? Mr. Levine said we have to make recommendations to Law regarding what we want the outcome to be and Law then does the cleanup. Ms. Maclean said she will check with Engineering first. What is the next step, she asked?

Mr. Levine said these points have been agreed on and now just need wordsmithing for:

1. The thing after cul-de-sacs is a stub street
2. No bonding requirement for stub streets
3. Get rid of the word "temporary" in cul-de-sacs.
4. Build cul-de-sacs as near as possible to a lot line
5. Cul-de-sacs can be built anytime

Mr. Dye suggested the case go to the Planning Commission next; the Committee did not need to see it again.

B. Common Walls

Ms. Maclean said she wants to keep this in committee a little longer; at the last meeting the discussion happened too fast for her comfort. She pointed out that uses just approved became nonconforming. Her preference is that there is one common wall ordinance for residential zones, D3-D18, and a common wall mixed-use ordinance for other zonings. She said she wants to move both ordinances through concurrently in order to cover all bases. Mr. Levine and Mr. Dye said they had no problem with that.

Mr. Dye asked if there is any reason the common wall ordinances need to happen soon. Ms. Maclean said they are almost done so she'd like to get that off the plate. Mr. Levine said he remembers thinking there was a lot of value in separating residential and mixed use common walls. We might as well take the time and do them right, said Mr. Levine.

This will come back to the Title 49 Committee.

C. Review of Proposed Revisions to CBJ Code re: Stream and Lakeside Buffers

This topic was moved to the next committee meeting due to a loss of quorum.

IV. Next Meetings

- Maybe October 8 or 1– Ms. Boyce will check for attendees' availability.
- Monday, October 15, 2018, 12:00 – 1:30 pm.

VI) Adjournment

The meeting adjourned at 1:07 pm.

FRIENDLY AMENDMENT: *by Mr. Miller, that the group determines whether it is possible to obtain and review the report generated by the ATF on the breach of security, and if so, the group should include their findings in the report to the PC.*

Mr. Satre accepted Mr. Miller's friendly amendment, which was incorporated into the motion as well.

Mr. Barajas offered to attempt to contact ATF to see if he is able to obtain a copy of the report on the breach of security at the lower powder magazine facility.

Chair Gladziszewski stressed that the gist is for the group to investigate what could heighten security at this APU powder magazine site in whatever manner is necessary, and therefore the Commissioners are concerned enough to continue consideration of USE2009-00019.

Mr. Satre noted that by the PC continuing USE2009-00019, the Commissioners are potentially holding this applicant to a different standard, versus the applicant of USE2009-00018 that was approved on the Consent Agenda. Mr. Rue referred to USE2009-00018, explaining that the lower powder magazine facility has a fence. Chair Gladziszewski said the Commissioners have been suggesting that requiring the applicant of USE2009-00019 to install a fence is not going to help heighten security at this site. Mr. Satre clarified that the requirement that a perimeter fence containing razor wire was not a condition of USE2009-00018.

Roll call vote

Ayes: Taug, Grewe, Bennett, Watson, Rue, Waterman, Gladziszewski
Nays: Miller, Satre

Motion passes: 7:2, and USE2009-00019 was continued until further information is provided to the PC.

Mr. Pernula commented that if at all possible he would like to attempt to present the requested information to the PC on July 14, explaining that the next regular PC meeting on June 23, 2009 already has a full agenda.

BREAK: 8:04 - 8:12 p.m.

VIII. UNFINISHED BUSINESS - None

IX. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

TXT2007-00004

A Draft Ordinance amending the Title 49 Land Use Code, Chapter 35-Public Improvements, which deals with the construction requirements for new subdivisions. (Ord. Serial No. 2009-XX)

Location: Boroughwide
Applicant: City & Borough of Juneau

Staff report

Tim Maguire reported that the proposal is a continuation of an update of Title 49, the CBJ Land Use Code, specifically Chapter 35-Public Improvements. He explained that 95% of this chapter

mainly pertains to new subdivision improvements, noting that there are some portions dealing with driveways in public rights-of-way. He said the Title 49 Committee reviewed this chapter numerous times, and their recommendations and revisions were provided to the Law Department for the purpose of developing the Draft Ordinance. He stated that all throughout this process the CBJ Fire, Engineering, Community Development, and Public Works Departments reviewed the proposed code revisions. He explained that most of the language after the revisions were provided was replaced, noting that not very much of the existing code remains. Technically, he explained that the Law Department is going to rescind Chapter 35 and re-adopt it as a new code. He stated that the objective for this update is to: 1) clearly spell out the permitting approval process, 2) clarify and standardize the requirements, and 3) simplify the approval process where possible. He said Chapter 35 mainly deals with standards so it contains minimal permitting processes, but when they discuss the subdivision section they will be reviewing additional permitting aspects at that time.

He stated that he will provide a review of the major revisions listed in the report:

1. Driveways in the Rights-of-Way.

He said the permitting process for this was cumbersome, which required developers to obtain an Allowable Use or a Conditional Use permit, but the criteria for approval did not fit the proposed action. He explained that driveways in the rights-of-way will have a separate permit process and criteria for approval to fit the requested action, including that in-house approval will be provided for proposals that serve 6 lots so these permits will not be presented to the PC. He explained that this code section lays out the process for approving driveways in existing public rights-of-way, but this is not an improvement standard for constructing a new subdivision.

Mr. Miller said he foresees the possibility of a gated community scenario, whereby he referred to a criterion found under the Draft Ordinance subsection 49.15.560(a)(3), and cited, "The applicant will ensure that the driveway will not be blocked from use by the public for access." He explained that there may be a time when a gated community would not contain such a requirement. Mr. Maguire said the Planned Unit Development process might be presented under this type of gated community situation because it would be more or less a private driveway. He explained that if this were the case, this particular section of code would not apply because it would not be constructed in an existing public right-of-way. Mr. Miller confirmed that this would also be the case for a regular subdivision on private property. Mr. Maguire said yes.

2. Waiver of Public Improvements.

He stated that there were a number of waivers for public improvement standards that were added to the code over the years so it became confusing as to which standards applied, including that the code has changed in other areas that already addresses certain situations. He noted that the Title 49 Committee chose to delete the waivers that are not useful, and retain only those that are considered to still have value, including allowing new waivers to be added in the future to deal with new situations. He said certain areas of the code were changed, and now if certain criteria are met the alternative standard for construction applies without having to request a waiver.

3. Temporary Cul-de-sacs.

He said the code did not address the use of temporary cul-de-sacs, i.e., how they are supposed to work, who pays for the reconstruction of the turnarounds and the extension of the road, and what the building setback requirement is from the temporary turnaround. He stated that temporary cul-de-sacs have been utilized in subdivisions in the past with varying success. He said the

changes to address these issues includes a new code section that states that temporary cul-de-sacs will be treated as easements and will revert back to the property owners. He explained that another requirement was added for a bond to be posted for reconstruction of the turnaround and utilities when the roadway is extended. He said the purpose is to attempt to spread out the cost of reconstructing the cul-de-sac, versus waiting until the next subdivision comes in and placing all these costs on the new developer to extend the road.

