

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau Ben Haight, Chair

July 25, 2017
Assembly Chambers
7:00 PM

- I. ROLL CALL
- II. APPROVAL OF MINUTES
- III. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE
 - A. Additional Materials
- IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- V. PLANNING COMMISSION LIAISON REPORT
- VI. RECONSIDERATION OF THE FOLLOWING ITEMS
- VII. CONSENT AGENDA
 - A. USE2017 0013: A Conditional Use Permit to allow the operation of a marijuana cultivation facility on a General Commercial zoned lot.
- VIII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS
- IX. UNFINISHED BUSINESS
- X. REGULAR AGENDA
 - A. CSP2017 0011: Consistency review for disposal of CBJ owned property; Lot 4 and Lot 5, Renninger Subdivision, Lemon Creek.
 - B. CSP2017 0012: Consistency review for disposal of CBJ owned property; Lot 2, Renninger Subdivision, Lemon Creek.
 - C. USE2017 0015: Conditional Use Permit to allow a commercial hydroponic vegetable farm in a D5 zoning district.
 - D. USE2017 0016: A Conditional Use Permit to allow the encroachment into a rear yard setback that abuts publicly owned land.
- XI. BOARD OF ADJUSTMENT
- XII. OTHER BUSINESS
- XIII. DIRECTOR'S REPORT
- XIV. REPORT OF REGULAR AND SPECIAL COMMITTEES
- XV. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XVI. ADJOURNMENT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers

7:00pm

Meeting Date: July 25, 2017

1. CSP2017 0011 and CSP2017 0012:

- a. Memo from Beth McKibben, AICP, Planning Manager, dated 7/25/17

2. USE2017 0015:

- a. Public Comment from Robert Venables, received 7/21/2017
- b. Public Comment from Brian Holst, received 7/25/2017



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

MEMO

Date: July 25, 2017

From: Beth McKibben, AICP, Planning Manager
Community Development Department 

To: Planning Commission

Case Nos.: CSP2017 0011 & CSP2017 0012

Proposal: Consistency review for disposal of CBJ owned property, Lots 2, 4, & 5, Renninger Subdivision, Lemon Creek

RE: REVISED RECOMMENDATION

Staff recommends that the Planning Commission find CSP2017 0011 to be consistent with adopted local plans and polices, as required by CBJ 49.10.170(c), CBJ 49.15.580 and CBJ 53.09.260 and forward to the Assembly a recommendation for approval to allow for the sale of Lot 2 Renninger Subdivision by negotiated sale, and Lots 4 & 5 Renninger Subdivision by sealed competitive bid and over the counter sale. This recommendation is based on the following condition:

1. Consider requiring the development of the maximum practical number of units per lot as a condition of the sale for lots 2, 4, and 5.

From: Brian Holst <bholst@jedc.org>
Sent: Tuesday, July 25, 2017 8:21 AM
To: PC_Comments
Cc: Allen Butner
Subject: Juneau Hydroponic farm

Dear Planning Commission,

We have had the opportunity over the last several years at JEDC to learn and follow the plans of Terra Mar Hydro Farms, LLC, owned by Allen and Gerri Butner. They have a vision to provide hydroponically raised produce for local consumption. Providing locally grown, high-quality produce, is good for Juneau consumers and our local economy (less money will leave Juneau to import food here) and also increases our own food security. Allen Butner has been persistent in his vision to develop this production capability in our community and has worked for several years to make this a reality.

The Terra Mar Hydro Farms has commitments that will allow them to commercialize their product in Juneau, including supermarkets and restaurants. Allen will also be able to hire additional employees as production expands. Hydroponics is growing in popularity and has been proven to be viable in other communities in Alaska.

At the JEDC, we recognize the difficulties involved in starting and successfully running companies in our community. We appreciate the particular challenges of agricultural production in Alaska and also the opportunity it represents for our community and our state.

We urge you to consider every possible way you can assist Allen and Gerri Butner and their Terra Mar Hydro Farms project to be successful and ask that you give them every consideration of their permitting request.

Regards,

Brian

Brian Holst | Executive Director

[Juneau Economic Development Council](#)

Direct: 907-523-2333 | 612 West Willoughby Avenue

Invest in Juneau: www.JEDC.org/investors



From: Robert Venables <venables@aptalaska.net>
Sent: Friday, July 21, 2017 1:13 PM
To: PC_Comments
Cc: butner2272@gmail.com; robert@seconference.org
Subject: Support for hydroponic farming



July 21, 2017

Juneau Planning Commission
Via email

Re: Conditional Use Permit to allow a commercial hydroponic vegetable farm

Dear Planning Commissioners:

The mission of Southeast Conference is to undertake and support activities that promote strong economies, healthy communities and a quality environment in Southeast Alaska – tenets shared in the Juneau Comprehensive Plan. We have been made aware of the agenda item to allow, with conditions, the development of hydroponic farming and would like to offer our support for this venture. Not only could this lead to significant economic activity in Juneau, it could be a model for other parts of the region and state.

We would also ask that consideration be made to minimize the restrictions and conditions placed on small businesses, especially agricultural operations that are already economically challenged. Thank you in advance for the support and approval of this application. Please contact me if there are any questions at robert@seconference.org.

Robert Venables
Southeast Conference



This email has been checked for viruses by Avast antivirus software.
www.avast.com



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
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July 25, 2017

MEMO

From: Allison Eddins, Planner II *A. Eddins*
Community Development

To: CBJ Planning Commission

RE: Blue Folder Item for USE 2017-0015

Staff is recommending approval of the conditional use permit USE2017 0015 with three conditions that relate to the 20 percent vegetative cover requirements in Title 49. The conditions staff is recommending are:

1. A vegetative cover plan shall be provided indicating how the 20 percent minimum is met, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structures.
2. The applicant shall plant or bond for the installation of a minimum of 1,961 square feet of required vegetation prior to the issuance of a Certificate of Occupancy.
3. The vegetative cover areas shown on the plan submitted shall be maintained with live vegetative cover.

The applicant provided a vegetative cover plan on the afternoon of Friday, July 22nd that shows he is meeting the 20 percent requirement. (See attached) Staff recommends that the conditions remain in place. When the applicant applies for a building permit and/or a Certificate of Occupancy these conditions will be marked as met.

Site Plan



Site plan showing the expected placement of the container vans on the property

Area	Sq Ft	Description
33x32	1056	Front yard
22.5X6	135	Front flower garden
27X3.5	94.5	Flower Garden On Shop side
3X3	9	Space behind shop
15X15	225	Corner behind swings
9X18.5	166.5	By Hose Spigot
12X3	36	Under window by shed
31.5X11	346.5	By Oil tank
6X100	300	Triangle on shop side
24X30	0	Triangle under swings - Not currently vegetated but easily could be
Total	2368.5	

Lot Sq Ft	9806
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24%

Area	Sq Ft	Description
33x32	1056	Front yard
22.5X6	135	Front flower garden
27X3.5	94.5	Flower Garden On Shop side
3X3	9	Space behind shop
15X15	225	Corner behind swings
9X18.5	166.5	By Hose Spigot
12X3	36	Under window by shed
31.5X11	346.5	By Oil tank
6X100	300	Triangle on shop side
24X30	360	Triangle under swings - Not currently vegetated but easily could be
Total	2728.5	

Lot Sq Ft	9806
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28%



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

DATE: July 14, 2017

TO: Planning Commission

FROM: Allison Eddins, Planner
Community Development Department

FILE NO.: USE2017 0013

PROPOSAL: A Conditional Use Permit to allow the operation of a marijuana cultivation facility on a General Commercial zoned lot.

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

GENERAL INFORMATION

Applicant: Alaska Pacific Gold, Inc.

Property Owner: Ken Williamson

Property Address: 5450 Jenkins Drive, Unit A

Legal Description: Lemon Glacier, Lot 4

Parcel Code Number: 5B1201010060

Site Size: 25,342 sq. ft.

Comprehensive Plan Future Land Use Designation: (C) Commercial

Zoning: (GC) General Commercial

Utilities: City water and sewer

Access: Jenkins Drive

Existing Land Use: Marijuana Test Facility/Auto Repair

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Surrounding Land Use:

North	- Industrial / Storage facilities
South	- General Commercial/ Large equipment rental & Single room occupancy residences
East	- General Commercial/ Large office facility
West	- General Commercial/ Warehouse

VICINITY MAP



ATTACHMENTS

Attachment A – Conditional Use Permit Application
Attachment B – Project Narrative
Attachment C – Site Plan
Attachment D – Circulation Plan
Attachment E – Floor Plan
Attachment F – Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 2,160 square foot marijuana cultivation facility in a General Commercial zoned area.

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BACKGROUND

The location of the proposed cultivation facility is on Lot 4 of the Lemon Glacier Subdivision, accessed by Jenkins Drive. The subdivision was platted in 1977. There are two metal warehouse-style buildings on the subject lot. One building is on the northern half of the lot. This building has two units, Unit A and Unit B, and received a building permit in 1981. The proposed marijuana cultivation facility will be located in Unit A. The second building is on the southern half of the lot. A Conditional Use Permit for a marijuana testing facility was approved with USE2016 0022 to be operated in Unit B. There is a second building on this lot that is not included in this Conditional Use Permit application. This building is currently used as an equipment repair shop by the Alaska Department of Fish and Game (ADFG).

INTERNAL REVIEW & PUBLIC COMMENT

The application was provided to applicable CBJ departments and external agencies for review and comment. The Building Division, General Engineering, and Capital City Fire and Rescue did not have any comments on this application.

No public comments have been received for this project.

ANALYSIS

The applicant has submitted an application to the State of Alaska Marijuana Control Board and will obtain a CBJ Marijuana License if both the state license and this Conditional Use Permit (CUP) are approved. The inspection required for the CBJ marijuana license will ensure that the applicant is held to the plans as submitted, special use requirements found in CBJ 49.65.1200, and any conditions required by this permit.

According to CBJ 49.65.1245(e), an approved Conditional Use Permit for marijuana establishments is subject to review by the Commission every five years from the date of issuance.

Project Site – The marijuana cultivation facility will be located in Unit A. As mentioned above, a marijuana testing facility is approved to operate in Unit B. The building is 3,200 square feet in total; Unit A is 2,160 square feet.

The lot is 25,322 square feet. The minimum required lot size in a General Commercial district is 2,000 square feet. The setback requirement is 10 feet for all lot lines. The lot is adjacent to an Industrial zoned district. CBJ 49.25.400 states that when two zoning districts abut one another, the greater of the two setbacks is required for both lots. The setbacks for the Industrial district are 10 feet for the front and rear lot lines and zero feet for side lot lines. The site plan provided

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with the application shows the existing buildings meet the required setbacks. A recent site visit confirmed that the 10 percent vegetative cover requirement is also met. The site is accessed by Jenkins drive and is generally level.

Indoor storage facilities are located directly across the street to the north and adjacent to the subject lot to the west. The Tlingit and Haida Regional Housing Authority office is located on the adjacent lot to the east. The Bobcat and U-Haul businesses and the new Housing First residential facility are located to the south of the proposed marijuana cultivation facility.

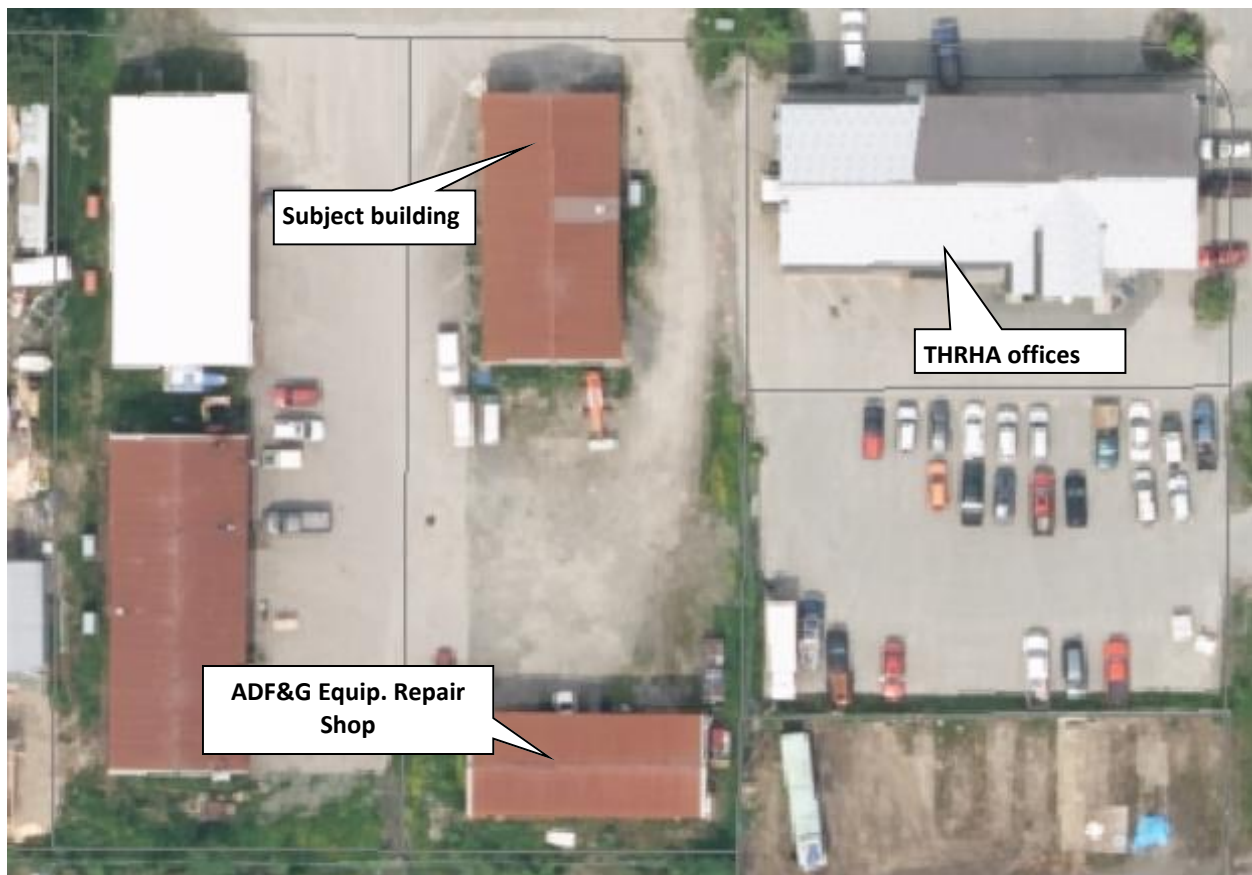


Figure 1: Aerial of site

Project Design – The cultivation facility will be located in Unit A of the northern building and will be 2,160 square feet in size. Unit A has two outside entry doors, one garage door, and no windows. Steel security doors with commercial grade locks and two exterior surveillance cameras will be installed. Exterior security lights will be installed above both entry doors and the garage door. The lighting will be installed to illuminate the entry ways and will not negatively impact neighboring lots. The marijuana will be grown in a large open area with separate rooms for curing and packaging the product. The facility will have a small security

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screening foyer where visitors will enter. The facility will also have a small secure room for storing surveillance equipment and a small storage closet (see Attachment E). The applicant anticipates having one full-time employee and two part-time employees.

CBJ 49.65.1245 identifies additional requirements for marijuana facilities. Those requirements are reviewed in detail, below.



Figure 2: Unit A as seen from Jenkins Drive

Security – According to CBJ 49.65.1245(a) (2), applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring, and commercial grade door locks.

As mentioned previously, the applicant plans to replace the existing exterior entry doors with steel doors. Each door will have a commercial grade lock and above each door will be a motion-activated security light and surveillance camera. Staff recommends as a condition of approval that no offsite glare shall be produced by exterior doorway lights.

The cameras will cover a minimum 20 foot wide span around each door, in compliance with state regulations (see Attachment B). There will be 11 surveillance cameras and an alarm system installed inside the facility. Each room will have at least one camera and the alarm system will have door sensors and motion detectors.

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All visitors will enter through the secure foyer and will have their I.D.s checked before being allowed into the rest of the facility. All visitors will be accompanied by an employee at all times.

Staff recommends the following as conditions of approval:

- Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
- Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity.
- Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the facility has adequate surveillance coverage.

Ventilation & Filtration/Odor – Most of the air within the facility will be recirculated. HEPA filters will be used to keep mold, mildew, and fungus under control. For air that is not recirculated, the applicant plans to use carbon filters and fans to remove any noxious odor before any air is exhausted out of the building. The ventilation and odor filtration system will be included for review during the building permit process.

The applicant plans to use CO₂ (carbon dioxide) to enrich the plants. The CO₂ will be kept in tanks inside the facility in a safe and secure location. The CO₂ equipment will be in compliance with the state and local regulations and will be inspected by the CBJ Fire Marshall. CO₂ levels will be automatically monitored through the facility's alarm system.

Fungicides, Pesticides and Fertilizers – The applicant plans to use non-toxic products such as vinegar, hydrogen peroxide, and Dawn dish soap for pest and fungus control. To fertilize the plants, the applicant plans to use a formula consisting of cottonseed meal, phosphate, wood ash, limestone and kelp meal. This formula is approved by the Alaska Department of Environmental Conservation to be used on marijuana crops.

Waste Disposal – Most of the non-usable material will be logged into the METRC system, ground down, and mixed with compost before being disposed of at the city landfill as required by state regulations. Some of the material may be reused in the cultivation process. All waste water associated with the cultivation process will either be recycled within the facility or used for watering the outdoor landscape.

It is recommended as a condition of approval that all waste containing marijuana product be stored in a locked enclosure until transport to the landfill.

Screening – CBJ 49.65.1245(a) (4) prohibits marijuana product from being visible to the general public from the right-of-way. As mentioned earlier, the facility has no windows and therefore it is not possible to see inside the facility.

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CBJ 49.15.330 (g) identifies the general items that must be reviewed for all Conditional Use Permits. Those items are reviewed in detail, below.

Traffic – Traffic to and from the site will consist of employees and supply deliveries. The facility will have one full-time employee and two part-time employees. It is estimated that supply deliveries will happen on a weekly or bi-weekly basis. The marijuana product grown at this facility will be securely walked to Unit B for testing thus decreasing the estimated traffic levels. Supply deliveries such as CO₂ will occur infrequently. The area surrounding the site is mostly commercial, storage, and industrial uses. The traffic generated by this cultivation facility is unlikely to have an impact on the overall traffic in this area.

Parking and Circulation – Minimum parking requirements are calculated according to use listed in CBJ 49.40.210. However, marijuana cultivation is not listed. Title 49 provides direction for this type of circumstance.

CBJ 49.40.210 (3) Uses not specified. In the case of uses not listed, the requirements for off-street parking shall be based on the requirements for the most comparable use specified.

Marijuana cultivation facilities have previously been categorized similarly to a warehouse/storage facility. Most recently this was applied to USE2017 0006 for a marijuana cultivation facility in an Industrial zone. The minimum parking requirement for a warehouse/storage facility is one space per 1,000 square feet of gross floor area.

Use	Use parking space requirement	Size of use	Parking spaces required
Marijuana Cultivation	1 per 1,000 sf	2,160 sf	2
Marijuana Testing	1 per 1,000 sf	1,040	1
Marijuana Testing Office	1 per 300 sf	200	1
Total			4

Title 49 requires one ADA accessible space for each 25 parking spaces required. ADA accessible parking spaces are required to be 13 feet by 17 feet, including an access aisle that measures 5 feet by 17 feet. This requirement was met when the marijuana testing facility received its Conditional Use Permit, USE2016 0022. The applicant's site plan shows sufficient parking being provided in the rear of the building (see Attachment C). The circulation plan submitted by the applicant illustrates that the site provides adequate site circulation into and out of the site (see Attachment D). The equipment repair shop has a separate parking area, and its parking needs were not reviewed with this permit.

Noise – Noise is not expected to be a concern with this development. Surrounding uses include an equipment repair facility, multiple mini storage facilities, a heavy equipment rental business,

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a furniture warehouse, a beverage distributor, and a large office space. All of these uses generate noise beyond that which is expected with this cultivation facility.

Public Health or Safety – Several aspects of public health and safety related to a marijuana cultivation facility were addressed in previous sections of this report including CO₂ use, security, and odor management. CO₂ will be used in the cultivation process and governed by the requirements found in the International Fire Code and CBJ Title 19, the Building Code. CO₂ levels used to grow marijuana are well below the safe limits for sustained human exposure prescribed by OSHA at 5,000 ppm. However, a CO₂ monitoring system will be in place to alert if CO₂ levels reach an unsafe threshold.

The applicant's proposal meets all the state and local requirements for security including an alarm system, video surveillance, lighting, door locks, and appropriate signage. Finally, HEPA filters will be used in all grow rooms in the ventilation and filtration system to manage marijuana odor.

According to the International Building Code Handbook, a marijuana testing facility is "B" occupancy and a cultivation facility is "F1" occupancy. No fire separation is required between these two use types. Any building permits needed for the interior remodel will be subject to further review to ensure all relevant CBJ code requirements are met.

Habitat – No habitats regulated by Title 49 will be affected by this development.

Vegetative Cover – CBJ 49.50.300 requires a minimum of 10 percent live vegetative coverage on lots in General Commercial districts. For this lot it means that 2,534 square feet of live vegetation is required. By using aerial photography and a recent site visit, staff estimates the vegetative cover to be approximately 2,850 square feet, or 11 percent.

Property Value or Neighborhood Harmony – As mentioned previously, the site is located near several storage facilities, a large equipment retail facility, a large office facility, a single room occupancy residential facility, and other commercial and industrial type uses. A marijuana cultivation facility use that has been found to be appropriate in a General Commercial district and with the appropriate conditions is not anticipated to have any negative impacts on surrounding property value or neighborhood harmony. At the time this staff report was written, one comment in the form of a phone call had been received about this project. The caller had general questions about legalized marijuana and expressed no concerns with this particular project.

Conformity with Adopted Plans - The proposed development is located in the Subarea 5 of the Comprehensive Plan (Switzer Creek, Lemon Creek, and Salmon Creek). The proposal is compatible with the guidelines and considerations for this area.