Mr. Miller said he wishes to commend staff and the Title 49 Committee, noting that he has been through a couple of subdivision processes so he appreciates the revisions, which is more simplified and very clear. However, the only objection he has to any of the revisions is the requirement for a five-year bond to be posted for reconstruction of the turnaround and the installation of utilities when the road is extended. He referred to Attachment 1, explaining anecdotally when a developer on the left side of the road constructs a subdivision with a temporary cul-de-sac to the end of his property line, as it stands right now when the developer completes the subdivision they are done once all of the requirements of the CBJ are met, and then the developer's bond is no longer in effect. However, the method in which the code has been revised is that the first developer will now be required to post a five-year bond, and then later be required to return to the subdivision and change the cul-de-sac so the second developer on the left side of the road can do what they want to do, which ties up a bond that the first developer had to pay for five years, including maintaining the paperwork for CBJ to monitor to assure that such a bond is in effect. Another anecdotal situation is if the developer on the left is also the same developer on the right, but completing the construction in phases, and therefore would do so the same way as he does now with no bond requirement for Phase I of the subdivision on the left side of the road. This is because right after this phase is done the developer begins constructing Phase II of the subdivision on the right side of the road, whereby all of the improvements are completed at the same time, including changing the cul-de-sac to extend the road. He said it does not make sense as to why they added a five-year bond requirement for a temporary cul-de-sac into this code revisions process. Mr. Maguire said this example of a cul-de-sac (Attachment 1) shows the temporary cul-de-sac being constructed to the property line; however, in many cases it is not, and instead, is left un-built by the first developer so it just contains the right-of-way extending to the property line. He stated that when this happens and the second developer begins construction on the other side of the road, he has to incur the cost to construct the remaining un-built section of road and the reconstruction of the cul-de-sac to extend the road; therefore, this cost burden is solely on the second developer, which is usually the case. He noted that they added language which states that the temporary cul-de-sacs are to be constructed as close to the property line as possible, and this was not previously provided in code. He said there is another section of code that addresses stub streets. He explained that many times a street stubs out and does not serve any lots so a turnaround is not required, but the stub street will be connected during future development of the property. However, the language in this section now states that the guarantee must be for a period of five years from the date the plat is recorded, and he agrees that it certainly is not a perfect solution, but this is the method in which some communities deal with these issues so that adjoining developers share these costs.

Mr. Watson said the initial builder incurs all the expenses constructing a subdivision on the left side of the road, along with installing improvements to the property line. He said this creates greater value to the owner of the vacant land on the right side of the road, and therefore the second developer benefits by this, yet there would now be a burden of a five-year bond placed on

the initial developer. He asked how the five-year number was derived at. Mr. Maguire said the five-year number is what they thought would be a reasonable time period for a financial guarantee of a bond to be posted to have these costs shared. He stated that if the second developer constructs a subdivision on the right side of the road within the five-year time period, the cost is shared with the first subdivision developer on the left side of the road. However, if the second developer does not do so within this time period, the financial guarantee will be released.

Ms. Gladziszewski stated that if a developer is required to build a temporary cul-de-sac to the end of their property, she believes the developer should be done with the application.

Mr. Rue cited, Draft Ordinance subsection 49.17.425 Streets, (a)(6)(C) Temporary cul-de-sacs, "Temporary cul-de-sacs will be allowed where a street can logically be extended in the near future..." He noted that this time period is not very specific. He explained that either way the road and temporary cul-de-sac has to be constructed so it is accessible by emergency personnel and their equipment, but the issue is if the temporary cul-de-sac is not built to the property line by the first developer and does not service all the lots. He said the reasoning would probably be so the developer retains more developable property, and therefore in this case the code should require the initial developer to post a bond or else the other developer is going to have to fix it.

Mr. Miller said he believes he understands how the concept came into being, i.e., the last developer ending up having to pay excessive costs, which were not his to bear. He explained that he has not witnessed these situations that have been mentioned happening very much, and instead, he has often seen this take place regarding drainage situations. He stated that when construction has been happening over the course of 20 years, all of a sudden they discover that a stormwater system is no longer capable of handling additional runoff, and therefore the last developer that wants to build a subdivision has to attempt to fix it and bear this cost. He stated that they want the developers to share the cost, but in reality the second developer on the right is gaining benefits from the fact that the developer on the left has already established a subdivision so second developer's land is now more valuable because he does not have to install the primary feed into his property himself. He stressed that as this portion of code has been revised, it will be placing more of a cost burden on the first developer so he would like to see the five-year bond requirement removed, except in situations when the subdivision is not constructed to the property line.

Ms. Waterman stated that a situation could be that the second developer on the right has the opportunity for a second access, and to meet the public good the PC wants to encourage this developer to work with the first developer on the left to get rid of the temporary cul-de-sac in order to provide continuity for developments to work together, and to avoid having multiple cul-de-sacs in the borough. In addition, she said that if the developers know in advance that there is some type of cooperation requirement, this might encourage the second developer on the right side of the road to help eliminate the temporary cul-de-sac.

Mr. Maguire stated that the Casa del Sol Subdivision is where there is a temporary cul-de-sac proposed, and it has another parcel adjacent to it. He said in this case they may wish to later extend the right-of-way to connect to the other parcel to avoid constructing two temporary cul-de-sacs, but the initial temporary cul-de-sac is quite a ways back from the other parcel. Therefore, if they were to state that the second developer of the other parcel does not get any

more benefits than the initial developer does and is required to construct a road through his parcel, including extending it to the existing road, it would place a much greater cost burden on this developer. He explained that the situation that they are commonly left with is that the temporary cul-de-sacs are not constructed to the property line.

Ms. Gladziszewski stated that it is simpler to state that if the developer constructs the subdivision to the property line, and then once the subdivision is complete they are done, and therefore this developer is not required to post a five-year bond. However, if the developer does not construct the subdivision to the property line, they are responsible to post a bond and share the expense to extend the road with the new developer if the new development takes place within a five-year time period.

Mr. Watson stated that once a temporary cul-de-sac is reverted back to extend a street, he asked if the portion on the original developers property reverts back to them. Mr. Maguire said yes, explaining that it would only consist of the portion of their property that is outside of the easement. Mr. Watson stated that if the original property owner sells the property, he asked if this will be duly noted on the plat for future owners. Mr. Maguire said yes, stating that the CBJ would eliminate the easement, including providing paperwork confirming that the remaining property was converted back to the owner.