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The subject lot is designated as Commercial in the Comprehensive Plan Land Use maps. Commercial lands are identified as having a mix of retail, offices, and higher density housing. This would suggest future zoning of General Commercial or Mixed Use may be appropriate for the area. Marijuana cultivation is allowed in General commercial but not Mixed Use zoning districts.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

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 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,

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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 14.240 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 July 14, 2017 and July 24, 2017 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. Additionally the proposed development, with the recommended conditions, complies with CBJ 49.65.1245.

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

No. The applicant has proposed a surveillance and security system and these will be inspected to ensure that they meet minimum state and local regulations. Further, much of the use, aside from employee and other occasional delivery traffic, is indoors in a secure facility where unescorted non-employees are not permitted.

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

No. Surrounding uses have similar or more intense off-site impacts such as noise and traffic. The proposed marijuana cultivation facility is not expected to decrease the value of or be out of harmony with property in the neighborhood.

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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. The development of private businesses in Juneau is supported by the Comprehensive Plan. Further, the Heavy Industrial land use designation supports agricultural uses.

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 grant the requested Conditional Use permit. The permit would allow the development of a 2,160 square foot marijuana cultivation facility in a General Commercial zoning district.

The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. No offsite glare shall be produced by exterior doorway lights.
3. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
4. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity.
5. Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the facility has adequate surveillance coverage.

DEVELOPMENT PERMIT APPLICATION

Project Number Use 2017 0013	CITY and BOROUGH of JUNEAU	Date Received: 5/31/17
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description The setup and use of a designated area of the existing structure located at 5450A Jenkins Dr. to operate a marijuana cultivation facility.		
	PROPERTY LOCATION		
	Street Address 5450A Jenkins Dr.	City/Zip Juneau, 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) The proposed building for use is at 5450A Jenkins Dr. Juneau, situated on Lot 4 Lemon Glacier Subdivision Lemon GLACIER LT4		
	Assessor's Parcel Number(s) 5B1201010060		
	LANDOWNER/ LESSEE		
	Property Owner's Name Ken Williamson	Contact Person: Ken Williamson	Work Phone: 907-789-0301
	Mailing Address PO Box 32801 Juneau, Alaska 99803	Home Phone:	Fax Number: 907-789-1493
	E-mail Address deltaak@ptialaska.net	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		<u><i>Ken Williamson</i></u> Landowner/Lessee Signature	3 May, 2017 Date
X		 Landowner/Lessee Signature	 Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Alaska Pacific Gold Inc.		Contact Person: Jessica Dreibelbis	
Mailing Address PO Box 32801 Juneau, AK 99801		Work Phone: 315-778-1469	
E-mail Address alaskapacificgold@gmail.com		Home Phone:	
		Fax Number:	
		Other Contact Phone Number(s):	
X	<u><i>Ken Williamson</i></u> Applicant's Signature	 Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)	
		Building/Grading Permit				
		City/State Project Review and City Land Action				
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
		Mining Case (Small, Large, Rural, Extraction, Exploration)				
		Sign Approval (If more than one, fill in all applicable permit #'s)				
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		5/31/17	Use 17-013	
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials TF via E-mail

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

TO BE COMPLETED BY THE APPLICANT

Page 1 of 2

DR GRADENS

5450A Jenkins Dr.

Juneau, AK 99801

RECEIVED
MAY 19 2017
PERMIT CENTER/CDD

Narrative

The facility is located at 5450A Jenkins Dr. Juneau, Alaska 99801. Lot 4 Lemon Glacier Subdivision: approx. 25,342 sq ft. Parcel # 5B1201010060. The proposed location in the building is currently used for equipment storage and will be modified to comply with local and state laws and regulations for a marijuana cultivation facility. The cultivation facility is in the North end of the building, tentatively to be 38'6" x 51'8". The separate tenant area 5450B (South end of the building) is currently a laboratory in the final processes of state licensing.

Jenkins Dr. is North of the building, Tlingit-Haida Regional Housing Authority to the East, Gordy's Auto Repair to the South, Juneau Glass is Southwest, the building to the West is owned/rented-out by the land owner as well as the two previously mentioned. The proposed building can be completely driven around and has ample parking for a dozen or more vehicles in my opinion. The anticipation is one (1) full time employee and two (2) part time employees for documenting, tending and harvesting of marijuana plants.

Floor Plan: See Attachment B.

Parking & Traffic Plan: Traffic circulation is to be counter-clockwise around the building. See Attachment A.

There will be two (2) parking spaces, in addition to one (1) handicapped parking space. See Attachment B.

Zoning: The property is zoned, General Commercial use under CBJ 49.25.300 section 3.5. Setbacks of 10' on all sides, building height is less than 45'. The classification for usage of the facility is "F1" Occupancy.

Ventilation/Odor & Noise: The facility air will be internally recirculated, HEPA filters will be implemented for the highest possible quality of air; keeping molds, mildews and fungus under control, in every room. Any exhaust air will be carbon filtered keeping possible odor under control in accordance to all applicable requirements. Noise is not expected to be of any concern to the neighboring

ALASKA-PACIFIC GOLD INC.

properties. It is anticipated that normal conversations will be held inside the facility without the need for raising one's voice over normal levels.

Security System: A security camera system will be installed to cover the interior of the facility and to cover a minimum of a twenty (20) foot span from the exterior doors. Said camera system will be comprised of at least thirteen (13) cameras will be installed. Eleven (11) of the cameras will cover all areas of the interior of the facility to meet or exceed state requirements, see Attachment B. Two (2) of the cameras will cover the exterior doors of the facility in accordance with state regulations. The exterior doors will be steel with commercial grade locks. Only authorized personnel will have clearance for entry with these devices. All non-authorized personnel will be screened in the screening room upon arrival at the facility and must be escorted by authorized personnel the entire the entire time while in the facility. An alarm security system will be installed that will integrate door sensors, PIR motion detectors and CO2 level will be monitored off site to comply with state regulations.

Exterior Lighting: Existing lighting is above both exterior doors and all sides of the building. See Attachment B, for locations of these placements.

Public Screening: There will not be any windows nor will there be any signage that would implicate the usage of the building. Marijuana product will be cultivated, tested, sold and transported in accordance with state regulations and CBJ regulations. Marijuana product will not be in site of the public. A "No Admittance Under 21" and "No Loitering" signs will be displayed and adhered to; to meet state and all other applicable regulations.

Waste Disposal: Waste water will be recycled within the facility and/or used for watering outdoor landscape. Solid waste product will be logged in the METRC system, composted and incorporated into the medium/recycled for usage to meet all state, federal and local regulations.

Chemicals: All chemicals used in the facility will be non-toxic, ecofriendly and biodegradable e.g. bleach, vinegar, hydrogen peroxide, etc.

Pest Management: A pest management program will be implemented and comprised of non-toxic products e.g. dawn dish soap, plant based/natural extracts etc.

Fertilizers: A standard fertilizer consisting of cottonseed meal, phosphate, wood ash, limestone and kelp meal is planned for fertilizing. Suppliers may change or new

findings may change components for fertilizing. All applicable regulations will be observed and adhered to in all instances. Only ADEC approved fertilizers will be used.

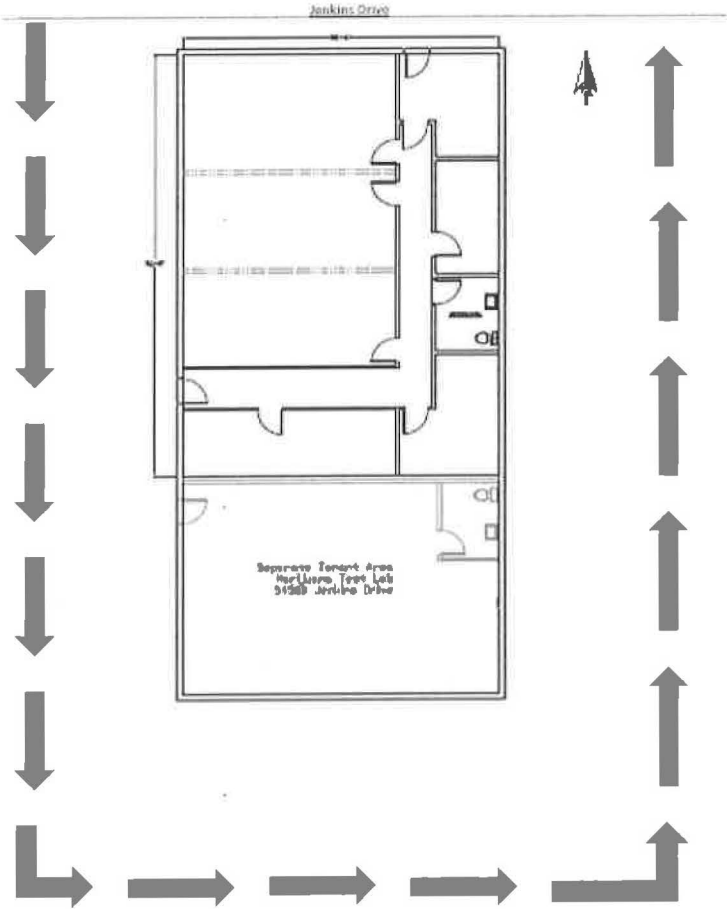
CO2: Carbon Dioxide will be used for the health and enrichment of the plants. Carbon Dioxide will be monitored and regulated throughout the facility to comply with all applicable regulations. CO2 will be kept in tanks inside the facility, will be refilled locally and stored to meet all applicable regulations. If in the future a CO2 generator is considered for usage; it will be permitted with the CBJ and in accordance to the City NFPA specifications.

ALASKA-PACIFIC GOLD INC.

Attachment B - Narrative

5/16/2017 5/18/2017

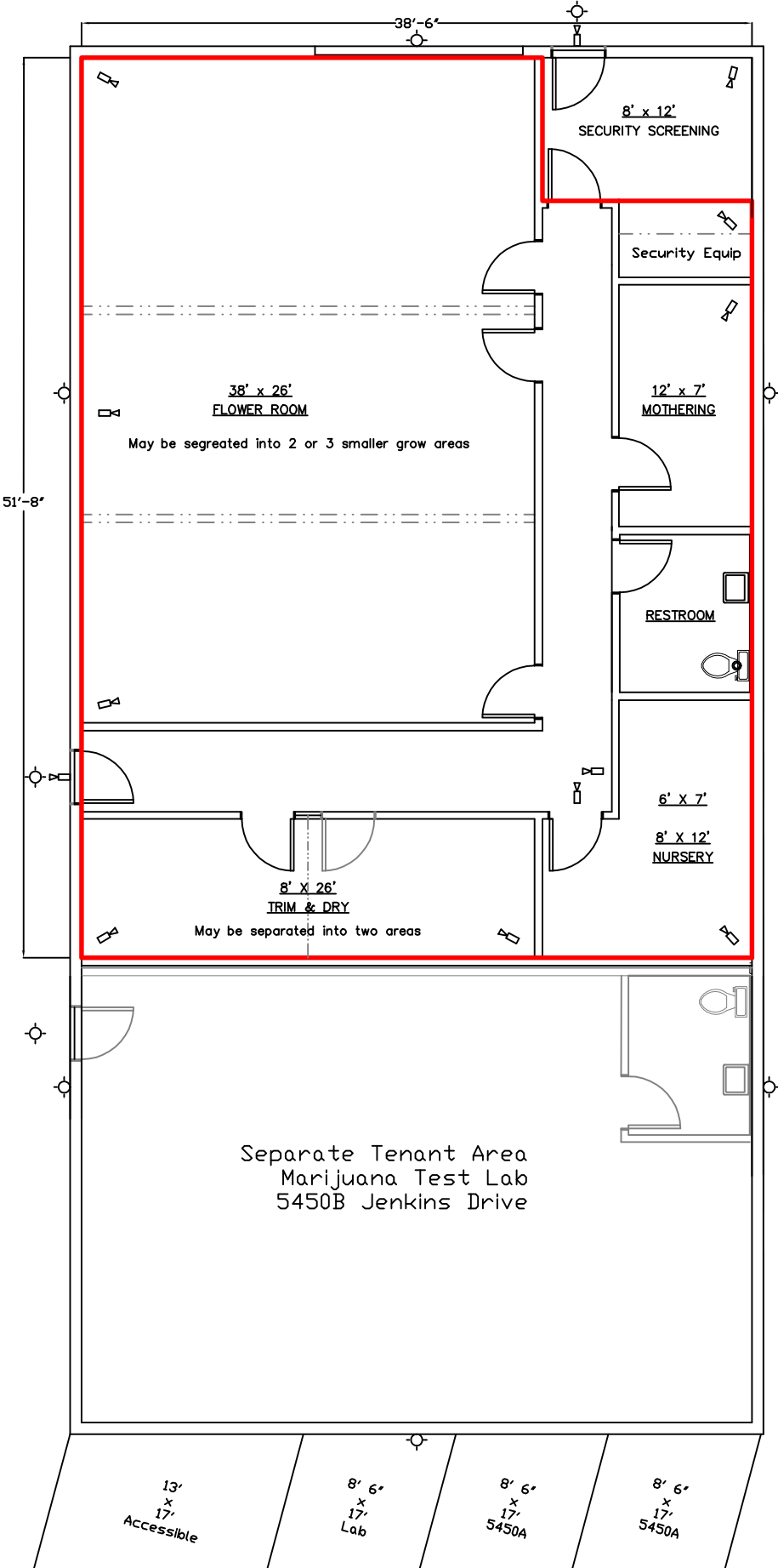




Traffic Flow Plan;
Attachment A

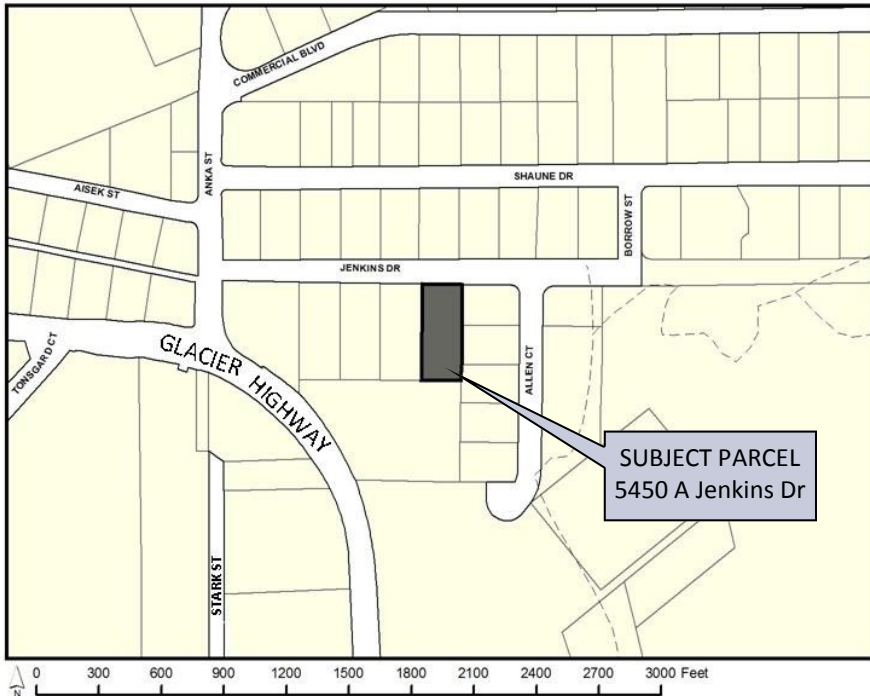
Attachment D - Circulation Plan

5450A Jenkins Drive



Attachment E - Floor Plan

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit to allow the operation of a marijuana cultivation facility on a General Commercial zoned lot.

File No:	USE2017 0013	Applicant:	Alaska Pacific Gold
To:	Adjacent Property Owners	Property PCN:	5B1201010060
Hearing Date:	July 25, 2017	Owner:	Ken Williamson
Hearing Time:	7:00 PM	Lot Size:	25,342 sq. ft.
Place:	Assembly Chambers	Zoned:	GC
	Municipal Building	Site Address:	5450 Jenkins Drive
	155 South Seward Street	Accessed Via:	Jenkins Drive
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

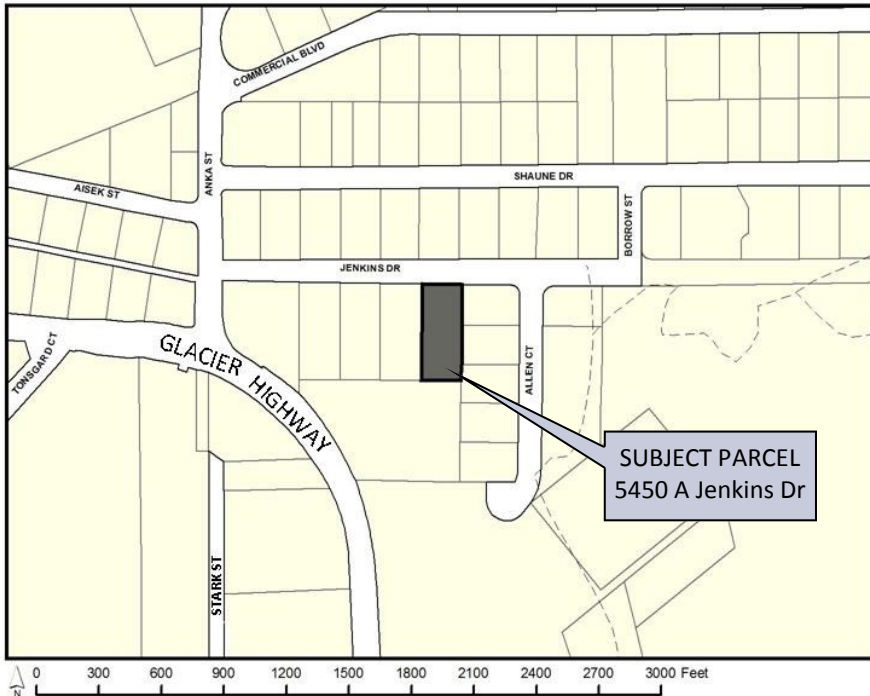
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Allison Eddins at Allison.eddins@juneau.org or (907) 586-0758.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



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**USE2017 0013 Conditional Use Permit to
allow a 2,160 square foot marijuana
cultivation in a General Commercial
zoning district.**

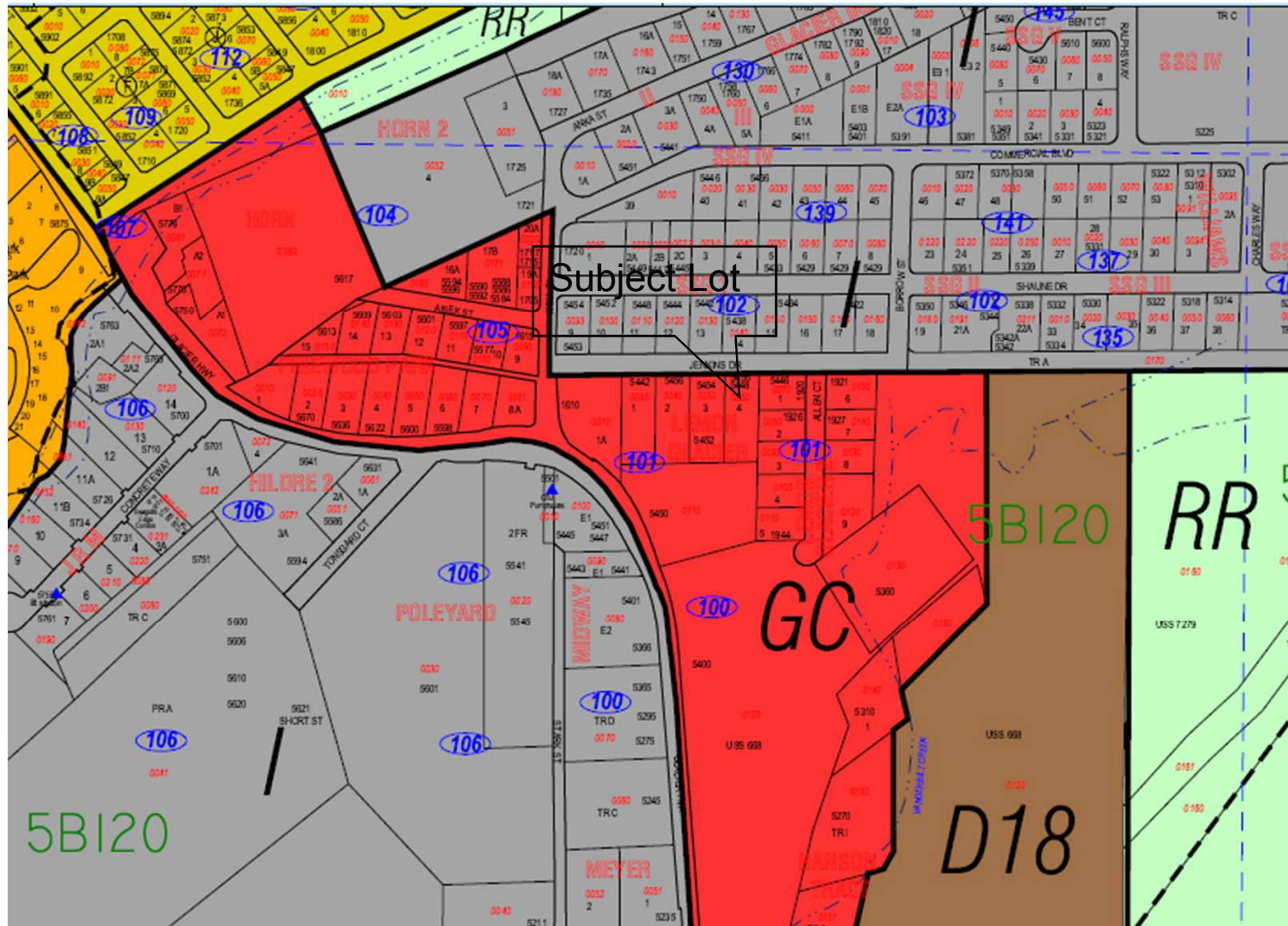
Regular Planning Commission Hearing

July 25, 2017



Applicant	Alaska Pacific Gold, Inc.
Property Owner:	Ken Williamson
Property Address:	5450 Jenkins Drive, Unit A
Legal Description:	Lemon Glacier, Lot 4
Lot Size:	25,342 Square Feet
Comprehensive Plan Future Land Use Designation:	Commercial
Zoning:	General Commercial
Utilities:	City water & sewer
Access:	Jenkins Drive
Existing Land Use:	Vacant warehouse – Unit A Marijuana Testing Facility – Unit B Equipment Repair Shop – separate building on same lot

Area Zoning



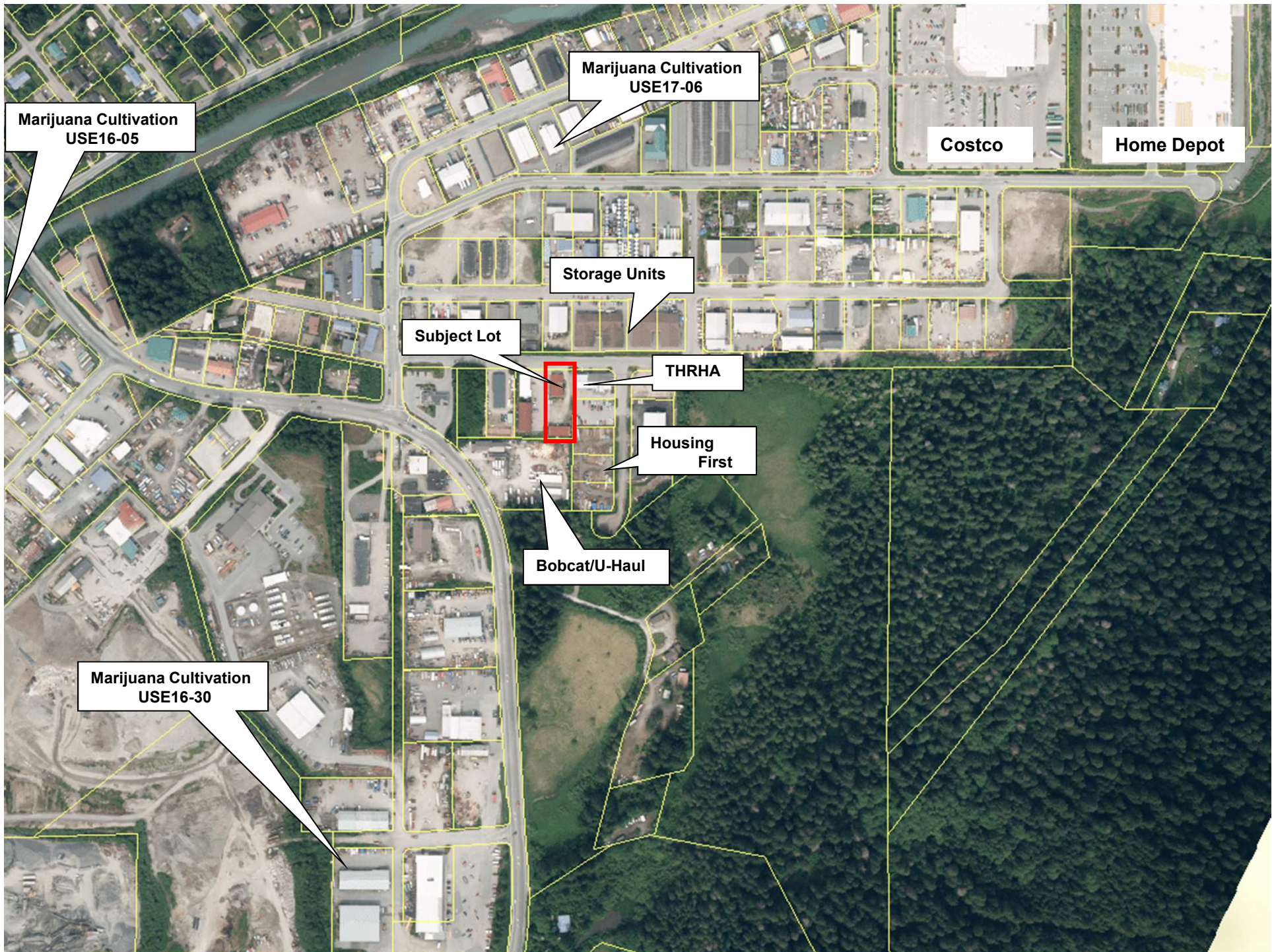
General Commercial zone

2,000 sf minimum lot size

10' front/rear/side yard setbacks

55'/45' height limit

No maximum lot coverage



Analysis

Marijuana Facility review criteria

- Security Plan
- Waste Disposal Plan
- Ventilation & Filtration Plan
- Screening Plan

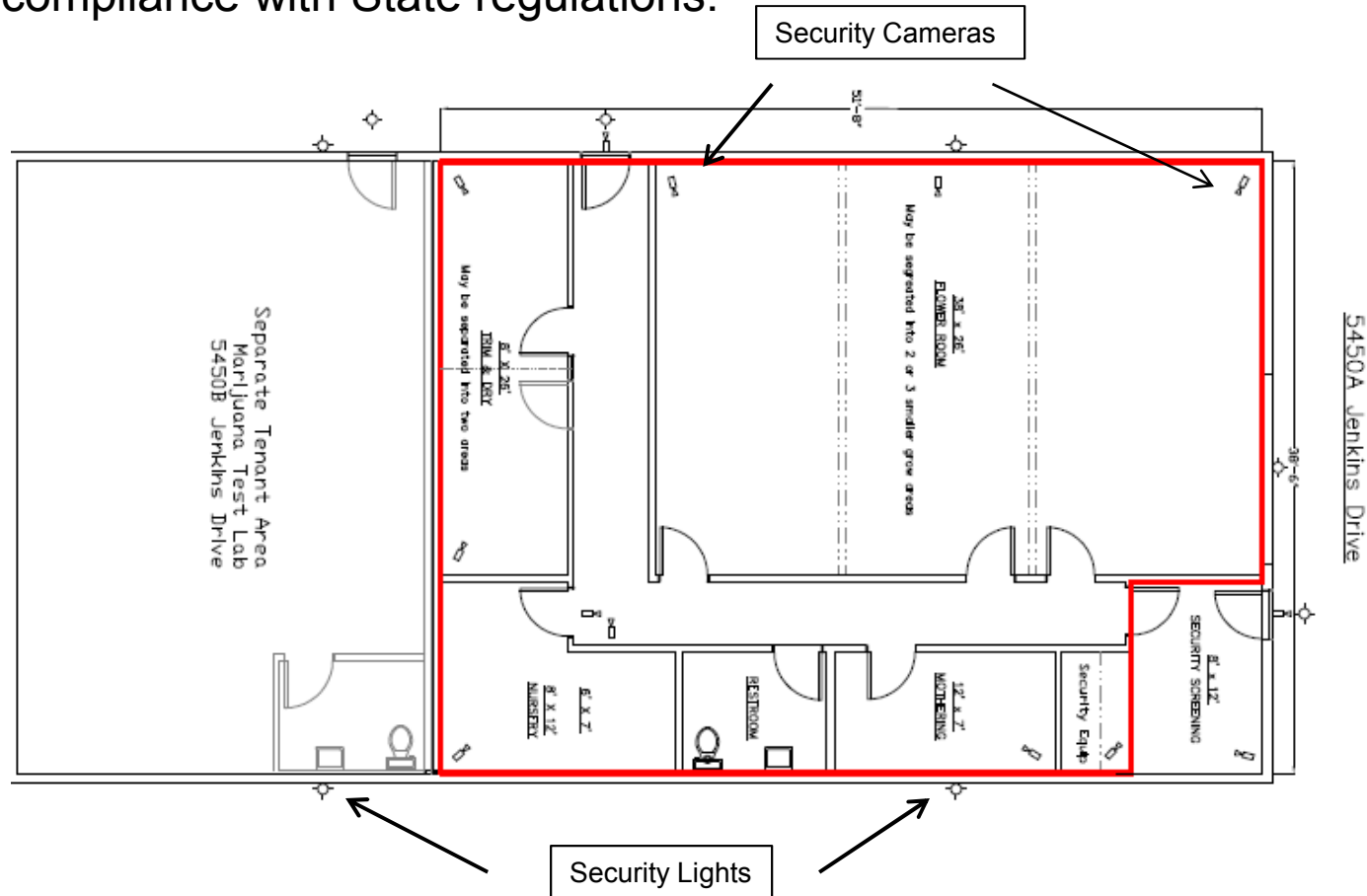
Floor Plan

USE17-13

Floor Plan

USE17-13

CBJ 49.65.1242(a)(2) requires a security plan demonstrating compliance with State regulations. [REDACTED]



Exterior Photo

USE17-13



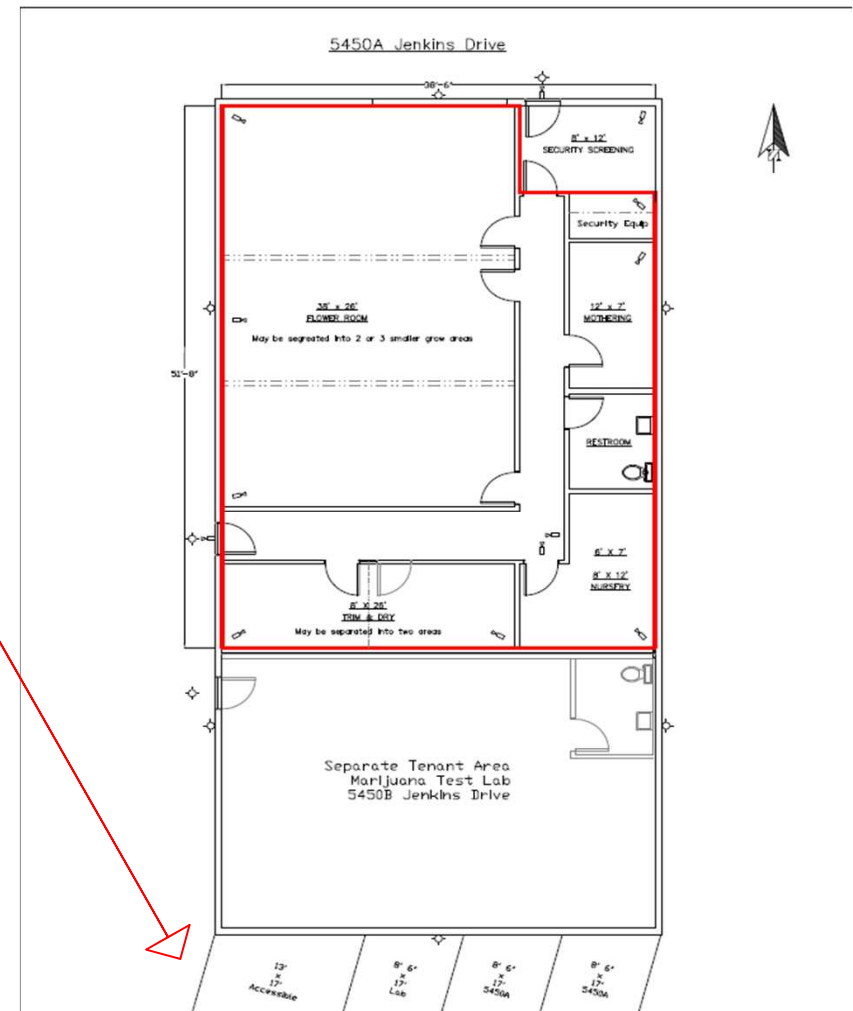
Site Plan and Parking

USE17-13

Use	Use parking space requirement	Size of use	Parking spaces required
Marijuana Cultivation	1 per 1,000 sf	2,160 sf	2
Marijuana Testing	1 per 1,000 sf	1,040	1
Marijuana Testing Office	1 per 300 sf	200	1
Total			4

CBJ 49.40.210 (3) Uses not specified

- Marijuana cultivation facilities have previously been categorized similarly to a warehouse/storage facility.



Analysis

Standard CUP review criteria

- Parking and circulation
- Traffic
- Noise
- Lighting
- Public health and safety
- Property value and neighborhood harmony
- Conformity with Comprehensive Plan

Land Use Designation: Commercial

**POLICY 5.1 TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY,
PROVIDING OPPORTUNITIES FOR EMPLOYMENT OF ALL RESIDENTS.**

**POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP
AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST
ALASKA.**

1. Is the application for the requested conditional use permit complete?

Yes.

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

Yes.

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

Yes.

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

No.

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

No.

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

Yes.

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **grant** the requested Conditional Use permit, USE2017 0013.

The permit would allow for the development of a 2,160 square foot marijuana cultivation facility in a General Commercial zoning district.

The approval is subject to the following conditions:

- 1.All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
- 2.No offsite glare shall be produced by exterior doorway lights.
- 3.Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
- 4.Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity.
- 5.Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the facility has adequate surveillance coverage.

QUESTIONS?



Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: August 3, 2017

Case No.: USE2017 0013

Alaska Pacific Gold, Inc.
P.O. Box 32801
Juneau, AK 99803

Proposal: A Conditional Use Permit to allow the operation of a marijuana cultivation facility on a General Commercial zoned lot.

Property Address: 5450 A Jenkins Drive, Unit A

Legal Description: Lemon Glacier, Lot 4

Parcel Code No.: 5B1201010060

Hearing Date: July 25, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 14, 2017, and approved a conditional use permit to allow the operation of a marijuana cultivation facility on a General Commercial zoned lot to be conducted as described in the project description and project drawings submitted with the application, and with the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. No offsite glare shall be produced by exterior doorway lights.
3. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
4. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity.

Alaska Pacific Gold, Inc.
Case No.: USE2017 0013
August 3, 2017
Page 2 of 2

5. Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the facility has adequate surveillance coverage.

Attachments: July 14, 2017, memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2017 0013.

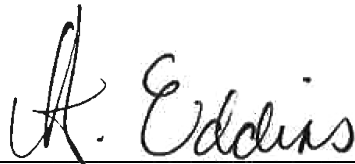
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with 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).

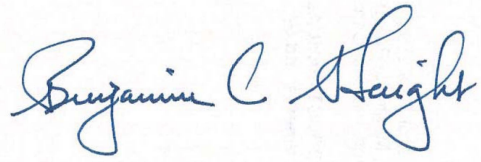
Effective Date: The permit is effective upon approval by the Commission, July 25, 2017

Expiration Date: The permit will expire 18 months after the effective date, or December 25, 2018 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Allison Eddins, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

August 8, 2017

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. 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: July 13, 2017

TO: Planning Commission

FROM: Beth McKibben, AICP, Planning Manager
Community Development Department

CASE NOS.: CSP2017 0011 & CSP2017 0012

PROPOSAL: Consistency review for disposal of CBJ owned property, Lots 2, 4 & 5, Renninger Subdivision, Lemon Creek

A handwritten signature in black ink, appearing to read 'BME', is located to the right of the 'FROM:' field.

GENERAL INFORMATION

Applicant: City & Borough of Juneau

Property Owner: City & Borough of Juneau

Property Address: Jackie Street

Legal Descriptions: Renninger Subdivision Lot 2, Lot 4 and Lot 5

Parcel Code Numbers: 5B1401000190; 5B1401000210 and 5B1401000220

Site Sizes: 1.25 acres; 3.8 acres and 4.4 acres

Comprehensive Plan Future Land Use Designation: Medium Density Residential (MDR)

Zoning: D15

Utilities: Public water & sewer

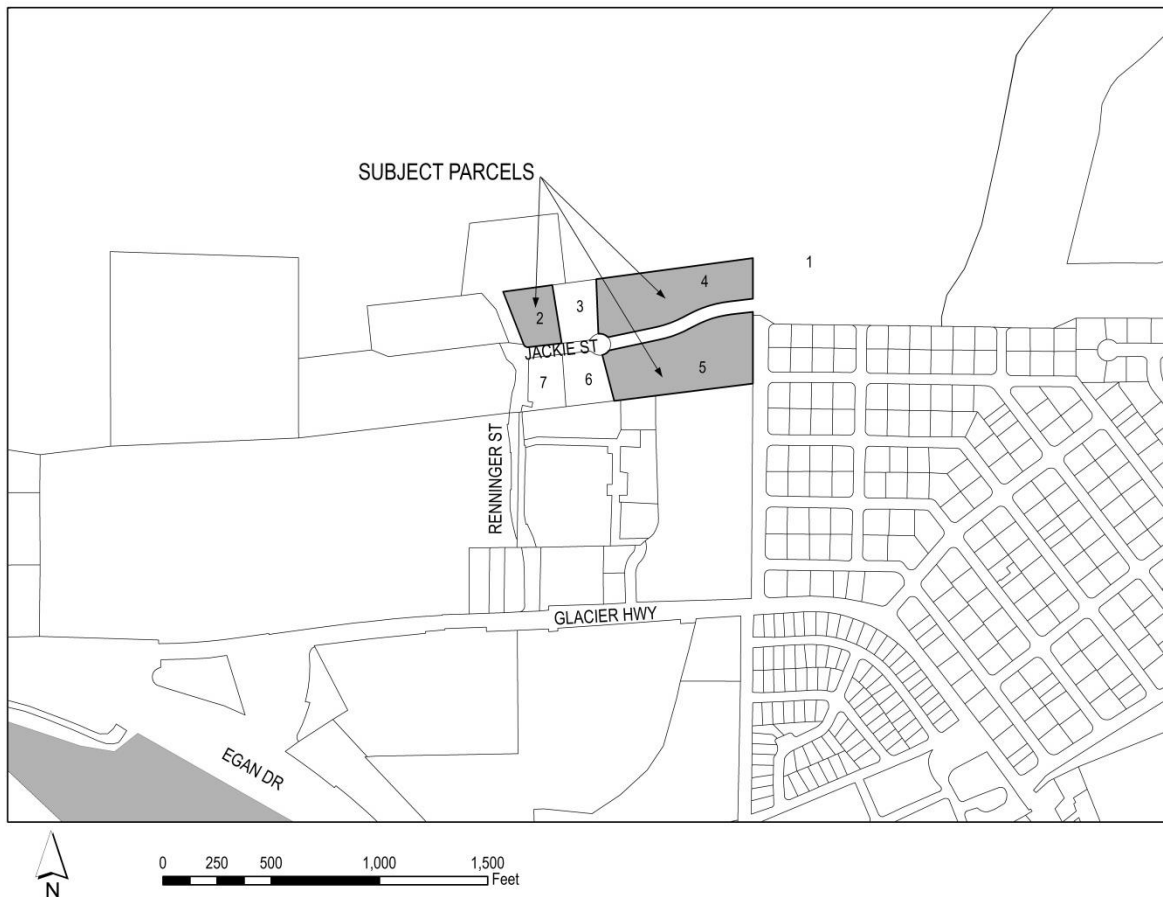
Access: Jackie Street

Existing Land Use: Vacant

Planning Commission
Case Nos.: CSP2017 0011 & CSP2017 0012
July 13, 2017
Page 2 of 7

Surrounding Land Use: North - D15 (Multifamily), D15/RR (vacant)
 South - D15 (vacant)
 East - D15 (vacant) Lot 3 to Juneau House Build; Lot 6 & 7 AHDC
 West - D15 (vacant)

VICINITY MAP:



ATTACHMENTS:

Attachment A – Applications including narrative
Attachment B – Public Notice
Attachment C – May 1, 2017 Minutes – Lands Committee
Attachment D – Renninger Subdivision plat

PROPOSAL

CBJ Lands Division is proposing to dispose of Lots 2, 4 and 5 in the Renninger Subdivision, located in Lemon Creek. The Alaska Housing Development Corporation wishes to purchase Lot

Planning Commission
Case Nos.: CSP2017 0011 & CSP2017 0012
July 13, 2017
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2 at fair market value. The disposal of Lots 4 and 5 would be through sealed competitive bidding to the highest qualified bidder.

CBJ 49.10.170 describes the duties of the Planning Commission including the review and recommendation to the Assembly of land disposals as described in Title 53.

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

Additionally, Title 53 requires that all negotiated land leases undergo a review by the Planning Commission before final authorization by the City Assembly.

53.09.260 - Negotiated sales, leases, and exchanges.

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

BACKGROUND

The Renninger subdivision was platted in November, 2015 (SMP2015 0005 and SMF2015 0007). The subdivision plat is shown in Attachment D. The subdivision was reviewed by the Planning Commission as a major subdivision.

Jackie Street was constructed in 2016, funded through the CBJ Capital Improvement Program. The subdivision created eight lots. Lot 1 is the large remainder parcel and is held for future development. Lot 3 was sold to the Juneau Housing Trust for use by the Juneau School District House Build Program. Lots 6 and 7 were sold to the Alaska Housing Development Corporation for development of multifamily housing. The disposal of these three lots was discussed at the May 1, 2017 meeting of the Lands Committee (Attachment C). The Committee passed a motion of support for the disposal of Lots 4 and 5 by sealed competitive bid and also passed a motion of support to sell Lot 2 as a negotiated sale.

Planning Commission
Case Nos.: CSP2017 0011 & CSP2017 0012
July 13, 2017
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ANALYSIS

The subject lots are zoned D15. Lot 2 is 1.1 acres and has a maximum potential build out of 16 units. Lot 4 is 3.78 acres and has a potential maximum build-out of 56 units. Lot 5 is 4.38 acres and has a potential maximum build-out of 65 units. Lot 5 has a preservation easement of 1.1 acres. The actual number of units constructed may be affected by the limited buildable land available and area needed for parking and other site amenities. Title 49 provides the opportunity for a major development to request a density bonus of up to 10% in exchange for providing amenities. All three lots contain documented wetlands, and both the Army Corp of Engineers (ACOE) and Alaska Department of Environmental Conservation (ADEC) have issued permits that allow limited filling of these wetlands. Lot 2 contains 14,300 square feet of documented wetlands, of which 3,920 square feet may be filled. Lot 4 has topographical challenges and a drainage and 1,167 square feet of wetlands, which may not be filled. Lot 5 has 12,196 square feet of wetlands which may be filled, and a 47,916 square foot (1.1 acres) “no disturbance” preservation easement. The easement was required by the ACOE permit and protects valuable habitat close to Switzer Creek. The Lands and Resources Division notes that a new ACOE fill permit may be needed to maximize density on Lot 5. Density for Lot 5 is calculated on the entire site including the preservation easement.