Mr. Rue referred to the Draft Ordinance subsection 49.17.425 Streets, (a)(6)(C)(vi), and cited the first section, "Temporary cul-de-sacs must be extended as close to the adjoining property boundary as practical." He said the issue the PC is currently discussing is already solved according to this section. However, he stated that he might have missed something, whereby he cited the remaining section, "If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and this roadway extension constructed to standard (See Figure 4);" He stated that Mr. Maguire's scenario regarding the Casa del Sol Subdivision temporary cul-de-sac issue would be solved per this subsection. Ms. Gladziszewski said this subsection does not address which developer pays for extending the road. Mr. Rue said he interprets this subsection to state that the road has to be constructed when the subdivision is built. Mr. Maguire clarified that in the past there has been a gap in the code, so this new language would require the developer to construct the temporary cul-de-sac to the property line, and then to also include a small extension of the road. Ms. Gladziszewski confirmed that this verbiage states that the developer is allowed to construct a temporary cul-de-sac anywhere they want, but they are required to construct a road to the end of the property line. Mr. Maguire said yes. Mr. Rue commented that the developer would not be required to post a bond because the road would have already been extended once the subdivision is done. Mr. Pernula clarified that this developer would still be required to post a bond for removal of the temporary portion of the cul-de-sac if it is necessary for new construction to extend the road to the adjoining property within a five-year period. Ms. Waterman asked about installing drainage. Mr. Miller explained that the code states that the road has to be constructed to standard, and therefore the developer would be required to install all required utilities, e.g., drainage, sewer, water, electricity, television cable, etc. Ms. Gladziszewski said this is somewhat confusing, explaining that it states that the developer is constructing housing within a subdivision, including a temporary cul-de-sac, but they are also required to randomly extend a road to the end of their property line, which could be to nowhere. She asked if the CBJ currently has this requirement in place. Mr. Maguire said no. Mr. Miller said in this case a bond would be appropriate, rather than requiring a developer to construct a

road to nowhere. Although in other cases it makes sense that the developer would chose to construct the cul-de-sac and extend the road to the property line so they would not have to post a bond. He stressed that this section of the Draft Ordinance needs to be revised. Mr. Maguire offered to incorporate the revisions that the PC has recommended.

4. Water Systems.

He explained that the code was not clear as to what standards needed to be met for water systems in new subdivisions, and it did not clearly stipulate what the requirements were for fire flows, or what fire protection systems are needed in the fire service area. Further, he explained that the code did not address the issue of the State requirement for water appropriation. He said they added language to require coordination with the State for appropriation of water and securing water rights. In addition, language was added to clarify the standards for water systems in subdivisions, including how they are to deal with the issue of non-residential water systems (commercial and industrial). He explained that the code was also revised so that the current standards for fire flows and fire protection must meet the fire code in Service Area 10.

5. Sanitary Systems.

He stated that under sewers, the existing code does not address various types of wastewater treatment systems, which are allowed in subdivision development, and therefore they included code language to address different types of systems that would be allowed as well as the process for approval. He said it was also unclear when CBJ oversight applies in terms of operation, monitoring, or maintenance of private sewage facilities. He explained that when the CBJ Lena Subdivision was completed, an ordinance containing regulations was passed to require CBJ oversight of the individual treatment systems. However, the Title 49 section of code does not make a distinction between the type (residential or commercial), the size (minor or major subdivisions) and all types of private treatment systems (individual or community systems) regarding those that are under CBJ construction permitting and maintenance oversight. Therefore, the Title 49 Committee worked with the Public Works and Engineering Departments to straighten this out. He said the new verbiage provides that the regulations in code are now reconciled, and wording was added to address different types of wastewater systems, including revising maintenance of individual wastewater systems to reflect responsibilities by the Public Works Department versus the property owner.

6. Oversizing Lines.

He explained that this section was very complicated, whereby he noted that the Publics Works Director stated that it was incomprehensible. He said this section has been now updated, which simply states that oversizing will be required if the Engineering Department determines that it is necessary, including that any cost difference which may occur can be dealt with at the time of construction plan approval.

Mr. Rue interjected, asking if Mr. Maguire was going to discuss the Draft Ordinance subsection 49.17.440 regarding drainage. Mr. Maguire said he did not specifically call out this section in the report. Mr. Rue explained that he is concerned that this entire drainage section is too focused on storm drain facilities. He said this runs counter with the PC's recent discussion regarding instituting the complete streets/context sensitive concept, swales, and wetlands, etc. He said these are different methods they are able to institute so drainpipes are not directing runoff into creeks. He said the worst scenario is if any of these drainpipes direct polluted runoff into anadromous streams from parking lots, such as Auke Lake. He said the PC held significant

discussions regarding methods to redesign streets in order to deal with runoff issues, but this approach runs counter to this entire effort. He explained that a developer was required by the PC to install grassy swale, and then the Engineering Department overrode this decision and had them install a storm drain system instead. He stressed that his concern is that this section focuses too much on storm drains, e.g., under subsection (3)(b) Easements, he cited, "All subdivisions must be provided with necessary drainage easements, and drainage facilities..." He said this is requiring a storm pipe and oil/water separator to be provided, as opposed to other non-hard drainage alternatives. Therefore, he requests that the Engineering Department consider integrating drainage with non-facility types of alternatives, which should include the efforts that Michele Elfers is currently working on as well. Mr. Maguire explained that while they were working on this update, it was decided that they would not focus on completing a major update of the standards. He said there were many suggestions, so they intend to look at the entire drainage section and discuss all the different options regarding the standards in the near future. He agrees that this language in the drainage section is outdated and needs to be reviewed. He noted that a few years back the CBJ adopted an Alternative Road Standard, which eliminated storm drains, curbs and gutters, and now requires that grassy swales be installed instead in low-density subdivisions. Mr. Rue said he agrees with the notion to just clean up what is in code now, and then the Engineering Department can recommend further revisions, but he would like the PC to review this within the next year.

7. Walkways.

Mr. Maguire said the joint use for both pedestrian and bicycle use was not addressed in this section. He explained that they asked that "walkways" be changed to "shared-use pathways," including an increase in construction width from 5 feet to 8 feet based on the AASHTO standards. He said there was no requirement for rights-of-way or widths to be provided, so they also requested that the rights-of-way be required at a minimum width of 10 feet. Finally, they addressed the timing of construction of these shared-use pathways to try and prevent past difficulties with installing pathways after houses were already build on adjacent lots.

Chair Gladziszewski thanked Mr. Maguire for his presentation, stating that the Commission is happy to see this move forward. Ms. Bennett added that she serves on the Title 49 Committee and found it to be a nice process while working with staff on these revisions.

Commission action

MOTION: *by Ms. Waterman, that the Planning Commission requests that the revisions be incorporated by staff regarding the Temporary Cul-de-sacs and Stub Streets sections as discussed by the Commission, and then the work on the Title 49, Chapter 35-Public Improvements shall be forwarded to the Assembly.*

Mr. Rue asked if the intention is to remove the five-year bond requirement out of the Temporary Cul-de-sacs section. Ms. Waterman deferred to Mr. Maguire and Mr. Miller for clarification. Mr. Maguire said he understands that the agreement is if the temporary cul-de-sac is not initially constructed to the property line then the road extension would not need to be constructed, but if it is constructed close to the property line the developer would be required to post a bond. He explained that they will need to make revisions for these two different situations. Mr. Watson said when Mr. Maguire states "close to or to," he prefers that a specific dimension be provided instead. Mr. Miller said he likes "close to" and explained that if there is a wetland or a forest abutting the property that is 20' away it could be considered as being "close to" the property line,

and it could also be that such sections of property might never be developed so they are left undisturbed. Mr. Maguire said they could revise this section in such a way as to not utilize his exact words, which could also state that this is an aspect that staff presents to the PC for a final determination.