Conditional Use Permits would be required for each lot if nine or more dwelling units are constructed, since this would be considered a major development. Building and grading permits would be required for the development of the lots. Each of the lots could be further subdivided.

CBJ Building, Planning, and General Engineering and Waste Water Divisions, Capital City Fire and Rescue, and AELP have no issues or concern with the proposed land disposal. DOT&PF has no comment regarding the proposed land sales. The Department of Transportation and Public Facilities (DOT&PF) does have a project in the design phase for this area and since traffic increases from future development were anticipated, the roundabout was designed to accommodate the projected traffic. DOT&PF does have an advisory comment that future development of a lot, if substantial, may require a Traffic Impact Analysis (TIA) to determine impacts to Glacier Highway.

CONFORMITY WITH ADOPTED PLANS

2013 Comprehensive Plan

A number of policies in the Comprehensive Plan support CBJ providing land to facilitate more affordable housing in Juneau.

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

Planning Commission
Case Nos.: CSP2017 0011 & CSP2017 0012
July 13, 2017
Page 5 of 7

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

POLICY 4.6. TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.

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.

Regarding provision of water, sanitary service and, in the case of this subdivision, streets, the Comprehensive Plan suggests that the provision of facilities and services through the Capital Improvement Plan should be prioritized for developments that provide a minimum of 10 units per acre, this being a threshold density that supports affordable housing.

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

10.5 - IA1 Develop a Capital Improvement Plan to extend facilities and services to areas within the Urban Services Area planned for medium to high density residential development. Priority for capital improvements for road access, municipal water and sewer services should be given to land areas that can accommodate the densities that support affordable housing units (minimum 10 units per acre) or to properties on which affordable housing projects are proposed.

The Land Use Chapter of the Comprehensive Plan (Chapter 11) highlights a number of areas for attention in Subarea 5 (Switzer Creek/Lemon Creek and Salmon Creek) including the use of Renninger Street to access CBJ lands for affordable housing.

Guidelines and Considerations for Subarea 5:

11. Renninger Road serves a CBJ school and water reservoir and an affordable rental housing development and could further be used to access other CBJ lands suitable for development of affordable housing.

2015 Juneau Economic Development Plan

Building on the Comprehensive Plan, the 2015 Juneau Economic Development Plan identifies

Planning Commission
Case Nos.: CSP2017 0011 & CSP2017 0012
July 13, 2017
Page 6 of 7

the following relevant initiative:

- Initiative: Promote housing affordability and availability (p.94)

CBJ 2016 Land Management Plan

The Land Management Plan references the Comprehensive Plan in noting that 10 dwelling units per acre are required to enable affordable housing developments in Juneau. When reflecting on residential developments on former CBJ property, the plan also notes:

In consideration of the expense of providing public services to property, it would be fiscally prudent for future CBJ land developments and/or disposals to occur for lots that are served by public sewer and are developed at a density of 5 dwelling units per acre or above. (p. 81)

Housing Action Plan

The Housing Action Plan (HAP) was adopted by resolution in December, 2016 and therefore sets policy direction for housing in Juneau. The HAP reaffirms the need for more housing units in Juneau at all price points. The HAP encourages CBJ to use its land to support and encourage the development of additional housing. The plan also recommends that the CBJ develop a competitive process for CBJ-owned property disposal that awards points for project design, capital investment, number of units, density, project timeline, overall expected property value increase, affordability of new units to be built, and price. This process has not yet been developed. Additionally the HAP notes that Juneau cannot afford to build infrastructure and then allow low-intensity development to use it. The HAP states that this is the very definition of private gain at public expense and that the cost of such infrastructure is just too high; allowing low-intensity development to benefit from expensive infrastructure means the rest of the community is paying to subsidize this low-intensity development.

HABITAT

An ACOE wetland fill permit has been issued for these properties. Habitat impacts for this subdivision were reviewed by the Planning Commission during the subdivision process and will also be reviewed as part of issuing any construction permits. There are no additional mapped habitats regulated by the CBJ Land Use code that impact these lots.

FINDINGS

CDD staff finds the proposed disposal of the subject parcels by CBJ Lands and Resources Division meets all applicable Land Use Codes and is consistent with adopted plans and studies.

Planning Commission
Case Nos.: CSP2017 0011 & CSP2017 0012
July 13, 2017
Page 7 of 7

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2017 0011 and CSP2017 0012 to be consistent with adopted local plans and policies, as required by CBJ 49.10.170(c), CBJ 49.15.580 and CBJ 53.09.260, and forward to the Assembly a recommendation for approval to allow for the sale of Lot 2 Renninger Subdivision by negotiated sale and Lots 4 & 5 Renninger Subdivision by sealed competitive bid. This recommendation is based on the following condition:

1. Consider requiring the development of the maximum practical number of units per lot as a condition of the sale for Lots 2, 4 and 5.

DEVELOPMENT PERMIT APPLICATION

RECEIVED

Project Number CSP20170011	CITY and BOROUGH of JUNEAU	Date Received: MAY 09 2017
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Sealed Competitive bid disposal of Lot 4 & Lot 5, Renninger Subdivision.			PERMIT CENTER/CDD
	PROPERTY LOCATION			
	Street Address Jackie Street		City/Zip 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 4 and Lot 5, Renninger Subdivision			
	Assessor's Parcel Number(s) 5B1401000210; 5B1401000220			
	LANDOWNER/ LESSEE			
	Property Owner's Name City & borough of Juneau		Contact Person: Dan Bleidorn	Work Phone: 586-0224
	Mailing Address 155 S. Seward Street		Home Phone:	Fax Number:
	E-mail Address Dan.Bleidorn@juneau.org		Other Contact Phone Number(s):	
	PROJECT / APPLICANT	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		05/09/2017 Date
X		_____ Landowner/Lessee Signature		_____ Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.				
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below				
Applicant's Name SAME		Contact Person:	Work Phone:	
Mailing Address		Home Phone:	Fax Number:	
E-mail Address		Other Contact Phone Number(s):		
X	_____ Applicant's Signature		_____ Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
	X	City/State Project Review and City Land Action		5/9/17	CSP20170011
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
Comments: Needs CSP per Rob Steedle					Permit Intake Initials TJR

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

I:\FORMS\2010 Applications

ATTACHMENT A: APPLICATION

Revised November 2009

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

RECEIVED

Project Number	Project Name (15 characters)	Case Number CSP 20170011	Date Received MAY 09 2017
----------------	------------------------------	-----------------------------	------------------------------

TYPE OF PROJECT REVIEW:

PERMIT CENTER/CDD

☐ City Project Review ☒ City Land Acquisition /Disposal ☐ State Project Review

DESCRIPTION OF PROJECT

Sealed Competitive bid disposal of Lot 4 & Lot 5, Renninger Subdivision.

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

Currently the land is vacant and the City requested letters of interest for the Renninger Subdivision in 2016 but did not receive any successful letters for these lots

PROPOSED USE OF LAND OR BUILDING(S):

The proposed use is to sell these to the highest qualified bidder

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☒ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ _____

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

CITY/STATE PROJECT FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ _____	_____	_____	_____
Total Fee	\$ _____	_____	_____	_____

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM &

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

TO BE COMPLETED BY THE APPLICANT

MEMORANDUM



Lands and Resources Division
155 S. Seward St., Juneau, Alaska 99801
Rachel.Friedlander@juneau.org
Voice (907) 586-0617
Fax (907) 586-5385

TO: The Lands Committee
FROM: Rachel Friedlander, Lands and Resources Specialist *Rachel Friedlander*
SUBJECT: Request to Dispose of Lots 2, 4, and 5 in the Renninger Subdivision
DATE: April 26, 2017



Renninger Subdivision was platted November 2015, delineating 6 residential lots available for development. The region is zoned D15 which allows for multifamily development at a density of 15 units per acre. There are over 12 acres contained within the subdivision with a potential development of 186 dwelling units.

Since 2016, three of the six residential lots have been sold. The Alaska Housing

Development Corporation purchased Lots 6 and 7 at a fair market value of \$266,000 in August 2016 (Ord. 2016-27). The Juneau House Build Partnership-- comprised of the Juneau Housing Trust, University of Alaska Southeast, and the Juneau School District-- purchased Lot 3 at half of fair market value for \$95,000 in September 2016 (Ord. 2016-35). Renninger Lots 2, 4, and 5 remain (see Attachments A, B, and C).

Lot	Size	Price/SF	Total Value Rounded
Lot 2	54,381 SF	\$3.75	\$204,000
Lot 3	50,683 SF	\$3.75	\$190,000
Lot 4	164,858 SF	\$2.50	\$412,000
Lot 5	190,873 SF	\$2.00	\$382,000
Lot 6	47,851 SF	\$3.00	\$144,000
Lot 7	40,734 SF	\$3.00	\$122,000
Total		\$2.65 avg.	\$1,454,000

Figure 1. Appraised values for Renninger Subdivision residential lots.

Development of the Renninger Subdivision has cost the Lands Division approximately \$700,000. The respective market values for the remaining lots were recently confirmed by appraiser Julie Dinneen as unchanged since their initial appraisal in January 2016. When all lots are finally sold, the Renninger subdivision will have brought in revenues that exceed expenses by approximately \$660,000 which will be applied to future land development projects.

Initially, the CBJ considered several innovative proposals put forth by the Pacific Development Group (PDG) for the remaining Renninger lots. However, after considering several of their proposals, it was determined that none were appropriate for the City (see Attachment D).

With direction from the 2016 Land Management Plan to dispose all of the residential lots in the Renninger Subdivision, Lands is requesting Assembly approval to move forward with the disposal of the remaining Renninger lots. Such disposal will create opportunities for more multi-family development.

On April 26th, 2017, Lands staff received an application from the Alaska Housing Development Corporation (AHDC) to purchase Lot 2 for fair market value through direct negotiations (see Attachments E and F). Lands staff supports the direct negotiated sale of Lot 2 to AHDC since the group has already demonstrated their commitment to developing affordable housing in Juneau and are the current owners of neighboring Lots 6 and 7 in the Renninger Subdivision.

The next steps will be to request a motion of support from the Assembly to dispose of Lot 2 to the Alaska Housing Development Corporation, the original applicant; and draft an ordinance for the disposal of Lots 4 and 5 through the sealed competitive bid process.

Conditions of the Sale

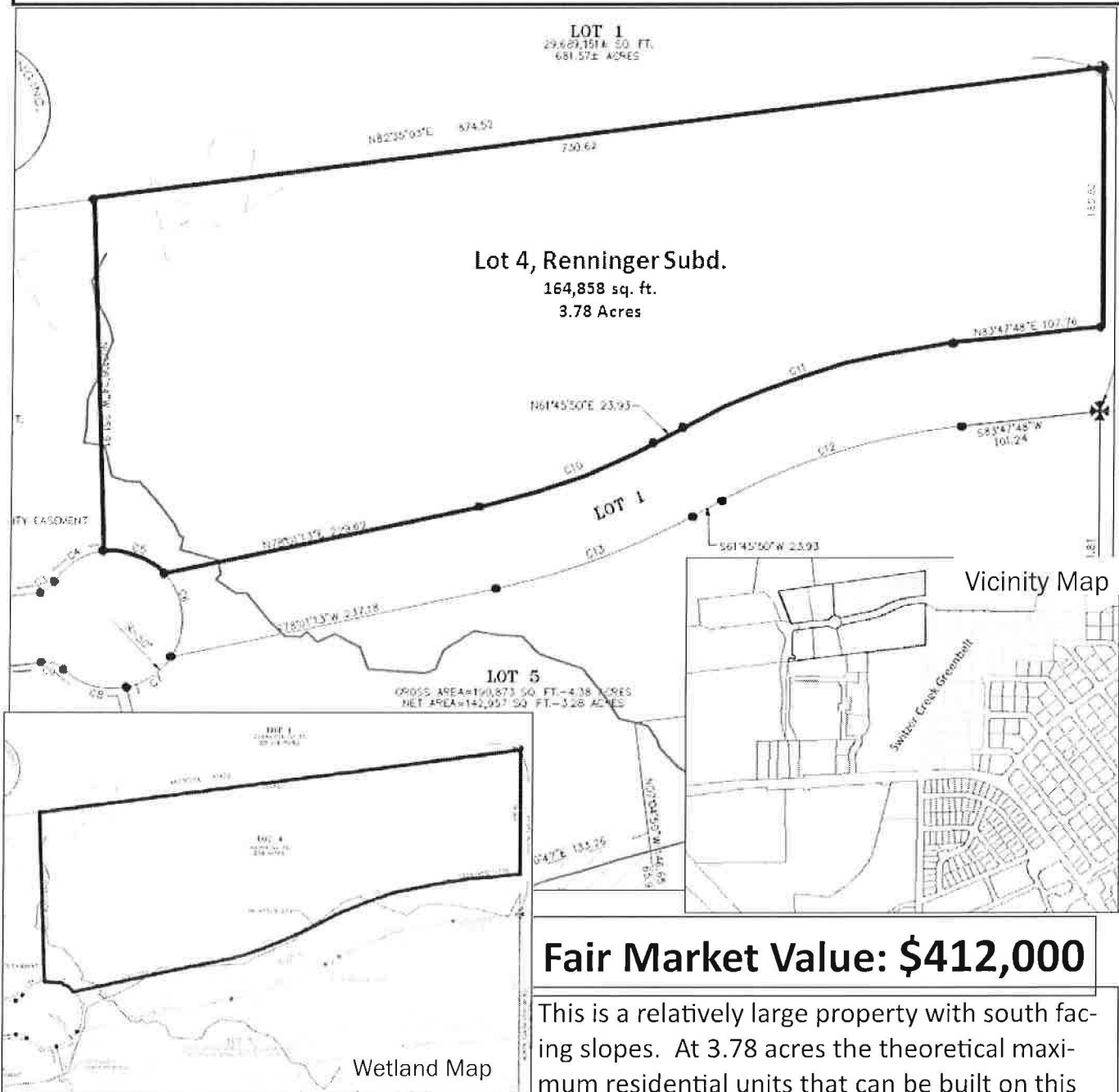
Each lot shall be purchased at fair market value, with the purchaser being required to purchase title insurance and pay all closing and recording costs. CBJ financing is available, with 5% down, the balance being paid over a period of ten years at an annual interest rate of ten percent.

If an ordinance is adopted to dispose of lots 4 and 5 through sealed competitive bid, Lands staff will also include the remaining lot from the 2016 Lena Land Sale Lot 10, Block A, South Lena Subdivision as part of this land sale (see Attachment G).

Lands staff recommends that the Lands Committee pass a motion of support for the negotiated sale of Renninger Lot 2 to the Alaska Housing Development Corporation and for a sealed competitive bid sale of Lots 4 and 5 in the Renninger Subdivision.

ATTACHMENT B

Legal Description: Lot 4 Renninger Subdivision
Acreage: 164,858 Sq. Ft. 3.78 Acres



Fair Market Value: \$412,000

This is a relatively large property with south facing slopes. At 3.78 acres the theoretical maximum residential units that can be built on this lot is 56. Topography may make developing the

maximum density allowed on this lot challenging.

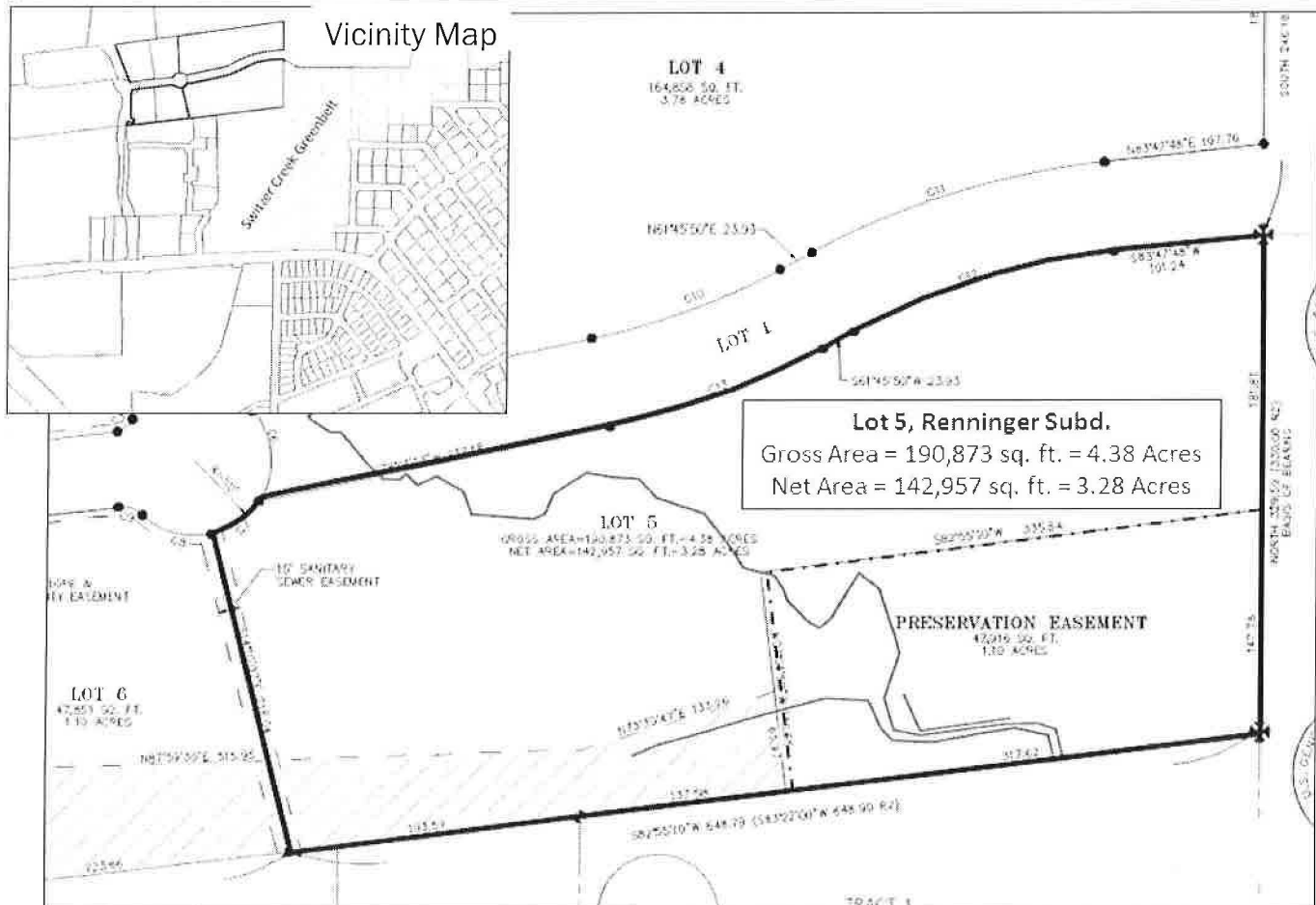
Wetlands: This lot has roughly 1,167 square feet of wetlands located on this southern property line. The Army Corps of Engineers has not permitted the filling of wetlands on this lot.

Special Conditions: There is a small confined drainage on the southeast portion of the property. The crossing of this drainage has been permitted by the US Army Corps of Engineers.

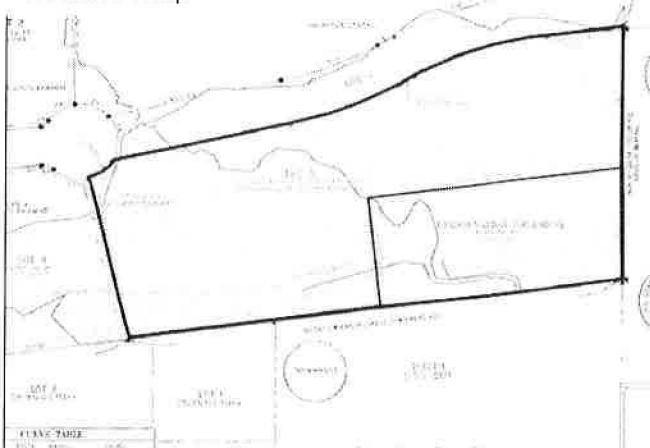
ATTACHMENT C

Legal Description: Lot 5 Renninger Subdivision

Acreage: 190,873 Sq. Ft. 4.38 Acres



Wetland Map



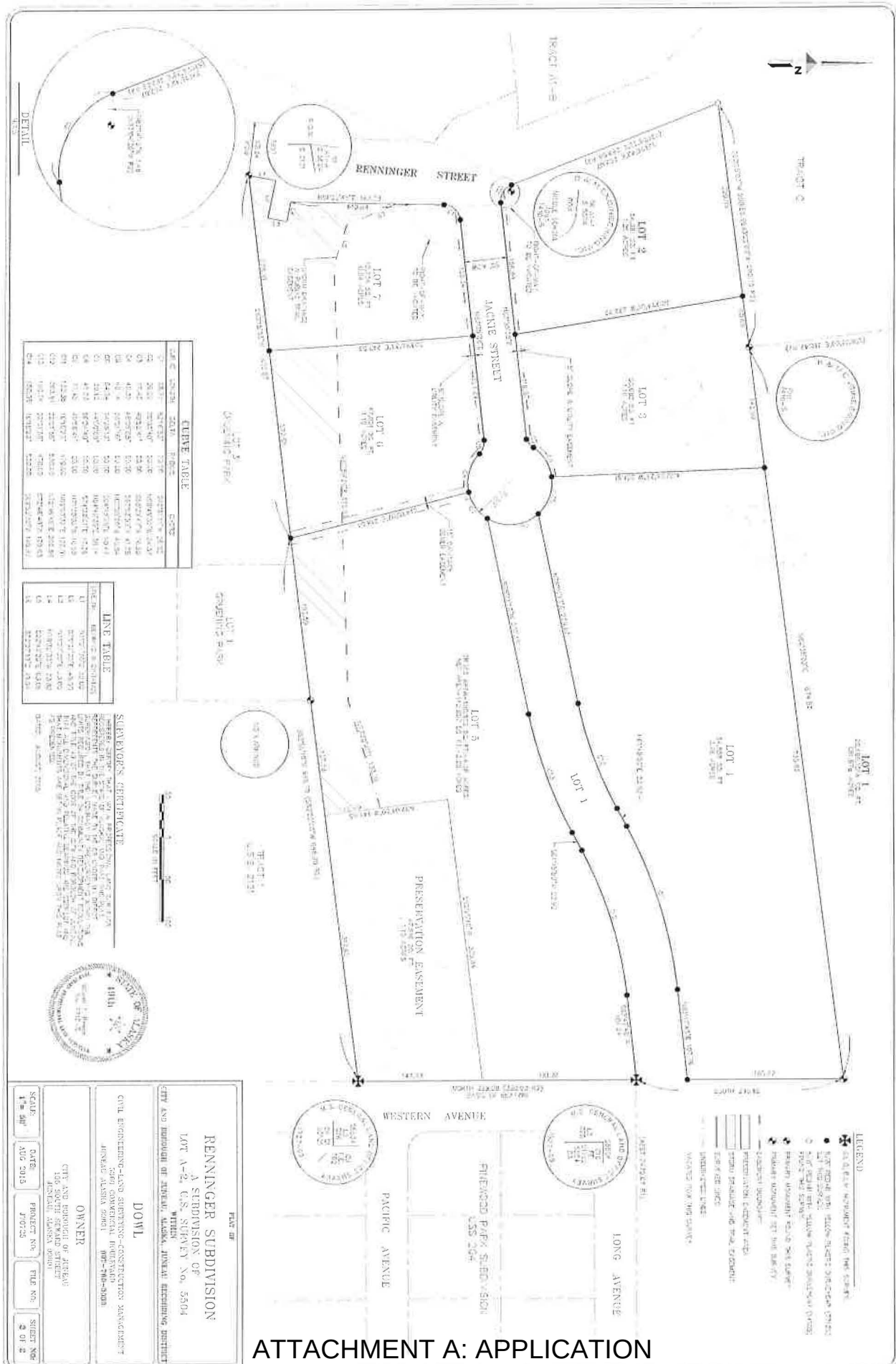
Fair Market Value: \$382,000

At 4.38 acres the theoretical maximum residential units that can be built on this lot is 65.

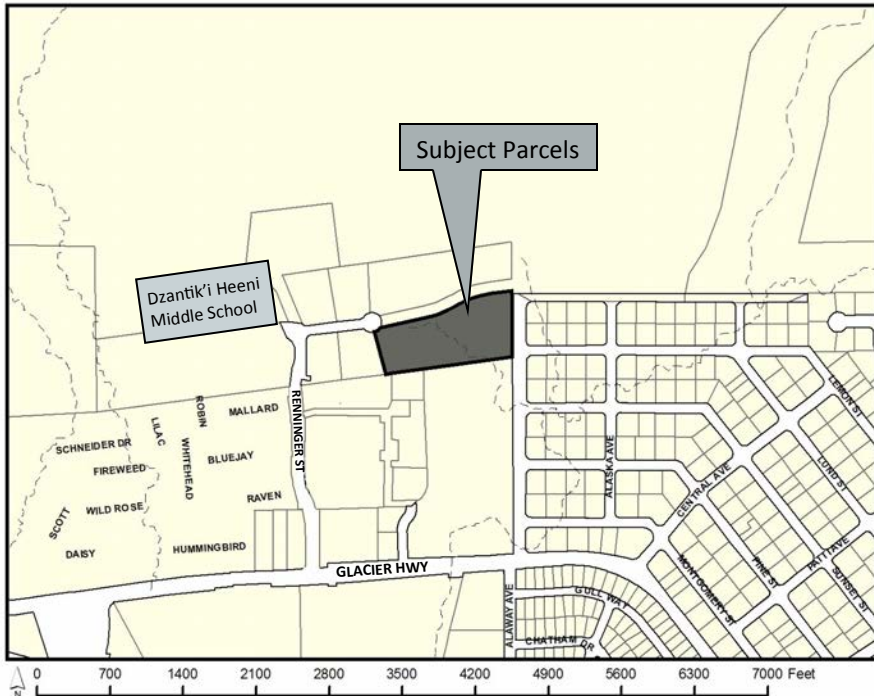
Wetlands: This lot is predominantly wetlands. The Army Corps of Engineers has permitted the filling of 0.28 acres or 12,196 square feet of wetlands on this lot.

Special Conditions: The southeastern portion of this lot has a no-disturbance preservation easement. This easement was a stipulation of

the Corps Permit and protects the valuable habitat closest to Switzer Creek. The southwestern portion of this lot has storm drainage and trail and sewer easements. The US Army Corps permit for this lot allows filling 0.28 acres of the lot near the Jackie Street cul-de-sac. A new fill permit would probably be required to achieve maximum density.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Consistency review for disposal of CBJ owned property; Lot 4 and Lot 5, Renninger Subdivision, Lemon Creek.

File No:	CSP2017 0011	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5B1401000210 & 5B1401000220
Hearing Date:	July 11, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	3.8 acres & 4.4 acres
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street	Accessed Via:	Jackie Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

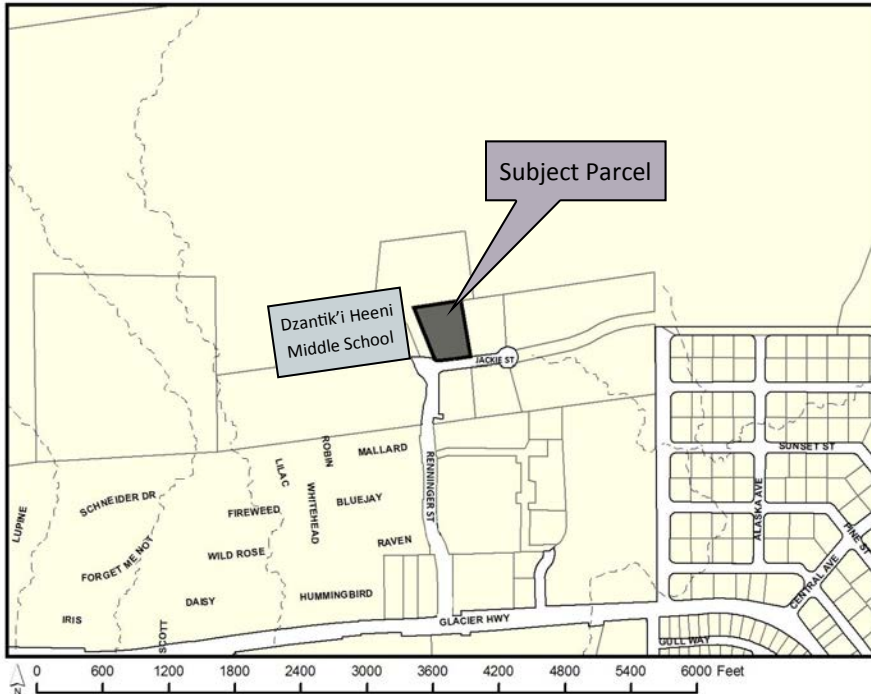
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Chrissy Steadman at christine.steadman@juneau.org or (907) 586-0761.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Consistency review for disposal of CBJ owned property; Lot 2 , Renninger Subdivision, Lemon Creek.

File No:	CSP2017 0012	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5B1401000190
Hearing Date:	July 11, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	1.25 acres
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street	Accessed Via:	Jackie Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

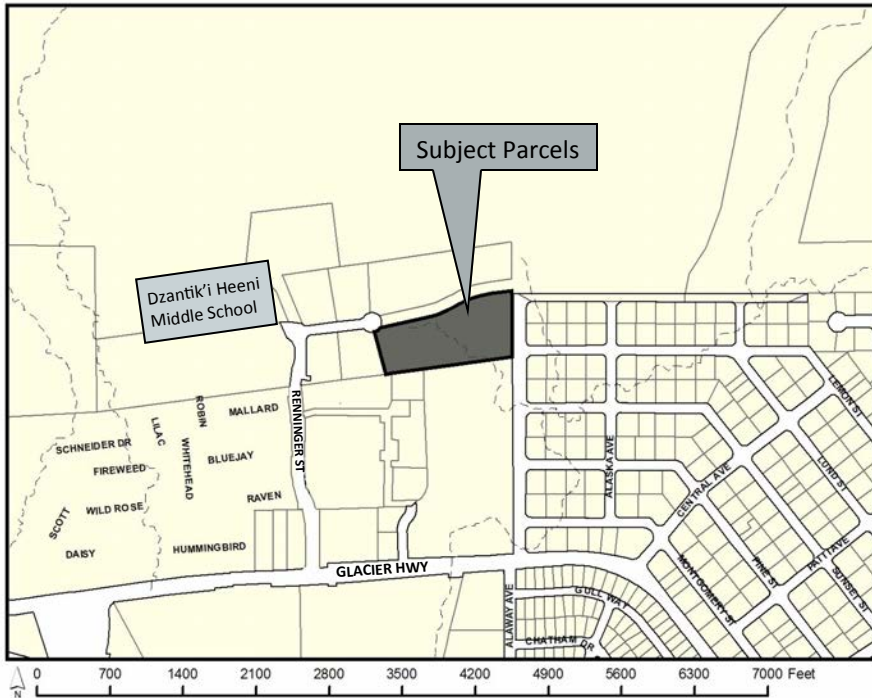
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NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

Please Note: This hearing has been rescheduled from July 11th. The case will now be heard by the Planning Commission on July 25th. See the reverse for more details.

PROPOSAL: Consistency review for disposal of CBJ owned property; Lot 4 and Lot 5, Renninger Subdivision, Lemon Creek.

File No:	CSP2017 0011	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5B1401000210 & 5B1401000220
New Hearing Date:	July 25, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	3.8 acres & 4.4 acres
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street, Juneau, Alaska 99801	Accessed Via:	Jackie Street

PROPERTY OWNERS PLEASE NOTE:

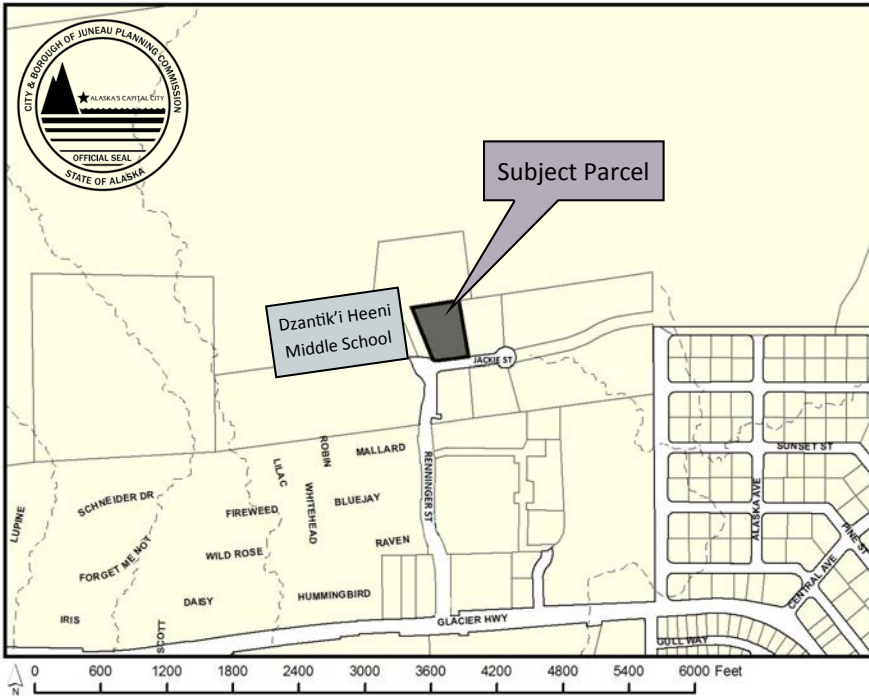
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Beth McKibben at beth.mckibben@juneau.org or (907) 586-0465.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

Please Note: This hearing has been rescheduled from July 11th. The case will now be heard by the Planning Commission on July 25th. See the reverse for more details.

PROPOSAL: Consistency review for disposal of CBJ owned property; Lot 2 , Renninger Subdivision, Lemon Creek.

File No:	CSP2017 0012	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5B1401000190
New Hearing Date:	July 25, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	1.25 acres
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street, Juneau, Alaska 99801	Accessed Via:	Jackie Street

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



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<http://www.juneau.org/assembly/novus.php>

ATTACHMENT B: PUBLIC NOTICE

Date notice was printed: June 26, 2017

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

May 1, 2017 5:00 PM
City Hall, Assembly Chambers

I. ROLL CALL

Debbie White, Chair, called the meeting to order at 5:00 pm.

Members Present: Chair Debbie White; Assembly members: Norton Gregory; Jesse Kiehl; Mary Becker

Liaison Present: Paul Voelckers, Planning Commission

Liaison Absent: Weston Eiler, Docks and Harbors; Chris Mertl, Parks & Recreation

Staff Present: Rorie Watt, City Manager; Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Rachel Friedlander, Lands and Resources Specialist

II. APPROVAL OF AGENDA

The agenda was approved.

III. APPROVAL OF MINUTES

A. April 10, 2017 Minutes

The minutes were approved with minor adjustments.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. Request to Dispose of Lots 2, 4, and 5 in the Renninger Subdivision

Ms. Friedlander addressed the committee with her April 26th, 2017 memo. Lands staff has requested a motion of support for the sealed competitive bid sale of Renninger Subdivision Lots 4 and 5. Minimum bid will be fair market value as determined by appraisal. Ms. Friedlander also proposed a negotiated fair market sale of Lot 2 to the Alaska Housing Development Corporation. The purchasers will be required to obtain title insurance and pay all closing and recording costs. CBJ financing will be available, with 5% down, the balance being paid over a period of ten years at an annual interest rate of ten percent.

Ms. Becker asked when the bids will take place and Ms. Friedlander replied once the Assembly approves of the land sale, staff will then draft an ordinance for the sale.

Mr. Voelckers asked what would define an unsuccessful bid, and would there be a minimum bid. Ms. Friedlander replied the City is required to sell property at fair market value, which would be the starting amount, and that an unsuccessful bid

would mean no one submitted bids for that particular lot. Mr. Voelckers asked if staff could go below perceived market value to get a bid. Ms. Friedlander replied if Lands was not receiving bids, perhaps it would mean the appraised amount was too high and another appraisal of the lot needed. Mr. Chaney clarified that City code requires the CBJ to sell for fair market value and that if no bids were received, perhaps the current appraisal is above market value and staff would ask the appraiser to reevaluate based on that information.

Mr. Kiehl asked if the rest of the market had a fair shot at purchasing Lot 2 or was there the public perception that the City was still negotiating with Pacific Development Group. Ms. Friedlander said Lands staff was open to AHDC's proposal due to their continuous demonstration of building affordable housing. Mr. Chaney clarified that PDG's innovative ideas involved not compensating the City for the land, whereas AHDC is offering fair market value and has a good track record.

Mr. Kiehl said he is worried about a perception of unfairness that the public did not know they could come in and purchase the lot. Mr. Chaney said staff did offer a request for proposals a couple of times and did not receive any inquiries for this lot other than PDG. Lands staff is not opposed to including this lot in the sealed competitive bid sale.

The Lands Committee unanimously passed a motion of support for the negotiated sale of Renninger Lot 2 to the Alaska Housing Development Corporation and for a sealed competitive bid sale of Lots 4 and 5 in the Renninger Subdivision. If a sealed competitive bid sale is unsuccessful, an over-the-counter sale of Lots 4 and 5 may be considered.

PUBLIC PARTICIPATION ON AGENDA ITEM A

There was no public participation on Agenda Item A.

B. City Offices/Long Term Planning

City Manager Rorie Watt shared his concerns with the City paying rent for office space in non-City buildings. Mr. Watt wants the City to examine the current office space owned by the City and consider consolidation of such space for the good of the budget and downtown. Mr. Watt is also concerned for the construction economy and lack of work the State will be making available for the private sector, and sees the present moment as a persuasive time to start a conversation about if building a new City Hall would make sense. The most likely location would be on top of the Downtown Transportation Center (DTC).

Mr. Gregory asked Mr. Watt to share a little bit about his vision for a purpose-built City Hall on the DTC. Mr. Watt elaborated that purpose-built offices are specifically designed for a modern workplace. If offices were intentionally laid out, the City could get by with less square footage and therefore more offices could be built in the same building space. Mr. Watt sees this area as a place where the City could serve the public better.

Mr. Voelckers asked if the DTC could hold two additional levels for office space and parking and Mr. Watt replied staff would have research this. When the structure was built, the foundation was sized for 3 floors of parking or 2 floors of office space. There would be a lot of different options available for consideration.

Mr. Kiehl told Mr. Watt that he's making sense. Mr. Kiehl asked if 50,000 square feet is what's needed or if he had a sense of the range of square footage needed. Mr. Watt replied he is guessing quite a bit less and would not be surprised if we could find a space premium of 10%. Mr. Kiehl encouraged the City Manager to think about how a new City Hall might assist the Assembly in accomplishing other goals. The idea of shifting City Hall -the economic foundation stone- elsewhere in town worries Mr. Kiehl in terms of meeting goals while maintaining a healthy and bustling downtown. Mr. Kiehl has questions if this building (the current City Hall) could be built on to, demolished, or replaced and hopes that this would be a significant portion of the analysis. Mr. Watt agreed and reassured that the City will be thinking about the economic impacts of moving City Hall. Mr. Kiehl then emphasized that when the City designs a new City Hall, the Assembly Chambers should not have elevated seating because the Assembly should never sit higher than the public. Mr. Watt encouraged Mr. Voelckers to add his thoughts and said that a good architect will lay out a good space plan with purpose and symbolism with how the Assembly is perceived by the public being a huge factor. The point of a new City Hall is customer service.

Mr. Voelckers said it is attractive to consider the parking structure but the interesting design questions are going to be how do you invite the public in and ensure that it is a simple, efficient, transactional process for the public. The asset and location is very desirable.

Mr. Gregory asked for clarification on what the DTC could offer and Mr. Watt confirmed the DTC could handle 3 more floors of parking or 2 more floors of office space.

Chair White said she is not so confident moving the City offices half a mile (to the Bill Ray Center) will devastate the downtown core. Chair White then asked Mr. Watt what does the Assembly tell people in this time of fiscal uncertainty when the manager is coming before the assembly for a new City Hall? Mr. Watt said it's the City's business plan to be in business forever and it makes sense for the City to own its own facilities. Mr. Watt said the City spends \$700,000 in rent annually and if the City could control its office space and finance it for that

amount or less, while also having more efficient spaces that are energy efficient with better customer service, it will give the next City Manager more options for organizing the workforce efficiently while freeing up space for prime housing during a time when not a lot of construction work in the local economy is happening. Chair White then asked if the City is regulated to purchase property at fair market value and Mr. Watt replied the City sells at fair market value and also buys at fair market value unless authorized by ordinance. Chair White shared her concerns about the Bill Ray Center being on the market for a year and that it might not be priced correctly. She asked Mr. Watt if the City has looked into adding a floor onto the Bill Ray Center building or what the building is made of. Mr. Watt replied he has not been in the building for 18 or 19 years and has not looked at the plans, however the City should be open to a wide variety of options.

Mr. Gregory said he would like to hear more about the cost to build on the DTC. From a customer service option, he said it sounds like the most efficient use for the public however it could be very expensive. Mr. Gregory would like to hear all other details, costs, and options.

Ms. Becker asked if the City left the Marine View Building, would the City be required to convert the office space back into housing and Mr. Watt replied that is not a term of the lease.

Mr. Kiehl said the highest and best use of the land is to go up.

The Lands Committee unanimously moved for staff to bring back a more significant analysis of these proposals and other ideas to pursue evaluating the continued lease of office space versus buying and remodeling an existing building or building a new City Hall.

PUBLIC PARTICIPATION ON AGENDA ITEM B

There was no public participation on Agenda Item B.

VI. STAFF REPORTS

Mr. Chaney let the committee know that Lands staff has been contacted by Juneau Hydropower concerning distributing a series of heat pipes on City land downtown for a district heating system. Staff will bring something before the committee on this topic in the medium-term future.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

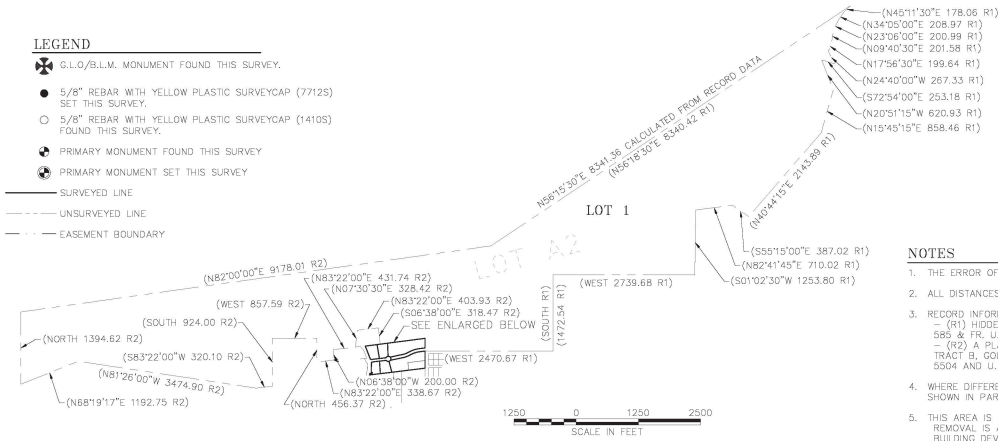
There were no committee member or liaison comments or questions.

VIII. ADJOURNMENT

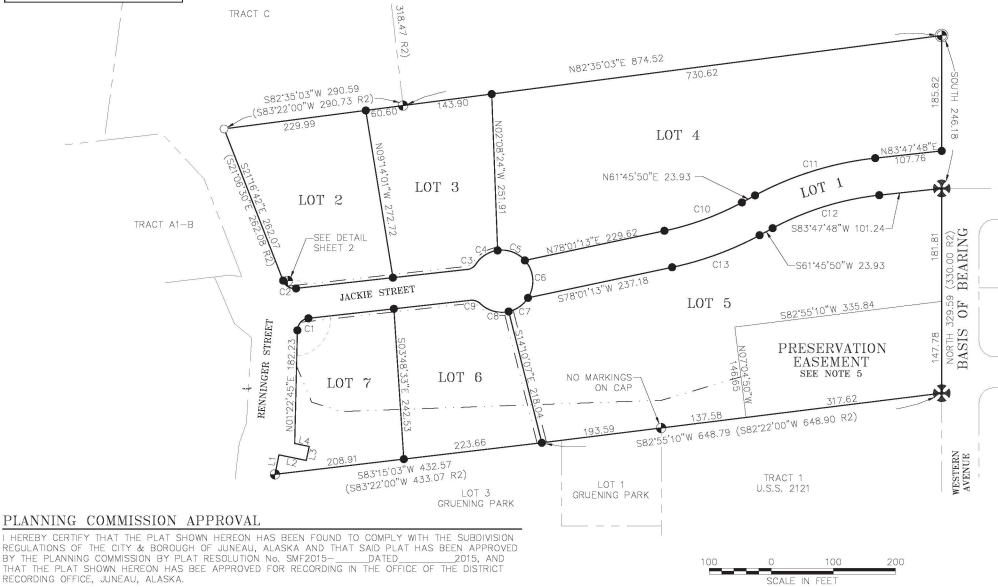
The meeting was adjourned at 5:34pm.