There being no objection, it was so ordered, and TXT2007-00004 was recommended for approval after the PC's revisions are incorporated by staff, which will then be forwarded to the Assembly.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

VAR2009-00008

A Variance request to exceed the maximum canopy height limit of 10 feet by a maximum of 2 feet for three canopy segments on the Telephone Hill Parking Garage.

Location: 100 Main St.

Applicant: CBJ Engineering

Staff report

Mr. Sexton stated that a point of concern, after reviewing minutes and listening to the discussion of the meeting, is that the actual PC motion did not address staff's recommendation to approve part of the requested Variance to allow for the Parking Garage south vehicular entrance canopy to be constructed at 12-feet, noting that the motion only recommended adoption of findings and analysis from the applicant. He said he believes it was the intent of the PC to provide recommendations of approval for all the tower canopies on the Parking Garage.

Commission action

Chair Gladziszewski asked if staff is requesting a motion so this is made clear. Mr. Sexton said staff just wanted to make this clarification, and if the Commissioners concur with the Notice of Decision language regarding VAR2009-00008 no motion is required. Chair Gladziszewski asked if the Commissioners had any objections to the Notice of Decision regarding VAR2009-00008, to which the PC had none.

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula reported the Committee of the Whole (COW) of the Assembly will meet on June 15, 2009 at 7:00 p.m. to review the League of Women Voters survey results of the CDD permitting functions. He explained that the original memorandum previously presented to the Commission was revised to incorporate the PC's suggestions. Therefore, he will provide the survey results, the newly revised memorandum, and the May 26, 2009 COW of the PC minutes to the COW of the Assembly for review, whereby he strongly encouraged the Commissioners to attend this meeting.

He stated that the next regular PC meeting will be held on June 23, 2009, noting that there are several items on the agenda, including the Allowable Use permit and Variances for the Alaska Mental Health Trust Authority Building.

AME2018 0015 - A text amendment to CBJ 49.35.240 regarding improvement standards



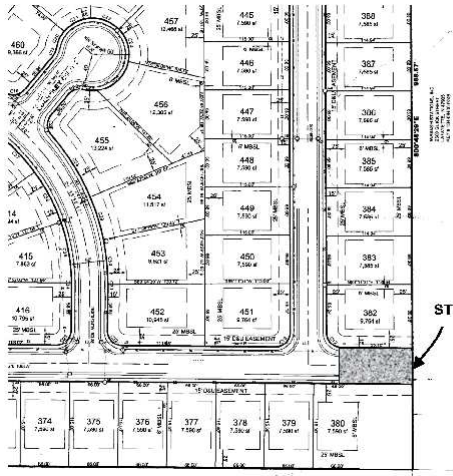
AME2018 0015

Background

- Subject code language added in 2015 overhaul of subdivision requirements
- Subdivision developer required to provide a 5 year financial guarantee for unbuilt stub streets and removal of temporary cul-de-sacs
- After initial review by Title 49 Committee scope of change was limited to only removing financial guarantee for stub streets. Temporary cul-de-sacs remained the same.
- Planning Commission review September 11, 2018. Request further review of requirements for temporary cul-de-sacs in relation to stub streets
- Further review by Title 49. Changes to temporary cul-de-sacs recommended.
- Review by CBJ Engineering and Public Works.

AME2018 0015

Stub streets



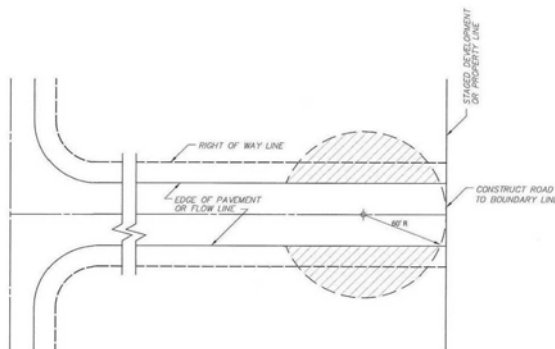
ROW that is required in order to meet street connectivity requirements

Director can waive all, part, or none of the construction requirements for the street if the street does to provide access to any lots in the subdivision.

Subdivider is providing ROW to lots which may not already have access

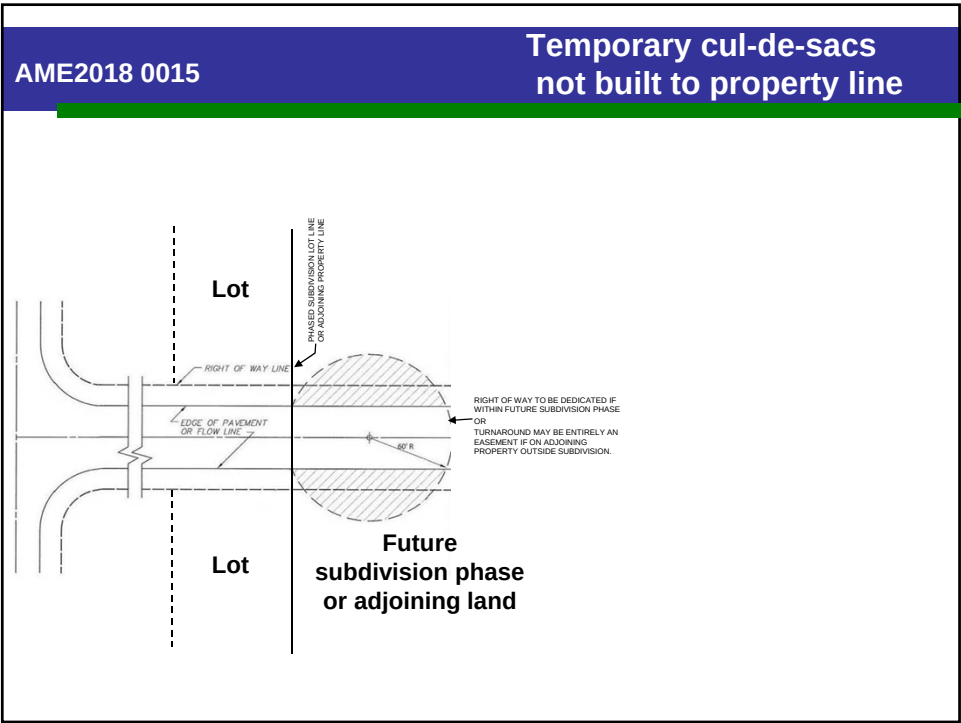
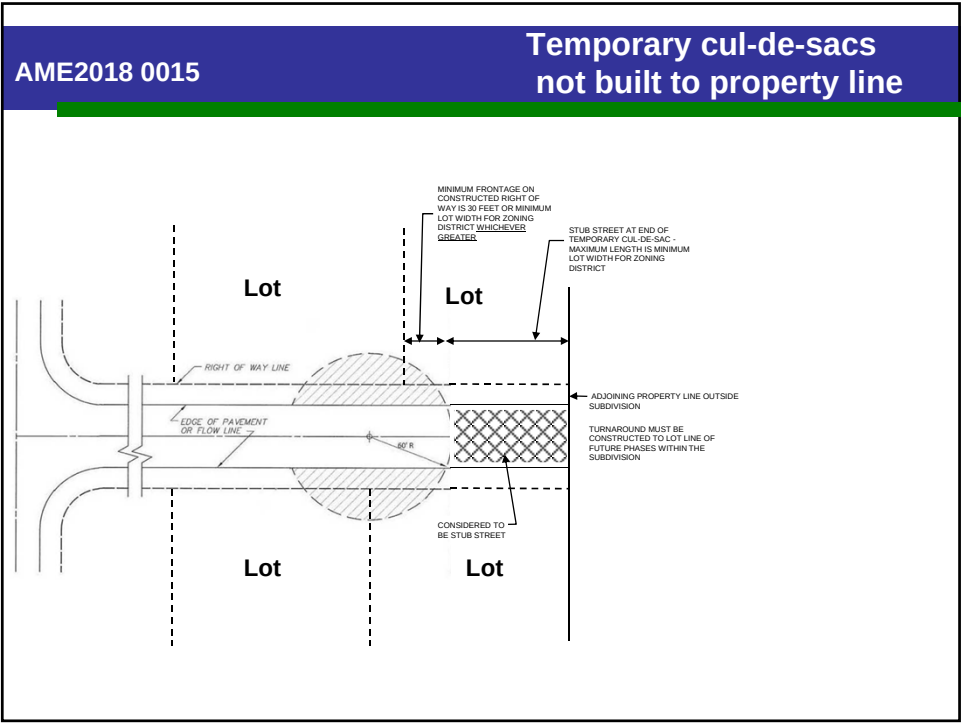
AME2018 0015

Temporary cul-de-sacs



Allows for a street that provides for 'near future' street connectivity to still meet Fire (space for quick maneuvering) and CBJ Streets (snow-ploughing) turnaround requirements

Cul-de-sac shall be constructed as close to property boundary as practical. If not practical then ROW shall be extended to property to property boundary and constructed.



AME2018 0015

Changes in revised ordinance (1)

- Clarifies temporary cul-de-sacs are intended to facilitate practical road extensions at any time in the future and not just the 'near' future as the current language states.
- Clarifies the turnaround easements allow all the public access and maintenance that occurs with dedicated ROW until the easement is vacated.
- Any unconstructed but platted ROW that continues after a temporary cul-de-sac is considered a stub street and is subject to stub street provisions.
- The temporary cul-de-sac stub street has a maximum length of the minimum lot width for the zoning district. There is no maximum length of other stub streets.
- Clarifies that a temporary cul-de-sac has to be constructed up to or be in any lot within the subdivision that has been identified for a future subdivision phase. A stub street after the turnaround would not be allowed in this case.

AME2018 0015

Changes in revised ordinance (2)

- Amended illustrations of temporary cul-de-sac configurations relative to lots within and outside of the subdivision.
- Clarifies that the turnaround can be an easement on a lot outside of the subdivision - this was implied in the existing illustration and language but a new illustration and language makes this more clear.
- No requirement for a financial guarantee for temporary cul-de-sac turnaround removal or stub streets. Removal of a temporary turnaround and/or construction of an unconstructed stub street would be the responsibility of the next developer.
- Added that it should be demonstrated that the any stub street alignment can be constructed to CBJ standards e.g. a stub street cannot be platted where it would have to exceed maximum ROW grades.
- Amended the cul-de-sac definition to be a street with a turnaround and not just the turnaround portion. A definition of what a temporary cul-de-sac is also added.

AME2018 0015

Changes in revised ordinance

Proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan and Title 49. This change would not create any internal inconsistencies within any plans or codes.