LEGEND

- ✚ G.I.O./B.L.M. MONUMENT FOUND THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (7712S) SET THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (1410S) FOUND THIS SURVEY.
- ✚ PRIMARY MONUMENT FOUND THIS SURVEY
- ✚ PRIMARY MONUMENT SET THIS SURVEY
- SURVEYED LINE
- - - UNSURVEYED LINE
- - - EASEMENT BOUNDARY



LINE TABLE	
LINE No.	BEARING & DISTANCE
L1	N11°27'30"E 32.00
L2	S78°32'30"E 45.00
L3	N11°27'30"E 23.00
L4	N78°32'30"W 23.82



PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION No. 5842015-1 DATED 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

DATED THIS 10 DAY OF APRIL, 2015.

CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:

CLERK
CITY AND BOROUGH OF JUNEAU

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.
2. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
3. RECORD INFORMATION DERIVED FROM:
(R1) HIDDEN VALLEY SUBDIVISION, JUNEAU PLAT 99-35, WITHIN TRACT A, M.S. 585 & FR. U.S. SURVEY 5504.
(R2) A PLAT OF A RESUBDIVISION OF TRACT A1-A U.S. SURVEY 5504 AND TRACT B, GOLDEN HEIGHTS SUBDIVISION, WITHIN PORTIONS OF LOT 3 U.S. SURVEY 5504 AND U.S. SURVEY 3801, JUNEAU PLAT No. 98-27.
4. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESES.
5. THIS AREA IS SET ASIDE FOR HABITAT PRESERVATION PURPOSES. NO VEGETATION REMOVAL IS ALLOWED EXCEPT FOR REMOVAL OF INVASIVE SPECIES. NO FILL OR BUILDING DEVELOPMENT IS PERMITTED. BUILDING DEVELOPMENT MEANS CONSTRUCTION OF ANY STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS AND INTENDED FOR THE SHELTER, HOUSING, OR ENCLOSURE OF PERSONS, ANIMALS, EQUIPMENT, MATERIALS, OR ANY SITE WORK IN PREPARATION OR ANTICIPATION OF SUCH CONSTRUCTION. TRAIL CONSTRUCTION THAT DOES NOT REQUIRE FILL IS PERMITTED. INSTALLATION OF A FENCE ALONG THE OUTER PERIMETER OF THE EASEMENT IS PERMITTED USING TECHNIQUES THAT MINIMIZE SOIL AND VEGETATION DISTURBANCE.
6. LOTS 2-7 ARE PART OF LOT A-2
7. SEE SHEET 2 FOR EASEMENT DETAILS.

BASIS OF BEARING

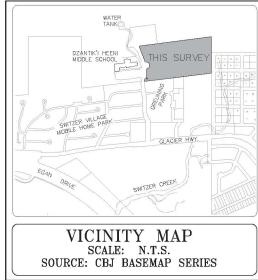
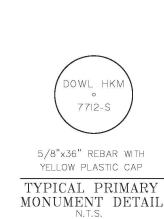
THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH BETWEEN FOUND PRIMARY MONUMENTS NOTED.

CURVE TABLE				
CURVE	LENGTH	DELTA	RADIUS	CHORD
C1	28.72	82°16'53"	20.00	S42°31'11"W 26.32
C2	26.20	75°03'40"	20.00	N58°48'32"W 24.37
C3	17.45	49°59'41"	20.00	S58°39'47"W 16.90
C4	42.30	48°28'05"	50.00	S57°53'59"W 41.05
C5	48.74	55°51'16"	50.00	N69°56'20"W 46.84
C6	54.94	74°25'13"	50.00	S04°48'06"E 60.47
C7	39.13	44°50'08"	50.00	N54°49'35"E 38.14
C8	49.23	56°24'40"	50.00	S74°33'01"E 47.26
C9	17.45	49°59'41"	20.00	N71°20'32"W 16.90
C10	133.35	16°15'23"	470.00	N69°53'32"E 132.91
C11	203.81	22°01'59"	530.00	N72°46'49"E 202.56
C12	180.74	22°01'59"	470.00	S72°46'49"W 179.63
C13	150.36	16°15'23"	530.00	S69°53'32"W 149.87

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND 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 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: APRIL, 2015



OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT CITY AND BOROUGH OF JUNEAU, AK IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS LANDS MANAGER, 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:

DATED: 10 APRIL 2015

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss. GREG CHANEY
CITY LANDS MANAGER

NOTARY ACKNOWLEDGMENT

THIS IS TO CERTIFY THAT ON THE 10 DAY OF APRIL, 2015, BEFORE THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED GREG CHANEY TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON HE REPRESENTS HIMSELF TO BE AND THE LANDS MANAGER FOR THE CITY & BOROUGH OF JUNEAU, WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF THE SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO.

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

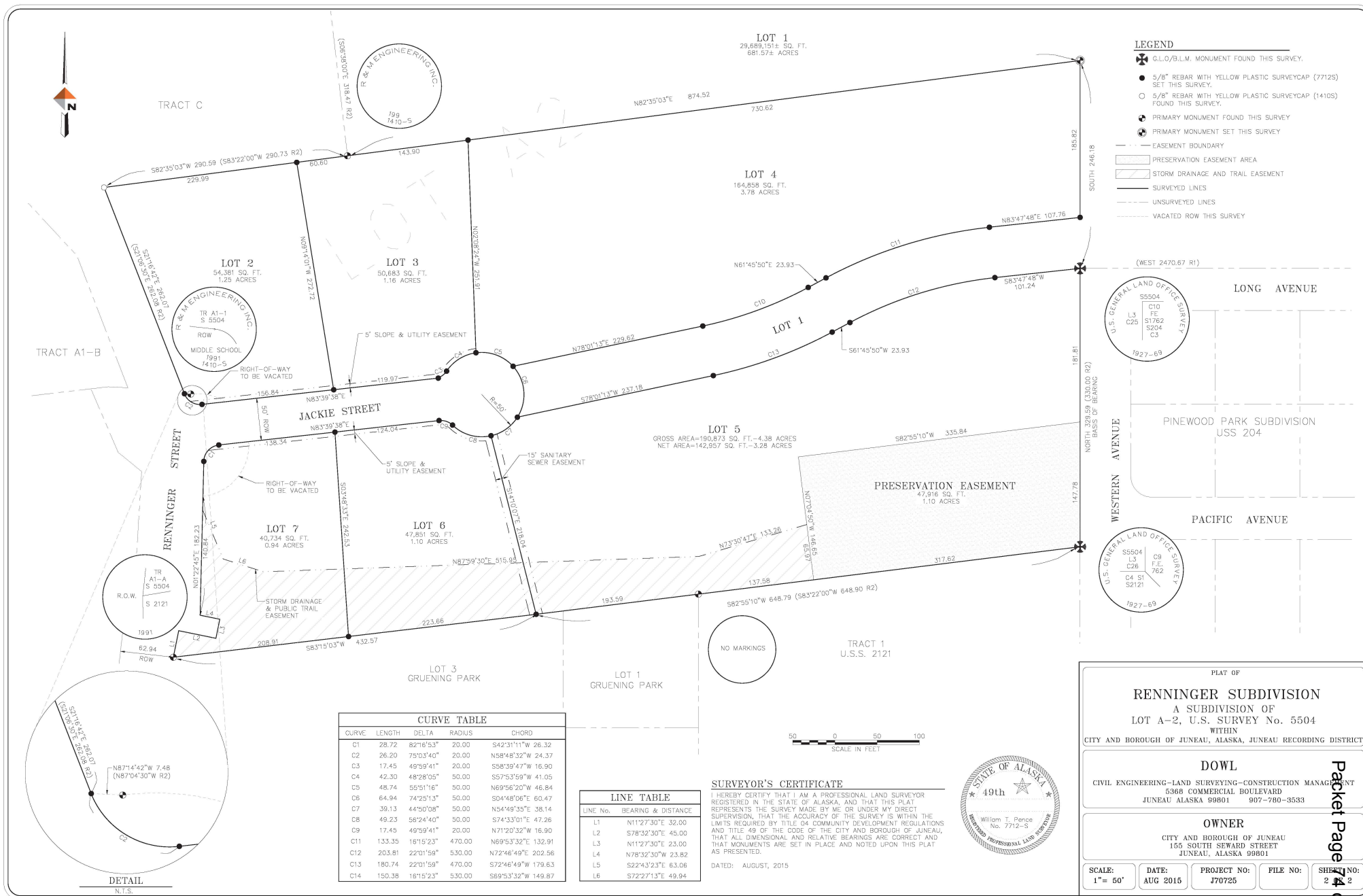
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES:

PLAT OF
RENNINGER SUBDIVISION
A SUBDIVISION OF
LOT A-2, U.S. SURVEY No. 5504
WITHIN
CITY AND BOROUGH OF JUNEAU, ALASKA, JUNEAU RECORDING DISTRICT

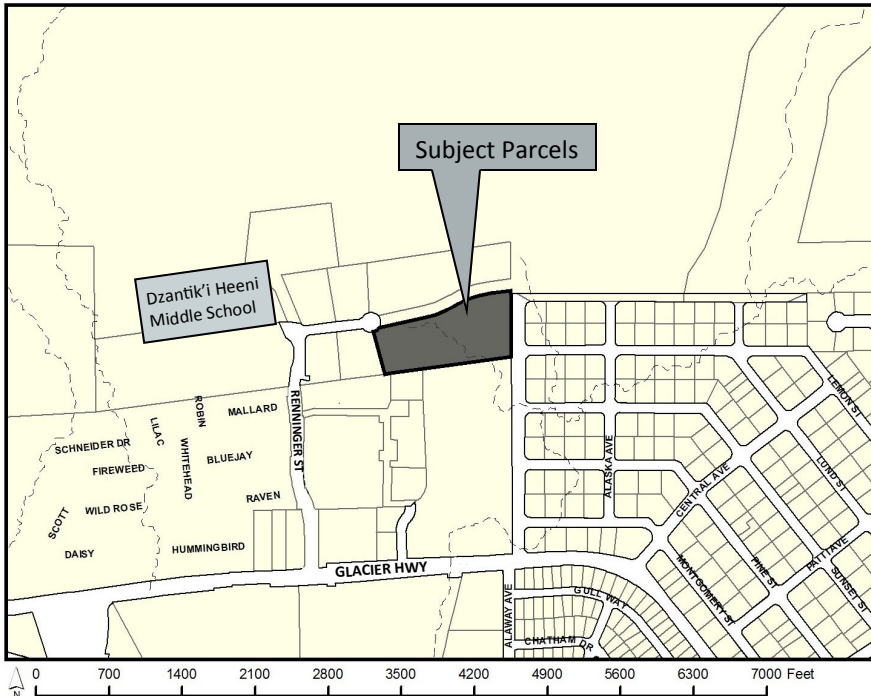
DOWL
CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-740-3533

OWNER
CITY AND BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

SCALE: 1"= 100'
DATE: AUG 2015
PROJECT NO: J70725
FILE NO:
SHEET NO: 1 of 2



NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Consistency review for disposal of CBJ owned property; Lot 4 and Lot 5, Renninger Subdivision, Lemon Creek.

File No:	CSP2017 0011	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5B1401000210 & 5B1401000220
Hearing Date:	July 11, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	3.8 acres & 4.4 acres
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street	Accessed Via:	Jackie Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

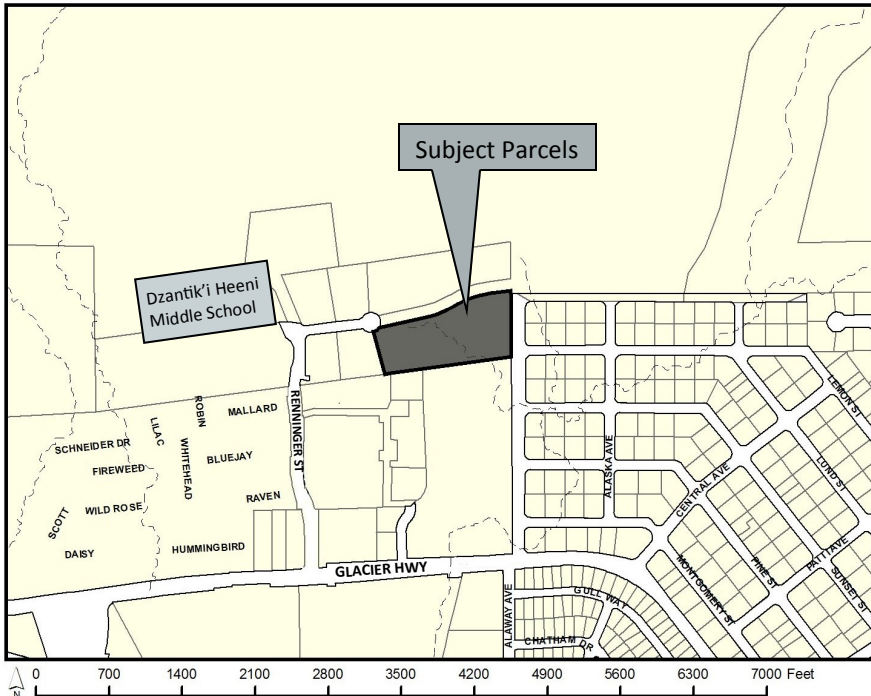
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Chrissy Steadman at christine.steadman@juneau.org or (907) 586-0761.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

Please Note: This hearing has been rescheduled from July 11th. The case will now be heard by the Planning Commission on July 25th. See the reverse for more details.

PROPOSAL: Consistency review for disposal of CBJ owned property; Lot 4 and Lot 5, Renninger Subdivision, Lemon Creek.

File No:	CSP2017 0011	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5B1401000210 & 5B1401000220
New Hearing Date:	July 25, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	3.8 acres & 4.4 acres
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street, Juneau, Alaska 99801	Accessed Via:	Jackie Street

PROPERTY OWNERS PLEASE NOTE:

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If you have questions, please contact Beth McKibben at beth.mckibben@juneau.org or (907) 586-0465.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

CSP2017 0011&12 – Consistency review for disposal of CBJ owned property, Lots 2, 4 & 5, Renninger Subdivision, Lemon Creek

July 25, 2017



Applicant:	City & Borough of Juneau
Property Owner:	City & Borough of Juneau
Property Address:	Jackie Street
Legal Descriptions:	Renninger Subdivision Lot 2, Lot 4 and Lot 5
Parcel Code Numbers:	5B1401000190; 5B1401000210 and 5B1401000220
Site Sizes:	1.25 acres; 3.8 acres and 4.4 acres
Comprehensive Plan Future Land Use Designation:	Medium Density Residential (MDR)
Zoning:	D15
Utilities:	Public water & sewer
Access:	Jackie Street
Existing Land Use:	Vacant



CSP17-11&12

Project area



CSP17-11&12

Project area



CBJ 49.10.170(c) states:

The commission shall review and 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.



Renninger Subdivision platted in 2015 with PC approval creating 8 lots

Lot 1 - held for future development

Lot 2 – proposed negotiated sale supported by Lands Committee

Lot 3 – sold to Juneau Housing Trust for use in the Juneau School District House Build Program

Lots 4 & 5 – proposed sealed bid and over the counter sales supported by Lands Committee

Lots 6& 7 – sold to Alaska Housing Development Corporation



CSP17-11&12

Project site

	Lot 2	Lot 4	Lot 5
Size	1.1 acres	3.78 acres	4.38 acres
Allowed density	16 units	56 units	65 units
Wetlands	Yes	Yes	Yes*
ACOE permit	Yes	Yes	Yes

* Lot 5 contains a 1.1 acre preservation easement as required by ACOE



2013 Comprehensive Plan

Affordable Housing:

- **POLICY 4.1.** TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.
- **POLICY 4.2.** TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.
- **POLICY 4.6.** TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.
- **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.



2013 Comprehensive Plan

Cont...

- POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.
- 10.5 - IA1 Develop a Capital Improvement Plan to extend facilities and services to areas within the Urban Services Area planned for medium to high density residential development. Priority for capital improvements for road access, municipal water and sewer services should be given to land areas that can accommodate the densities that support affordable housing units (minimum 10 units per acre) or to properties on which affordable housing projects are proposed.



2013 Comprehensive Plan

Cont...

Guidelines and Considerations for Subarea 5 (Switzer Creek/Lemon Creek and Salmon Creek):

11. Renninger Road serves a CBJ school and water reservoir and an affordable rental housing development and could further be used to access other CBJ lands suitable for development of affordable housing.

2015 Juneau Economic Development Plan

Initiative: Promote housing affordability and availability (p.94)



2016 Land Management Plan

Land should be developed at 5 units an acre and above

Housing Action Plan

CBJ should develop a competitive process for CBJ-owned property that awards for project design, capital investment, density and affordability

Density should reflect capital investment in infrastructure cost



Staff recommends that the Planning Commission find CSP2017 0011 and CSP2017 0012 to be consistent with adopted local plans and policies, as required by CBJ 49.10.170(c), CBJ 49.15.580 and CBJ 53.09.260, and forward to the Assembly a recommendation for approval to allow for the sale of Lot 2 Renninger Subdivision by negotiated sale and Lots 4 & 5 Renninger Subdivision by sealed competitive bid and over the counter sales.

This recommendation is based on the following condition:

- Consider requiring the development of the maximum practical number of units per lot as a condition of the sale for Lots 2, 4 and 5.

CSP17-11&12

QUESTIONS?





Community Development

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: August 3, 2017
File No.: CSP2017 0011

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 the disposal of CBJ owned property, Lots 4 & 5, Renninger Subdivision, Lemon Creek.

Legal Description: Lot 4 & Lot 5, Renninger Subdivision

Parcel Code No.: 5B1401000210, & 5B1401000220

Hearing Date: July 25, 2017

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 13, 2017, and recommended Assembly approval to allow for the sale of Lots 4 & 5 Renninger Subdivision by sealed competitive bid and over the counter sales with the following condition:

1. Encourage the development of the maximum practical number of dwelling units.

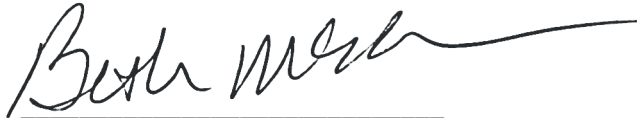
Attachments: July 13, 2017 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding CSP2017 0011.

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

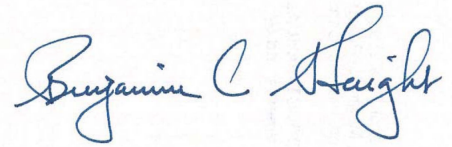
City and Borough of Juneau
CBJ Assembly
File No.: CSP2017 0011
August 3, 2017
Page 2 of 2

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, Planning Manager
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

August 8, 2017

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: July 13, 2017

TO: Planning Commission

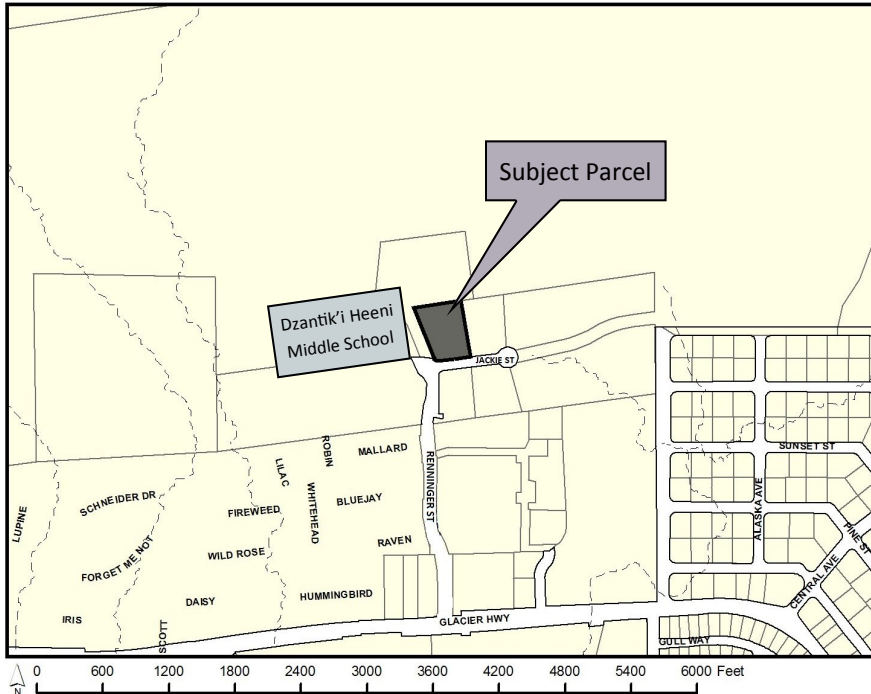
FROM: Beth McKibben, AICP, Planning Manager
Community Development Department

CASE NOS.: CSP2017 0011 & CSP2017 0012

PROPOSAL: Consistency review for disposal of CBJ owned property, Lots 2, 4 & 5,
Renninger Subdivision, Lemon Creek

**THE STAFF REPORT FOR CSP2017 0012 IS COMBINED WITH CSP2017
0011 AND CAN BE FOUND AS AN ATTACHMENT TO THAT CASE.**

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Consistency review for disposal of CBJ owned property; Lot 2 , Renninger Subdivision, Lemon Creek.