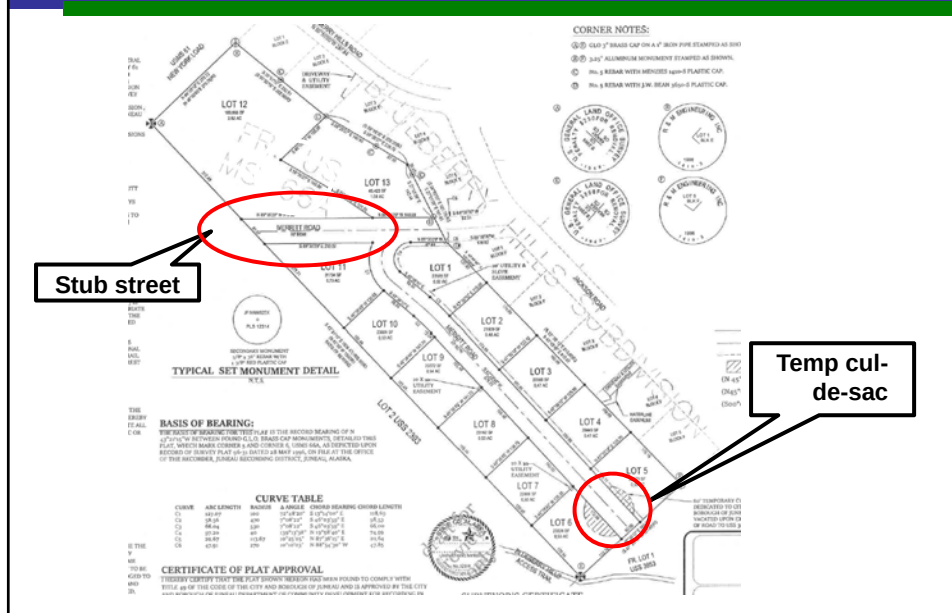
STAFF RECOMMENDATION

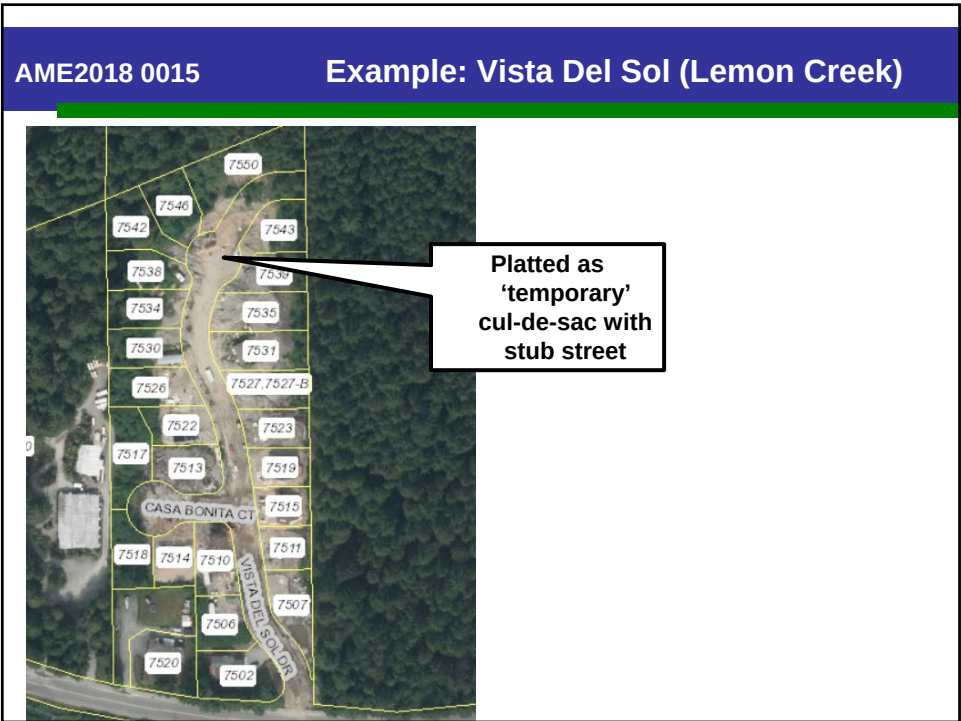
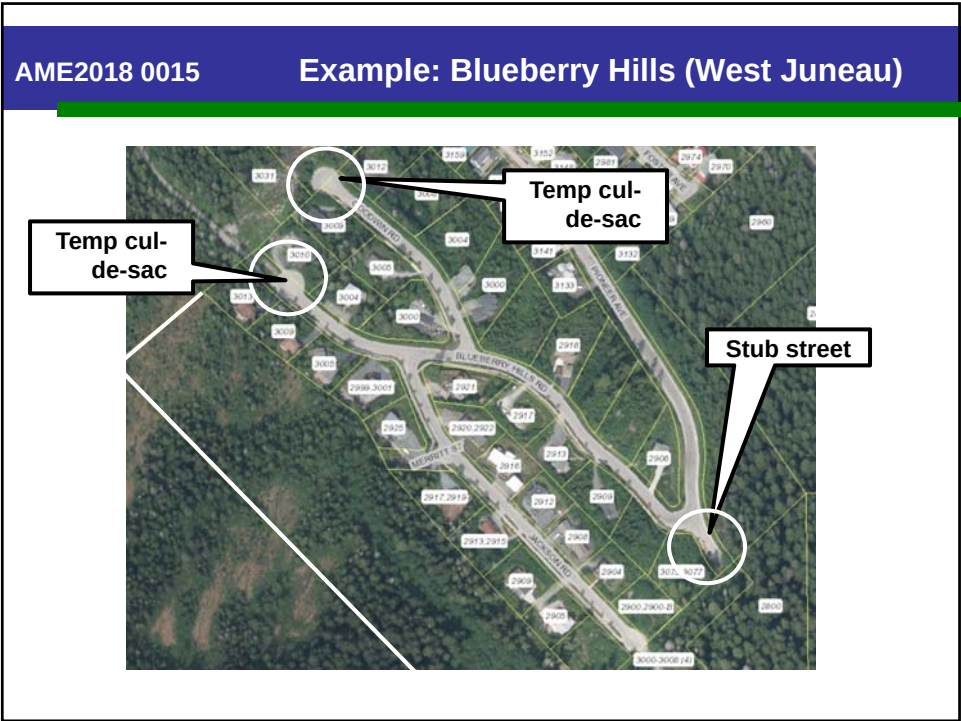
Staff recommends that the Planning Commission review and consider the proposed change to the Land Use Code and forward a recommendation for approval to the Assembly.

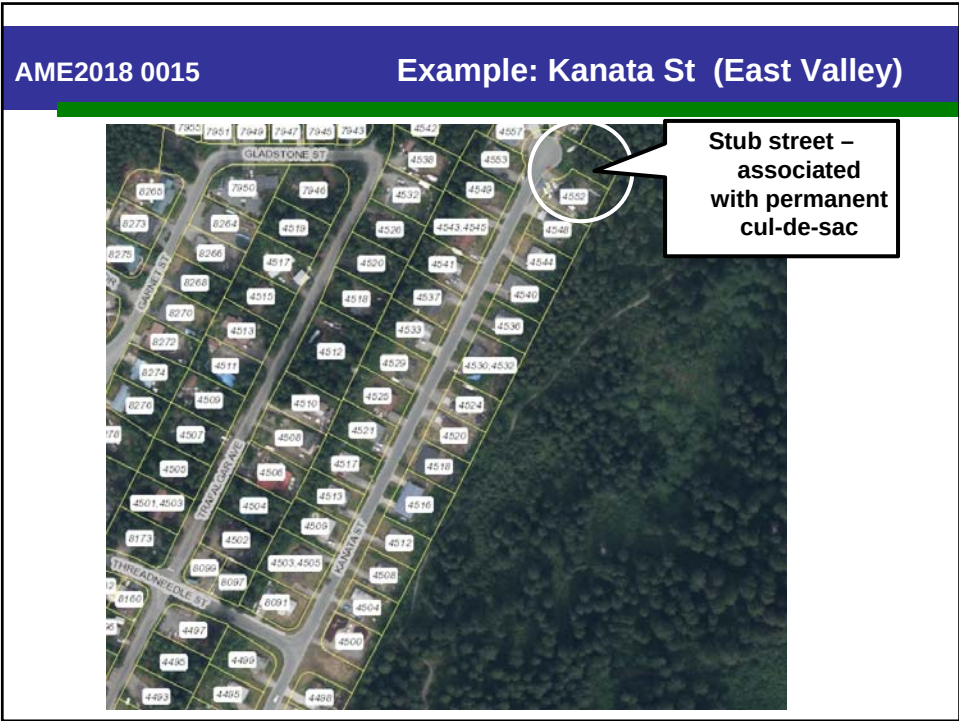
This recommendation should include that the associated ordinance include a provision that any financial guarantees provided under the 2015 code revision for temporary cul-de-sac removal and stub street construction be returned to the appropriate developer.

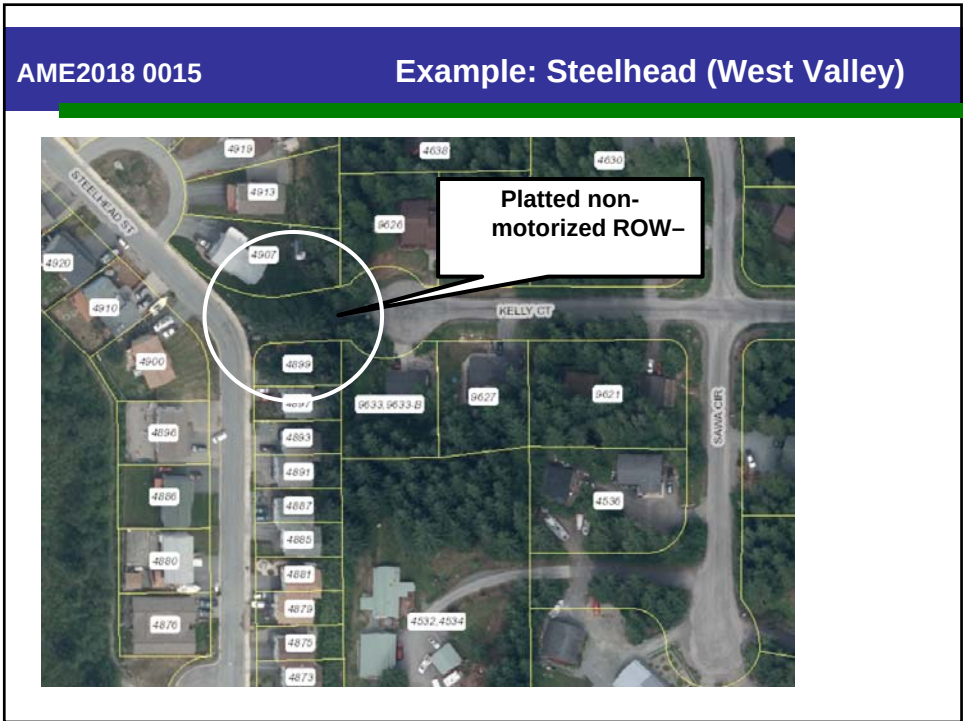
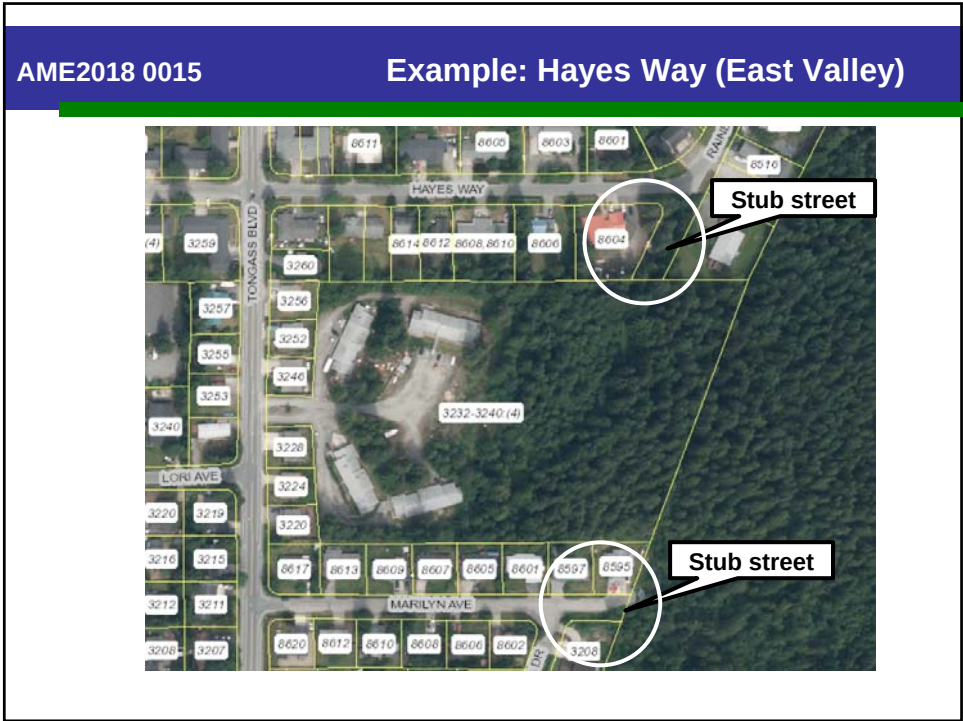
AME2018 0015

Example: Merritt Road (West Juneau)











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November 19, 2018

From: Tim Felstead, Planner, Community Development Department

To: Planning Commission Committee of the Whole

Subject: Review of FY2020-FY2025 Capital Improvement Program (CIP)

Attachments:

Attachment A: Draft Planning Commission Memorandum on 2020-2025 CBJ Capital Improvement Program

During the Director's Report at the October 23, 2018, Regular Planning Commission meeting, the Commission was asked to review and provide early input into the CBJ Capital Improvement Program (CIP). The Commission decided to allow the Chair to form a sub-committee to write a draft memorandum on the topic. On November 7, 2018, four members of the Commission met at a special meeting to draft a memorandum regarding the Planning Commission's recommendations for the CBJ Capital Improvement Program. The Commissioners present were Mr. Haight, Mr. Voelckers, Mr. LeVine, and Mr. Campbell. Steve Behnke from the Juneau Commission on Sustainability (an Assembly appointed commission) and Planner Tim Felstead were also present.

At the Committee of the Whole meeting on November 13, 2018, the Commission had a discussion with Director of CBJ Engineering and Public Works, Mike Vigue, on the CIP process. Attached is a revised draft memorandum from the sub-committee taking into account discussion at the Committee of the Whole (Attachment A). This will be sent to Mr. Vigue, and the Assembly Public Works and Facilities Committee.

Mr. Vigue has agreed to come back to the Commission in February when the draft CIP list for 2020 has been first presented to the Assembly Public Works and Facilities Committee. This will be an opportunity to discuss how the Commission's recommendations have been addressed and for public input into the draft CIP. It is also worth noting that other committees and boards also provide opportunity for the public to comment on some department's CIP projects e.g. Parks and Recreation Advisory Committee, Docks and Harbors Board.

Based on the previous meeting discussions some revisions have been made to the Commission's memorandum including:

- *Removal of reference to an audit system of water and sewer utilities.* Mike Vigue believes the Utility Board will push strongly for this and it saves the Commission space for other items.
- *Added acknowledgement of Juneau's hydropower as a solid reason to switch to electric heat pumps.* Commissioner Miller raised concerns that Alaska Housing Finance Corporation (AHFC)

does not currently give fair energy credits for installation of electric space heating. It is difficult to see a CIP project being developed related to this issue, but it is something that should be explored further, especially in light of the 2018 Juneau Renewable Energy Strategy which dictates greater use of renewable energy for space heating. Space heating using a principle electric heat pump system with possible ancillary electric resistive heating is one of the most effective approaches to achieve this aim.

- *Included providing land for community gardens and local agriculture.* This is added as a policy priority and a specific project under 'Sustainability'. This was a need identified during a number of public 'sustainability sessions' held by JCOS during 2017/18. CBJ Parks and Recreation Department will be making some acknowledgement of demand in their upcoming Comprehensive Plan. There was some concern that this additional item would make the list too long. ***The Commission should discuss if this item should be removed.***
- *The reconstruction of Capital Avenue has been added to the specific project list.* Last year's CIP identified it for funding in FY2020. There are a number of issues that CBJ can begin working on now in preparation for the construction including the complex right-of-way and land ownership issues that may need Planning Commission action. This is a high priority project in the Willoughby District Land Use Plan and a priority project in the 2009 Juneau Non-motorized Transportation plan.
- *Amended the recommendation on installing Electric Vehicle charging infrastructure for all street reconstruction projects.* This recognizes the economic and practical limitations on doing so when the project is only a resurfacing that would not provide the opportunity for new sidewalk conduit etc.

Recommendation

Staff recommends that the Planning Commission consider any additional amendments to the attached memorandum and then forward the memorandum to the Director of Engineering and Public Works, and the Assembly Public Works and Facilities Committee.



Planning Commission

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Date: November 19, 2018

From: Benjamin Haight, Chair
 Planning Commission

To: Mike Vigue, Director of Engineering
 Assembly Public Works and Facilities Committee

Subject: Planning Commission CIP Recommendations, 2020-2025

BACKGROUND

Each year, the Planning Commission is tasked with reviewing and recommending to the Assembly whether to approve the Borough's six-year Capital Improvement Program (CIP). The Commission understands that this review is intended to ensure that the CIP is consistent with the Comprehensive Plan and other City and Borough plans, such as the Land Use Master Plan, Juneau Economic Development Plan, and Climate Action and Implementation Plan.