File No:	CSP2017 0012	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5B1401000190
Hearing Date:	July 11, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	1.25 acres
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street	Accessed Via:	Jackie Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

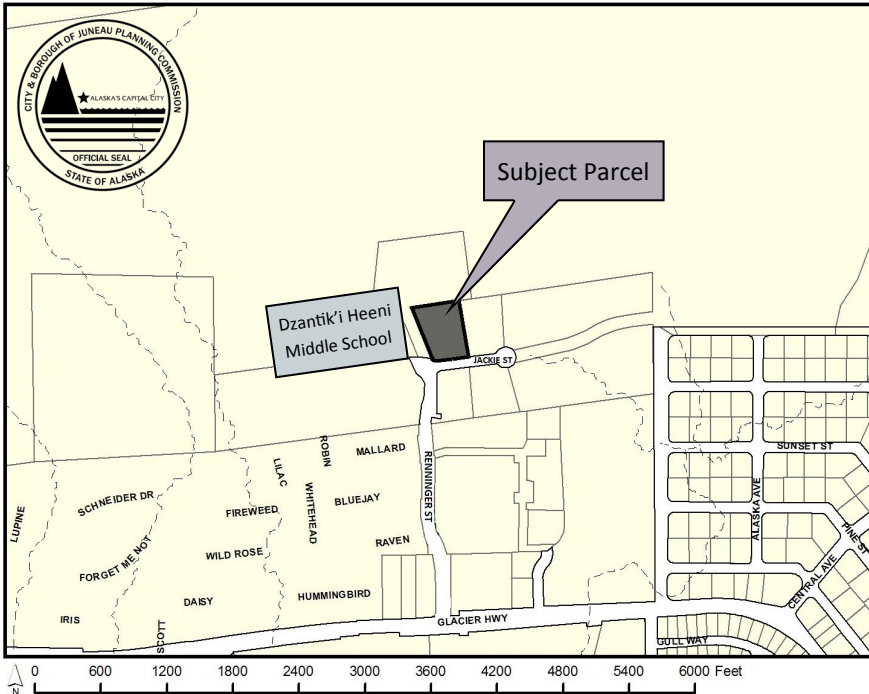
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Chrissy Steadman at christine.steadman@juneau.org or (907) 586-0761.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

Please Note: This hearing has been rescheduled from July 11th. The case will now be heard by the Planning Commission on July 25th. See the reverse for more details.

PROPOSAL: Consistency review for disposal of CBJ owned property; Lot 2 , Renninger Subdivision, Lemon Creek.

File No:	CSP2017 0012	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	5B1401000190
New Hearing Date:	July 25, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	1.25 acres
Place:	Assembly Chambers	Zoned:	D15
	Municipal Building	Site Address:	Jackie Street
	155 South Seward Street, Juneau, Alaska 99801	Accessed Via:	Jackie Street

PROPERTY OWNERS PLEASE NOTE:

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If you have questions, please contact Beth McKibben at beth.mckibben@juneau.org or (907) 586-0465.

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

**THE PRESENTATION FOR CSP2017 0012 IS COMBINED WITH
CSP2017 0011 AND CAN BE FOUND AS AN ATTACHMENT TO
THAT CASE.**



Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: August 3, 2017

File No.: CSP2017 0012

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 disposal of CBJ owned property, Lot 2 Renninger Subdivision, Lemon Creek.

Legal Description: Lot 2, Renninger Subdivision

Parcel Code No.: 5B1401000190

Hearing Date: July 25, 2017

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 13, 2017, and recommended Assembly approval to allow for the sale of Lot 2 Renninger Subdivision by negotiated sale with the following condition:

1. Encourage the development of the maximum practical number of dwelling units.

Attachments: July 13, 2017 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding CSP2017 0012.

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

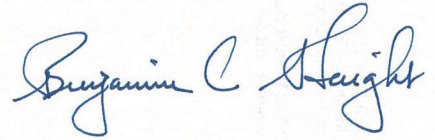
City and Borough of Juneau
CBJ Assembly
File No.: CSP2017 0012
August 3, 2017
Page 2 of 2

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, Planning Manager
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

August 8, 2017

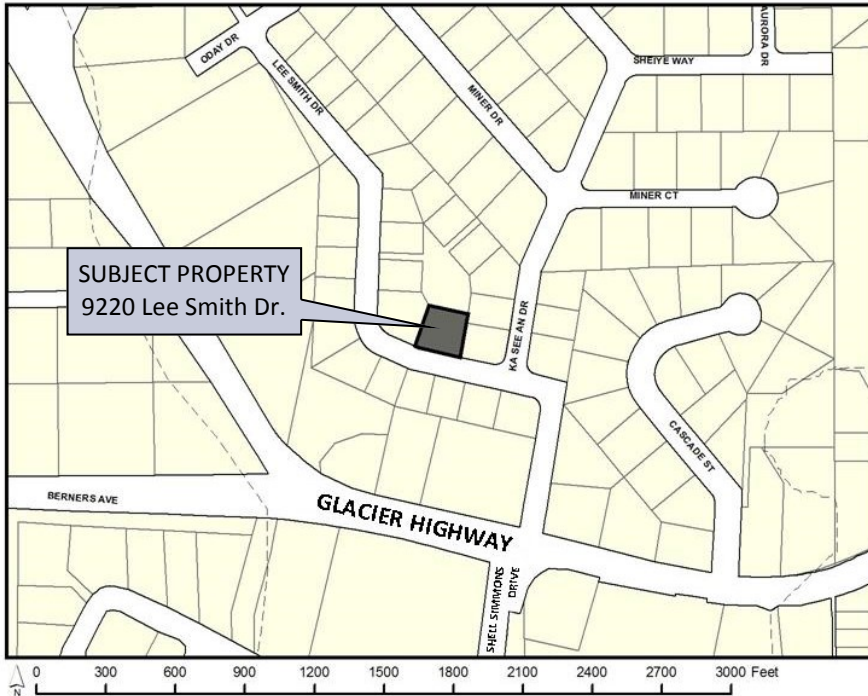
Date

cc:

Plan Review

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NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSALS TO BE CONSIDERED BY THE PLANNING COMMISSION:

USE2017 0015: Renewal of an expired Conditional Use Permit to allow a commercial hydroponic vegetable farm in a D5 zoning district.

USE2017 0016: A Conditional Use Permit to allow the encroachment into a rear yard setback that abuts publicly owned land.

File Nos:	USE2017 0015 & USE2017 0016	Applicant:	Allen Butner
To:	Adjacent Property Owners	Property PCN:	5B1601050050
Hearing Date:	July 25, 2017	Owner:	Allen Butner
Hearing Time:	7:00 PM	Lot Size:	9,806 sq. ft.
Place:	Assembly Chambers Municipal Building 155 South Seward St, Juneau AK 99801	Zoned:	D5
		Site Address:	9220 Lee Smith Drive
		Accessed Via:	Lee Smith Drive

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Allison Eddins at allison.eddins@juneau.org or (907) 586-0758.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: June 23, 2017



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

DATE: July 14, 2017

TO: Planning Commission

FROM: Allison Eddins, Planner *A. Eddins*
Community Development Department

FILE NO.: USE2017 0015

PROPOSAL: Conditional Use Permit to allow a commercial hydroponic vegetable farm in a D5 zoning district.

GENERAL INFORMATION

Applicant: Allen and Gerri Butner

Property Owner: Allen and Gerri Butner

Property Address: 9220 Lee Smith Drive

Legal Description: Airport Acres Block C, Lot 8

Parcel Code Number: 5B1601050050

Site Size: 9,806 sq. ft.

**Comprehensive Plan Future
Land Use Designation:** Urban Low Density Residential (ULDR)

Zoning: D5

Utilities: CBJ water and wastewater

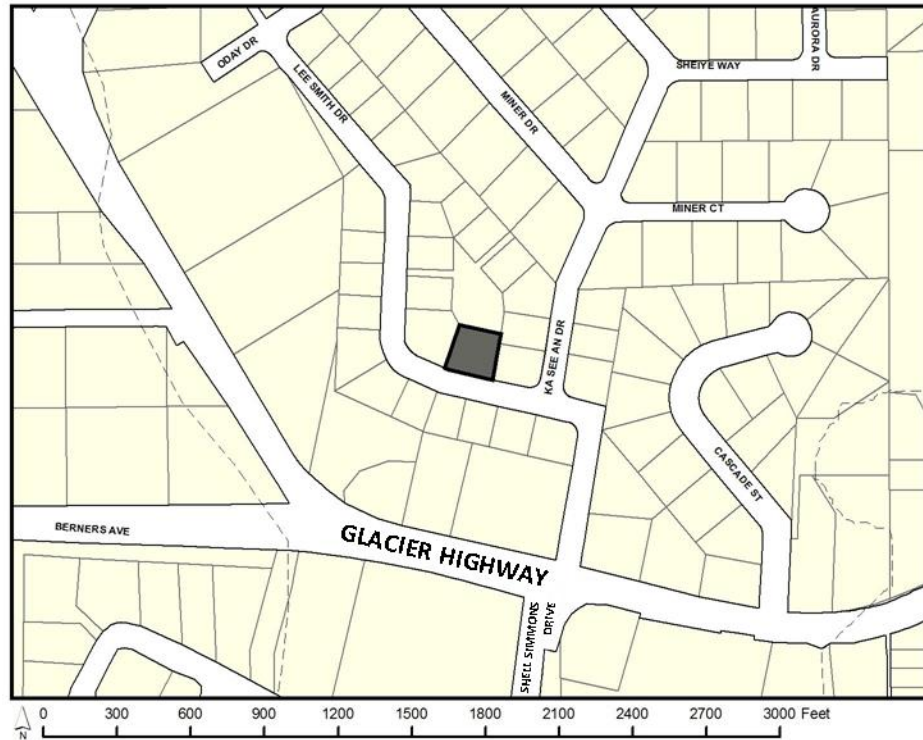
Access: Lee Smith Drive

Existing Land Use: Single family residential

Surrounding Land Use:
North - D5/Vacant CBJ Recreational Area
South - Light Commercial/Professional Offices
East - D5/Duplex
West - D5/Duplex

Planning Commission
 File No.: USE 2017 0015
 July 14, 2017
 Page 2 of 11

Vicinity Map



ATTACHMENTS

- Attachment A – Conditional Use Permit Application
- Attachment B – Project Narrative
- Attachment C – Site Plan and Photos
- Attachment D – Zoning Map
- Attachment E – 1955 Plat
- Attachment F – Public Notice
- Attachment G – Public Comment for USE2014 0014
- Attachment H – NOD for USE2014 0014

PROJECT DESCRIPTION

The applicant requests a conditional use permit for the development of a hydroponic vegetable farm in a D5 zoning district on Lee Smith Drive. The vegetables will be grown in six large converted shipping containers that have been converted for hydroponic gardening. The containers will be connected to utilities and will therefore require a building permit. The applicant plans to stack the containers in his rear yard; three across and two high. The containers will be 40 feet long, 8 feet wide and 10 feet high. In order to access the top containers the applicant has future plans to build a covered staircase. At this time, the applicant

Planning Commission
File No.: USE 2017 0015
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Page 3 of 11

has not determined the optimal desired location for the staircase and it is not being considered as part of this application. The staircase will also require building permit.

Additionally the applicant has applied for a conditional use permit to allow a structural projection into required rear yard setback adjoining publicly owned land classified as a recreational area (USE2016 0016).

BACKGROUND

This is the applicant's second conditional use permit application for this project. The previous application was approved by the Planning Commission on November 25, 2014. Conditional use permits expire after 18 months if no Building Permit has been issued for the project that was approved (See Attachment H). The applicant's approved conditional use permit (USE2014 0014) expired on May 25, 2016.

The property located at 9220 Lee Smith Drive was platted in 1955 (Attachment B). The residence was built in 1962. It has been used as a residence and professional office for several decades. The Community Development Department records indicate a conditional use permit was granted in 1983 for the operation of an accounting firm out of the residence.

According to the applicant an insurance company operated out of the residence for several years. Ownership then transferred to Boy Scouts of America which managed their Southeast Alaska operations from the site. CDD does not have a record of these uses.

The applicant purchased the property from the Boys Scouts of America in 2009 and operated a Title 49 compliant home day care for up to 8 children in their residence. This child care center recently closed. The property is currently only being used as the applicant's residence.

ANALYSIS

Project Site – The subject site is 9,806 square feet and is located in the D5 zoning district. A Light Commercial zoning district is located on the southern side of Lee Smith Drive (Attachment D). A 2,244 square foot single family residence was built on the site in 1962. Much of the property is paved or is covered in gravel (Attachment C).

The recorded plat identifies the undeveloped lot to the north as a recreation area (Attachment E). This lot is owned by CBJ Lands and Resources. During the review process for the first permit application in 2014 CBJ Lands and Resources had no objection to the proposed use. Staff reached out to CBJ Lands and Resources in June 2017 and the Manager confirmed they still had no objections. The Lands Manager did, however, want to ensure that CBJ property is not used to access the site or used for storage of supplies or equipment related to this business. Staff is recommending these as conditions of approval.

Planning Commission
File No.: USE 2017 0015
July 14, 2017
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The lots to the west and to the east each have a duplex. A church is located directly to the north. The church operates a guesthouse which is adjacent to the subject property to the northeast. These properties are located in the D5 zoning district. Several commercial businesses are directly to the south in the Light Commercial zoning district including the Travel Lodge motel and two dental clinics.

Project Design – The applicant proposes to use six insulated containers to house the hydroponic growing operation. The applicant plans to connect the containers to CBJ electricity and water. This will require a building permit. The produce harvested from this operation will be sold to area stores. The containers will be 40 feet long, 10 feet high and 8 feet wide. The proposal is to stack the containers with three on the bottom and three on top. The structures would have a footprint of 960 square feet and be 20 feet high. The accessory structure height allowance in the D5 zoning district is 25 feet. The applicant has future plans to construct a covered staircase in order to access the top containers. As mentioned previously, the staircase is not being considered as part of this application. The staircase will require a Building Permit and will be reviewed for compliance with the Title 49 height restriction and setback requirements for staircases.

The previously approved conditional use permit included a shelter over the containers. The applicant no longer plans to build a shelter to cover the containers. The size of the containers has changed. Originally they were going to measure 53 feet long, 8 feet wide and 8 feet high. The containers that the applicant now plans to use are 40 feet long, 10 feet high and 8 feet wide, decreasing the footprint to 960 square feet while increasing the total height to 20 feet.

The eastern side of the house has a 300 square foot garage that was converted to into additional living space. The applicant intends to use this space for packaging and staging of the produce prior to loading it into the delivery truck. The applicant plans to purchase one delivery truck and will make deliveries himself. He has stated that delivery times will be determined by the purchasing stores. Therefore, the times of day and days of the week for deliveries have not been determined. However, the applicant does not anticipate excessive noise from packaging and loading for a delivery. The lettuce will be harvested inside the containers and moved to the indoor packaging room and finally loaded into the truck. The applicant intends to operate the business without employees so there will not be noise and traffic from employees arriving or departing.

The first Conditional Use Permit was approved in November 2014. This was around the time Ballot Measure 2, legalizing marijuana in the State of Alaska, was approved. At the hearing, the Planning Commission approved the conditional use permit with the following condition:

“This Conditional Use Permit does not authorize marijuana to be grown, cultivated, processed, tested, sold or stored within or on the property.”

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Since that time, the CBJ has adopted marijuana regulations. These regulations do not allow marijuana cultivation in the D5 zoning districts. Staff is recommending these as conditions of approval.

Lot Coverage – The D-5 zoning district allows for 50 percent lot coverage. The lot is 9,806 square feet. Therefore, structures may occupy 4,903 square feet. The containers will take up 960 square feet. The residence is 2,244 square feet and there are three storage sheds totaling 256 square feet. The containers, residence, and sheds would occupy 3,460 square feet which is 35 percent lot coverage.

Vegetative Coverage – According to CBJ 49.50.300 *Minimum vegetative cover*, there is a 20 percent vegetative cover requirement in the D5 zoning district. Therefore, 1,961 square feet of the lot must have vegetative cover. The applicant states in the current application that 27 percent of the lot has vegetative cover. However, review of aerial imagery and a site visit confirm that the vegetative cover of the lot does not meet the 20 percent minimum (Attachment C).

There is significant amount of pavement covering the property. The pavement is an impervious cover that doesn't support surface water management, which is one reason for requiring vegetative cover. The applicant stated that during heavy rainfall the adjacent CBJ property fills with water and floods a portion of his lot. The area where the daycare play area was previously located could now accommodate the required vegetated cover. The eastern side of the lot could also accommodate further vegetation. Adding vegetation on the eastern side of the lot will also create a screening buffer. Further, rooftop vegetation could be installed on top of the containers. Staff recommends a vegetative cover plan be submitted indicating where new vegetation will be installed. Staff recommends the following conditions:

- A vegetative cover plan shall be provided indicating how the 20 percent minimum is met, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structures.
- The applicant shall plant or bond for the installation of a minimum of 1,961 square feet of required vegetation prior to the issuance of a Certificate of Occupancy.
- The vegetative cover areas shown on the plan submitted shall be maintained with live vegetative cover.

Staff further recommends that:

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- an expansion of the business that includes any additional container(s) beyond the proposed six require a new Conditional Use Permit to properly evaluate the effect of an additional container to lot coverage and vegetative cover.
- if there comes a time when the business ceases operation the containers must be removed from the site.

Visibility – If the applicant is allowed to locate the containers in his preferred location the containers would not be visible from the street because they would be shielded by the residence. They would be visible to the neighboring residences on the west and east. The applicant stated he had spoken to the lessee and the owner of the residence to the west and there were no objections to the placement of the containers. The applicant also stated he has spoken with the owner of the residence to the east and similarly there were no objections to the use. As mentioned previously, the maximum allowed height for accessory structures in a D5 zoning district is 25 feet. The containers will be 20 feet high. At the writing of this report, staff had not received any public comment opposing the proposal. For the applicant's previous permit, staff received numerous letters from the public in support of the project. Staff has not received any public comment against this project.

Water Management – The containers will contain 100 to 150 gallons of water that will be completely or partially replaced on a monthly basis. The applicant intends to install a French drain near the containers to dispose of water. CBJ General Engineering has no objections to this. This commercial use will also require the installation of a commercial water meter. As a condition of approval staff recommends that a commercial water meter must be installed before a Certificate of Occupancy is issued.

Traffic – The applicant plans to have a single delivery truck that will he will use to make deliveries to local grocery stores and to pick up supplies. Delivery times have yet to be determined but the applicant expects them occur a few times per week once the business is up and running. There will be no retail sales occurring at this location. Staff does not anticipate this business having any significant traffic impacts on the neighborhood. Additionally, with the recent closure of the day care traffic to this location has decreased.

Parking and Circulation – The property has five parking spaces in front of the residence. These spaces were previously used for the home child care. The residence requires two parking spaces. The parking requirement for warehousing and manufacturing is 1 space for every 1,000 square feet of gross floor area. As stated previously the gross floor area of the containers will be 960. The parking requirement for this use is 1 space which will be used to accommodate the applicant's delivery truck.

The site has sufficient space for loading of the produce. The delivery truck would be able to back into the driveway, allowing for safe exiting once the truck is loaded with produce. Back out

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parking is only allowed for single family residences, duplex, and home child cares. The applicant will not be allowed to back out the delivery truck.

Noise – The only noise anticipated will be from the delivery truck. This site is located in close proximity to other commercial uses which generate noise such as the motel and the Juneau International Airport.

Public Health or Safety – The applicant has provided the chemical composition of the fertilizer supplied by the developer of the hydroponic growing containers. If consumed in a concentrated form, it could be harmful. However, once diluted and added to the growing water of the lettuce the product is not harmful. Further, the plants will absorb the nutrients during the growing cycle. Therefore, the water that is eventually disposed of will have little to no concentration of the fertilizer. The fertilizer will be stored in a safe and secure location in the converted garage space that will be used for packaging.

During the review process for the first conditional use permit, staff received letters from the public in support of the proposal due to the need for fresh produce (Attachment F). Locally grown food would have beneficial health impacts to the community.

Habitat – The site is in a densely developed area of the Mendenhall Valley. Moreover, no eagle nests, anadromous fish streams, wetlands, or other sensitive areas are known to exist on the subject site.

Property Value or Neighborhood Harmony – The subject property is in a low density zoning district and is bordered by a Light Commercial zoning district (Attachment D). A large hotel and two dental clinics are directly across the street from the subject lot. There are duplexes adjacent to the subject site. The lot to the northeast contains a church. As previously stated the rear of the lot is adjacent to a vacant CBJ parcel that receives a high volume of storm water runoff. The entire area is also in close proximity to the airport.

Zoning is intended to ensure that compatible or similar uses are located near one another. There was an intention when the zoning maps were adopted to separate the residential neighborhood from commercial uses. Several professional offices have existed on and near the subject site over the years. However, this commercial use is more intense than previous uses, adding infrastructure and product delivery. There is also the potential for the operation to grow based on product demand.

The intent of the hydroponic farm is to be a supplier of fresh produce to Juneau grocery stores. If demand increases beyond the supply offered by the six containers, the applicant will need to apply for an additional conditional use permit to expand the operation on the site.

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Conformity with Adopted Plans – This property is designated as Urban Low Density Residential (ULDR) on the 2013 Comprehensive Plan Land Use Subarea 4. The ULDR land use designation is for lands;

“...characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow house, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ49.25.300).”

With appropriate conditions, this commercial development may be deemed to be of a scale consistent with a single-family residential neighborhood.

The 2013 *Comprehensive Plan* Chapter 2 specifically supports the development of local commercial food production. There is a need for fresh food for health reasons, local production provides for both food and economic security.

POLICY 2.1 TO BUILD A SUSTAINABLE COMMUNITY THAT ENDURES OVER GENERATIONS AND IS SUFFICIENTLY FAR-SEEING AND FLEXIBLE TO MAINTAIN THE VITAL AND ROBUST NATURE OF ITS ECONOMIC, SOCIAL, AND ENVIRONMENTAL SUPPORT SYSTEMS.

Implementing Action 2.1 – IA10 Support the individual and commercial production of foods locally grown with careful evaluation of environmental impacts.

Hydroponic food production is a low impact form of growing. Normal fertilizers will be used in the water and be absorbed by the plants prior to any disposal of the water.