Over the last three years, in coordination with the CBJ Manager's Office and CDD Director, Planning Commission has worked to make its review of the CIP list more meaningful by allowing for an early recommendation of Planning Commission priorities in addition to the final CIP review before formal Assembly adoption. Planning Commission comment on the draft CIP document early in the review process allows earlier recommendations for review and inclusion by the Manager's Office and Borough Assembly as the CIP list is assembled.

It is intended that the Planning Commission's annual review will continue to follow the general format established here, allowing subsequent reviews to track progress on these goals as a way to help foster consistency and achieve results. In addition, the Planning Commission is working to ensure additional opportunities for public input to the CIP review process.

COMPREHENSIVE PLAN REVIEW

Before addressing specific recommendations, the Planning Commission notes that review and approval of the CIP reinforces the recognized need to review and update the Comprehensive Plan. An update to the Comprehensive Plan will help ensure that the City's CIP priorities are aligned with the community's vision and priorities. In addition, part of revising the Comprehensive Plan will be to harmonize and appropriately integrate other City and Borough plans. That process should help identify priorities and ensure that input from the Planning Commission, other bodies, and the public can be meaningful.

PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission has structured its review to include both a summary of general *Policy Recommendations* that fall under the Planning Commission's purview, as well as a list of recommended *Specific Projects* that follow from the general recommendations. These recommendations are offered to help ensure that the Borough's broad development and planning needs are met.

A. Policy Recommendations

The Planning Commission has identified three general categories that are relevant to its review authority and that should inform an evaluation of the consistency of potential capital improvements with the Comprehensive Plan: *Housing*, *Community Vitality*, and *Sustainability*. The following general goals reflect those priorities and draw from current City and Borough plans:

Housing

1. Develop incentive programs to promote new housing development. Such programs should derive from recommendations of the CBJ Housing Officer, Committee on Affordable Housing, Economic Development Plan, and the Housing Action Plan.
2. Focus housing initiatives in the near-term on Downtown, which the Commission identifies as under-served by CBJ efforts to improve and increase housing stock Borough-wide.
3. Explore public/private mechanisms to help create new or renovated housing inventory, with a focus on under-utilized facilities in the Downtown core.

Community Vitality:

1. Focus on Downtown improvements, given the rapidly increasing levels of seasonal visitation. Projects should address vehicular and pedestrian traffic congestion, waterfront and sea walk development, lessening of homeless impacts, and increased full-year economic vitality.
2. Initiate goals from the Lemon Creek Area Plan. This planning process was undertaken by CBJ as a way for the community to articulate goals for Lemon Creek, and to identify priority CBJ projects, including recreational areas, parks, trails, and community facilities.
3. Strengthen the CBJ Land Management Plan including by working across CBJ departmental land designations to prioritize parcels for acquisition or disposal relative to CBJ and community needs, including housing, infrastructure, and recreation.

Sustainability:

1. Prioritize and enact recommendations from the Climate Action and Implementation Plan and Juneau Renewable Energy Strategy.
2. Prioritize recycling and landfill diversion strategies, such as organic waste composting, and work toward waste volume reduction while long-term waste solutions are studied.
3. Encourage greater local food production opportunities by allowing land throughout the Borough unsuitable for other immediate development to be made available to the public for use as community gardens or commercial agriculture operations.

B. Specific Projects

The following projects would implement Planning Commission priorities from the general policy goals above, and are recommended for CBJ action:

- Housing: Implement an incentive program for the creation of new apartments in Downtown mixed-use facilities. The focus should be on underutilized properties. Recent 1% sales tax funds may be an appropriate funding source.
- Community Vitality: Implement capital project improvements from the Lemon Creek Area Plan. Of these potential projects, a new bike trail linking Twin Lakes, crossing the wetlands, Lemon Creek, and connecting to Glacier Highway near Switzer Creek is a priority. This bike trail aligns with the 2001 Area-wide Transportation Plan and the Lemon Creek Plan. It would provide recreational access to undeveloped and attractive Lemon Creek areas, and better link Lemon Creek residents in a positive way with adjoining Juneau neighborhoods.
- Housing: Support development and implementation of a residential energy efficiency program to reduce costs of heating and utilities. Improved efficiency, and conversion from electric resistance and oil heat to heat pumps recognizing the benefits of Juneau's hydroelectric power, will contribute to CBJ goals of improving housing affordability, shifting to renewable energy, and reducing GHG emissions, while creating new jobs.
- Community Vitality: Implement a seasonal Downtown circulator with simple on/off transit nodes that link primary pedestrian areas, including the Tram/Dock area, Transit Center, and Willoughby District. This step would lessen traffic congestion in the downtown core, particularly South Franklin Street. Great enthusiasm has been shown for this step in on-going "Blueprint Juneau" studies, with a further recommendation to utilize electric buses.
- Community Vitality: Ensure funding for reconstruction of Capital Avenue between Willoughby Avenue and Ninth Street remains allocated for FY2020 as shown in the FY19-24 CIP. Work should begin on known land ownership and underground infrastructure issues in preparation for construction. This is an important non-motorized link to the Willoughby area and a sidewalk along this street was identified as a specific walking connection need in the 2012 Willoughby District Land Use Plan and was also identified as a priority in the 2009 Non-motorized Transportation Plan.
- Housing: Continue to develop an updated mass wasting study across the downtown area. A new study would have several benefits, including the potential to increase the inventory of developable land and to remove financing barriers where regulatory and development ambiguity exists. A study would have the benefit of providing a better understanding CBJ liability and establishing a more accurate risk assessment.
- Sustainability: Develop a community-wide Electric Vehicle (EV) plan that supports adoption of EV's, acknowledges EV benefits, and encourages and coordinates public and private development of charging infrastructure. Such a plan would include consistent EV parking and charging policies and signage, require that all CBJ construction and street projects plan for and incorporate EV charging infrastructure where economical and practical, and require appropriate wiring in new residential and commercial construction.

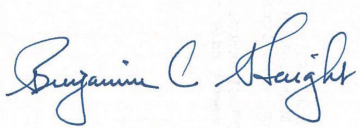
- Sustainability: Develop and implement procedures to develop a baseline understanding of city energy use and utilities infrastructure. The city can use tracking software to monitor and report CBJ energy use and costs consistently across all departments and facilities. This will provide necessary information to guide future CIP decisions and to better understand the energy efficiencies that can be gained. These actions are recommended in the Comprehensive Plan, the Juneau Climate Action and Implementation Plan (2011), the Juneau Renewable Energy Strategy (2018), and in the Juneau Commission on Sustainability's Annual Reports and CIP recommendations 2016-2018.
- Sustainability: Initiate a study of opportunities for organic waste composting and begin planning and design for a composting facility at the landfill.
- Sustainability: Develop a publicized process for land throughout the Borough unsuitable for other immediate development to be made available to the public for use as community gardens or commercial agriculture operations. Modest funding should be allocated to assist in initial development of improvements to these gardens.



Planning Commission

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Date: November 28, 2018

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To: Mike Vigue, Director of Engineering
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Assembly Public Works and Facilities Committee

CIP Recommendations

November 28, 2018

Page 4 of 4

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