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.

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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 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 14.200 for the D5 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 July 14, 2017 and July 25, 2017 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 preceding staff analysis, this proposed development will not materially endanger 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. There is no evidence to suggest the development would substantially decrease the value of property in the neighboring area. Similarly, the use, with conditions, is not out of harmony

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with the section of the neighborhood that lies within the Light Commercial zoning district. The dental clinics and hotel generate significant daily traffic. Given the convergence of commercial and residential uses in such a small area it is unlikely the proposed use would affect neighboring property values.

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 preceding staff analysis, the proposed development is in general conformity with the 2013 *Comprehensive Plan*.

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 grant the requested Conditional Use permit. The permit would allow the development of a commercial hydroponic vegetable farm in a D5 zoning district.

The approval is subject to the following conditions, where were approved with the first Conditional Use Permit:

1. A vegetative cover plan shall be provided indicating how the 20 percent minimum is met, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structures.
2. The applicant shall plant or bond for the installation of a minimum of 1,961 square feet of required vegetation prior to the issuance of a Certificate of Occupancy.
3. The vegetative cover areas shown on the plan submitted shall be maintained with live vegetative cover.
4. An expansion of the business to include additional containers beyond the six proposed or the addition of delivery vehicles beyond the one proposed require a new Conditional Use Permit.
5. The six growing containers must be removed from the site if/when the business ceases operations.
6. A commercial water meter must be installed before a Certificate of Occupancy is issued.
7. CBJ property will not be used to access the site.

Planning Commission
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8. CBJ property will not be used for storage of supplies or equipment related to this business.

Additionally, staff recommends the following advisory conditions:

1. This conditional use permit does not authorize marijuana to be grown, cultivated, processed, tested, or sold within or on this property.
2. Back out parking by the delivery truck is prohibited, per CBJ 49.40.230 (b) (7).

Project Number	USE 2017-0015	CITY and BOROUGH of JUNEAU	Date Received:	6/5/17
Project Name	(City Staff to Assign Name)			

INFORMATION

PROJECT / APPLICANT

Project Description

To place six 40 ft shipping containers, three wide and two high, on the rear of the property to be used as a commercial hydroponic/aeroponic farm.

PROPERTY LOCATION

Street Address

9220 Lee Smith Dr

City/Zip

Juneau AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

Airport Acres BL C LT 8

Assessor's Parcel Number(s)

5B1601050050

LANDOWNER/ LESSEE

Property Owner's Name

Allen and Gerri Butner

Contact Person:

Allen Butner

Work Phone:

(907) 500-4696

Mailing Address

9220 Lee Smith Dr

Home Phone:

(907) 500-4696

Fax Number:

E-mail Address

butner2272@gmail.com

Other Contact Phone Number(s):

LANDOWNER/ LESSEE CONSENT

****Required for Planning Permits, not needed on Building/ Engineering Permits****

I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X

Landowner/Lessee Signature

6/5/17

Date

X

Landowner/Lessee Signature

5 June 17

Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT

If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name

Same

Contact Person:

Work Phone:

Mailing Address

Same

Home Phone:

Fax Number:

E-mail Address

Same

Other Contact Phone Number(s):

X

Applicant's Signature

Date of Application

STAFF APPROVALS

☒

Permit Type

*****SIGN**

Date Received

Application Number(s)

Building/Grading Permit			
City/State Project Review and City Land Action			
Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
Mining Case (Small, Large, Rural, Extraction, Exploration)			
Sign Approval (If more than one, fill in all applicable permit #'s)			
Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
2 Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		6/2/17	USE 17-015
Variance Case (De Minimis and all other Variance case types)			
Wetlands Permits			
Zone Change Application			
Other (Describe)			

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

Comments:

Permit Intake Initials

BMC

TO BE COMPLETED BY THE APPLICANT

Revised July 2015- I:\FORMS\2015 Applications

Conditional Use Permit

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JUN 05 2017
PERMIT CENTER/CDD

Project Description: A detailed letter or narrative describing the project.

We are looking to place up to six 40 ft. insulated container vans that have been modified to serve as hydroponic grow facility for leafy greens of various types and with the option to grow any manner of plant matter as dictated by the market. We may or may not place a concrete pad under the vans. Water, sewer and electric will be run underground to the vans. They will be stacked two high. This will still conform within the CBJ height maximum of 25 ft. They will be placed side by side, three wide. They will be placed on the asphalt area of the backyard, so as not to remove any vegetation from the property to conform to CBJ requirement of 20% vegetative cover. We are currently at approximately 27%. Access will be from the southern end of the property. There will be no significant foot traffic in this area. There will be no additional external lighting. No delivery vehicles will be going back there, beyond our vehicles occasionally. This is not anticipated to be needed other than rare occasion. I will be hand carrying boxes of product to the packaging room on the southern side of our house (Eventually, as the business grows), packaging it for delivery and loading it into the vehicle at the existing front parking area. We anticipate the hours of operation will be limited to 8am to 8pm as a general rule. Actual operation of the farm will only require a few hours a day, but we reserve the right to accommodate emergency orders or the needs of our customers. There will be no retail sales on site. The property is currently being utilized as a state licensed child care facility with the plan being that once the farm is solidly established, we will close the childcare facility. **(it has already been closed)** A French drain or bioswale will be installed to control rain water drainage and dispose of the wastewater from the farm. Containers will be painted in a manner that will not be garish or loud. Every attempt will be made to get them to blend in. If needed for screening, additional vegetation may be added. Property is already very secluded. Back of property is CBJ property, an unused swamp full of trees with very little drainage, so it is not used at all by even wildlife. To the West are storage sheds that are approximately 15 ft. tall, with a six ft. fence behind it, partitioning it from the neighboring rental unit. To the East, it is fairly treed for the back part of the property. Originally there was a dilapidated wood fence there that was removed and eventually will be replaced. There is a rental unit beside the property to the East. There is a church to the Northeast, shielded from the property with trees.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

A. Site plan, floor plan and elevation views of existing and proposed structures

See attached

B. Existing and proposed parking areas, including dimensions of the spaces, isle width and driveway entrances

See Attached Photos

C. Proposed traffic circulation within the site including access/egress points and traffic control devices

There should be no increase in traffic in the region due to this project. There will be no retail

sales, so the traffic will be limited to me taking deliveries to the stores occasionally. If anything, now that the child care in our home is closed, traffic should be less than the area is used to...

D. Existing and proposed lighting (including cut sheets for each type of lighting)

We will not be adding any additional external lighting

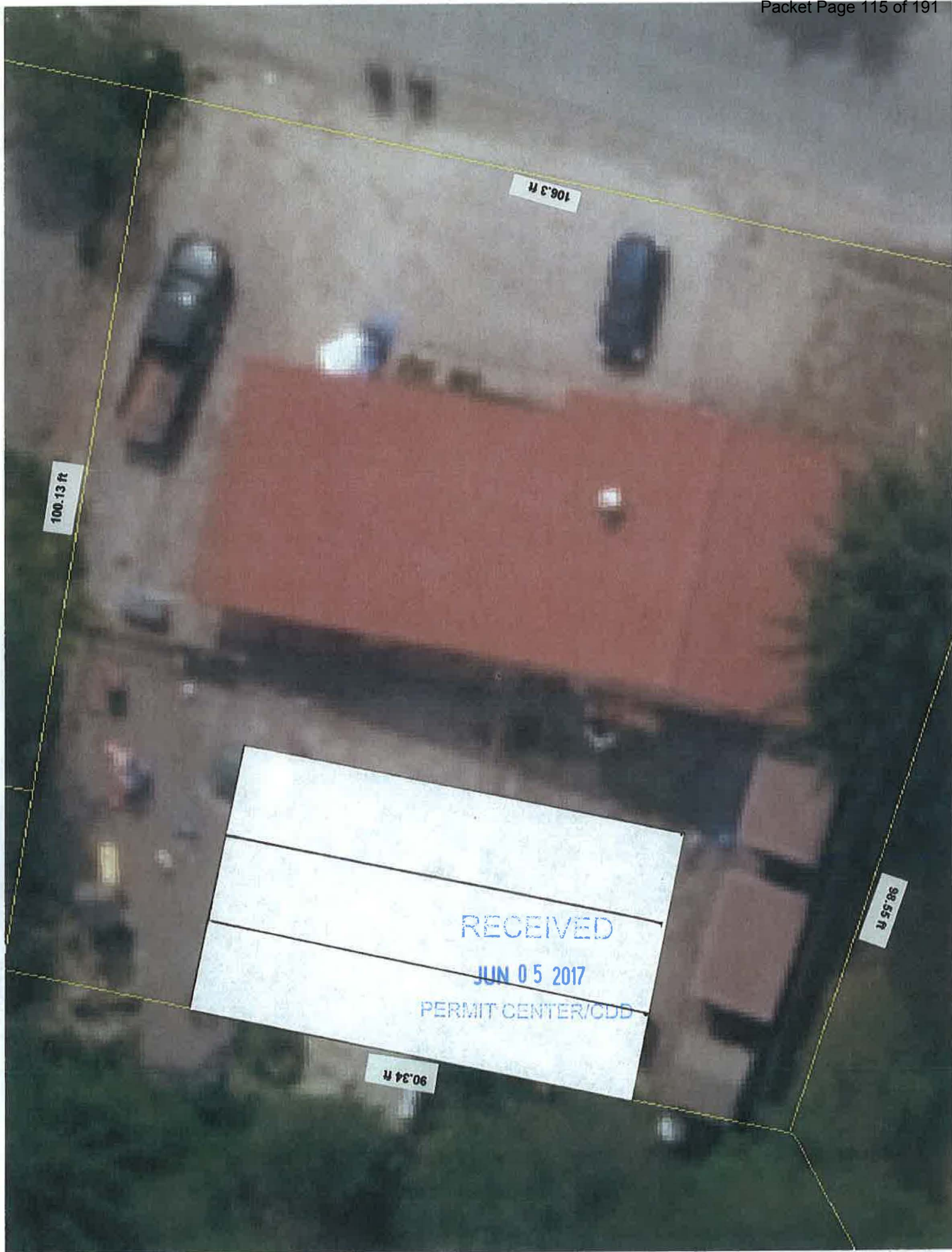
E. Existing and proposed vegetation with location, area, height and type of plantings

See attached photos. Daughter is about 6 ft. for scale.

F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Drainage is currently gravity fed from house to the back of the property. We will be installing a French drain or bioswale to capture this rainwater runoff. CBJ engineering suggested spraying waste water from this project on our vegetated areas. There are no eagle trees, hazards or salmon streams involved in this project.

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JUN 05 2017
PERMIT CENTER/CDD



Attachment C - Site Plan and Photos

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PERMIT CENTER/CDD



North
West boundary of the property, showing one shed along the North boundary
Note - Daughter is 6ft for scale

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PERMIT CENTER/CDD



North
~~Eastern~~ Boundary

RECEIVED
JUN 05 2017
PERMIT CENTER/CDD

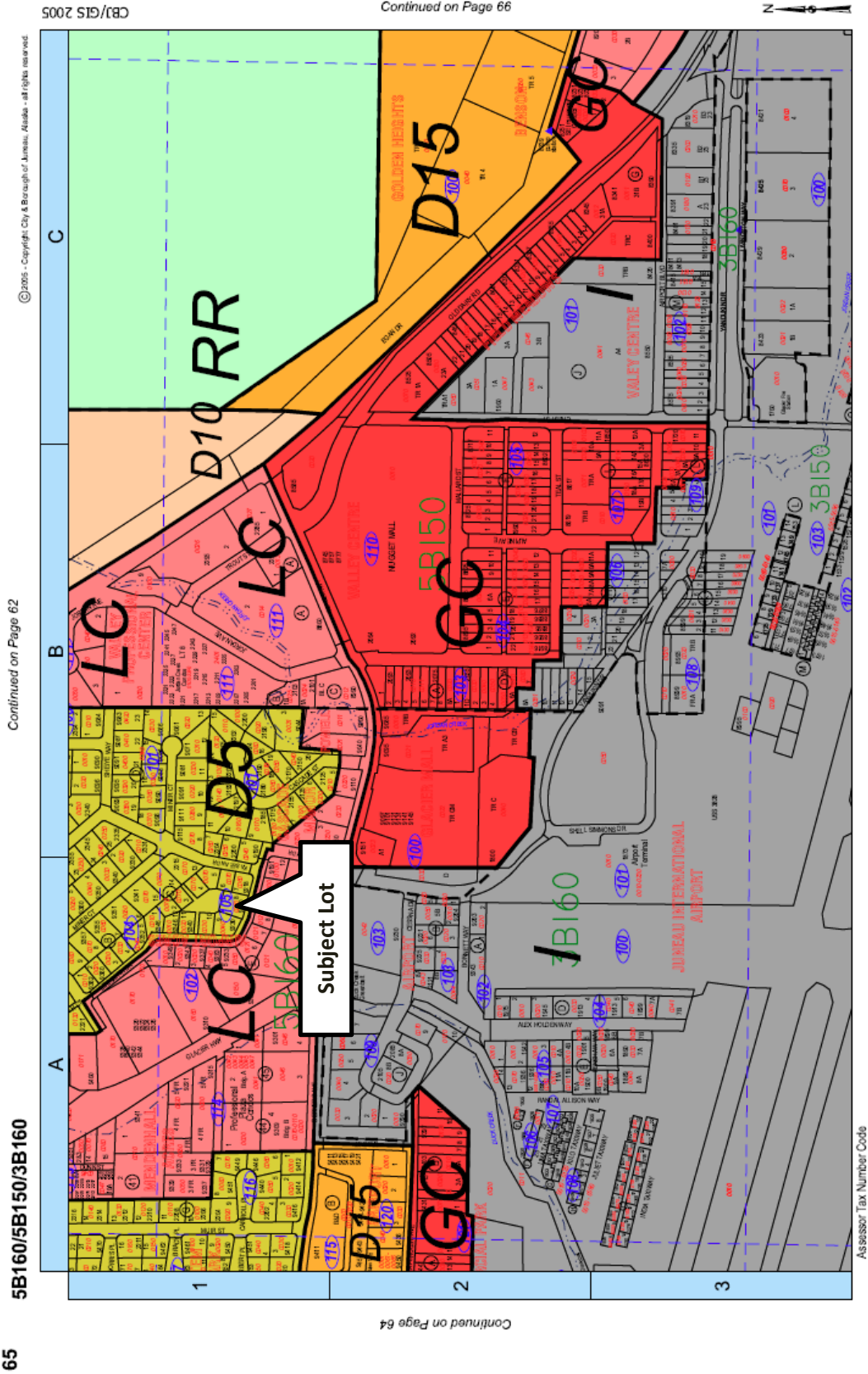


North
Southeastern boundary

RECEIVED
JUN 05 2017
PERMIT CENTER/CDD



~~Western~~
~~Northern~~ Boundary showing sheds and rental unit.



Attachment D - Zoning Map

SCALE: 1" = 80'

Source certify that the Subaltern Pilot whom herein has been found in conformity with the Subaltern Regulations of the Japanese Civilian Training Manual, and that said Pilot has been approved by the Board by Pilot Reference No. 3 dated 11-11-44. 1943.

DATE: 10/17/1948

INSTITUT
B

Merely certify that you are a registered professional civil engineer, and that this Plan represents the survey made by you or under my direct supervision, and that all dimensions and other details are correct, to the best of my knowledge.

January 11, 1922

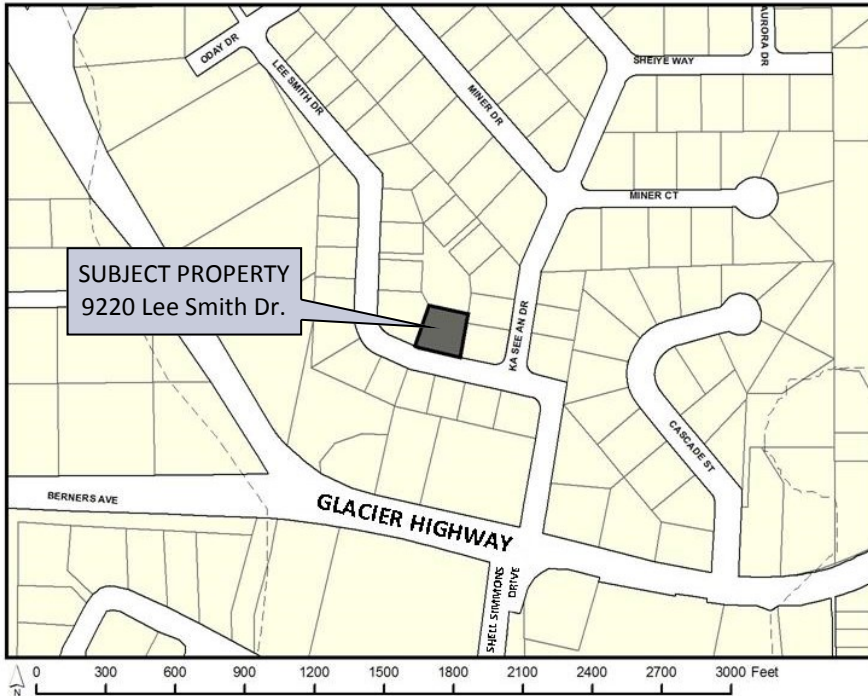
We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, walks, yards and other open spaces to public or private use as noted.

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Attachment E - 1955 Plat

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSALS TO BE CONSIDERED BY THE PLANNING COMMISSION:

USE2017 0015: Renewal of an expired Conditional Use Permit to allow a commercial hydroponic vegetable farm in a D5 zoning district.

USE2017 0016: A Conditional Use Permit to allow the encroachment into a rear yard setback that abuts publicly owned land.

File Nos:	USE2017 0015 & USE2017 0016	Applicant:	Allen Butner
To:	Adjacent Property Owners	Property PCN:	5B1601050050
Hearing Date:	July 25, 2017	Owner:	Allen Butner
Hearing Time:	7:00 PM	Lot Size:	9,806 sq. ft.
Place:	Assembly Chambers Municipal Building 155 South Seward St, Juneau AK 99801	Zoned:	D5
		Site Address:	9220 Lee Smith Drive
		Accessed Via:	Lee Smith Drive

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Allison Eddins at allison.eddins@juneau.org or (907) 586-0758.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: June 23, 2017

Attachment F - Public Notice

Holly Kveum

From: Linda Shaw <linda.rose.shaw@gmail.com>
Sent: Wednesday, November 12, 2014 8:34 AM
To: Christine McNally
Cc: butner2272@gmail.com
Subject: Re: Support for Allen Butner Fresh Produce Business

With Signature block this time!

To whom it may concern:

Please allow me this opportunity to support permitting of Allen Butner's fresh produce business idea. Allen's proposed business would be a great asset to Juneau, and Juneau's food security. As a consumer of healthy fresh vegetables, my husband and I are constantly challenged to find fresh affordable produce in Juneau. Much of the produce in our grocery stores is already past its prime by the time it hits the shelves, and must be used immediately before spoiling. We have wasted more food and money on spoiling vegetables than I would care to admit. This issue is also a problem with the Full Circle Farm boxes that we used to get, which are shipped from Washington State. Unfortunately a higher percentage than you might expect of items in these boxes has also begun to spoil by the time it is received. For this reason we stopped purchasing the boxes.

There is no substitute for locally grown vegetables in terms of freshness and having this option will no doubt be a boon to those Juneau residents seeking a healthy diet. Locally grown produce will also cut transport costs, improve Juneau's food security, and support the local economy. I urge you to support Allen's business to the benefit of us all.

Thank you for the opportunity to comment.

Linda Shaw
 9684 Moraine Way
 Juneau, AK 99801

On Wed, Nov 12, 2014 at 8:30 AM, Linda Shaw <linda.rose.shaw@gmail.com> wrote:

To whom it may concern:

Please allow me this opportunity to support permitting of Allen Butner's fresh produce business idea. Allen's proposed business would be a great asset to Juneau, and Juneau's food security. As a consumer of healthy fresh vegetables, my husband and I are constantly challenged to find fresh affordable produce in Juneau. Much of the produce in our grocery stores is already past its prime by the time it hits the shelves, and must be used immediately before spoiling. We have wasted more food and money on spoiling vegetables than I would care to admit. This issue is also a problem with the Full Circle Farm boxes that we used to get, which are shipped from Washington State. Unfortunately a higher percentage than you might expect of items in these boxes has also begun to spoil by the time it is received. For this reason we stopped purchasing the boxes.

There is no substitute for locally grown vegetables in terms of freshness and having this option will no doubt be a boon to those Juneau residents seeking a healthy diet. Locally grown produce will also cut transport costs, improve Juneau's food security, and support the local economy. I urge you to support Allen's business to the benefit of us all.

Thank you for the opportunity to comment.

Linda Shaw
9684 Moraine Way

Holly Kveum

From: Jonathan Morford <completewarriormma@gmail.com>
Sent: Monday, November 10, 2014 4:22 PM
To: Christine McNally
Subject: Allen Butner proposal

Hello Christine! I am very excited about Allen's hydroponic lettuce business and hope that it will soon be another option for organic, local food in Juneau.

Sincerely,

Harmony and Jonathan Morford



TO WHOM IT MAY CONCERN

I have had conversations with Allen Butner concerning his possible new business venture growing fresh produce in Juneau.

I am the Food Service Manager for NMS at the Juneau Pioneer Home, and am very excited at the possibility of purchasing fresh produce grown locally.

I serve approximately 1000 meals a week, and serving more fresh vegetables is a goal of ours. Currently all of our produce is ordered through Seattle, put on a barge, and shipped to me weekly. So by the time I receive it, it is at least 2 weeks old, and not always as fresh as we would prefer.

I am hoping this new business will start soon, as we want to be one of the first customers, and our Elders will enjoy much fresher and healthier produce for all of their meals.

Thanks

Mark Jimmerson, CDM, CFPP
GM, Nana Management Services
Juneau Pioneer Home
Phone: (907) 780-6806
Cell: (907) 209-8124
Fax: (866) 268-5780

Holly Kveum

From: Heather and Bob Mitchell <whitecap@gci.net>
Sent: Saturday, November 01, 2014 6:57 AM
To: Christine McNally
Cc: 'Allen Butner'
Subject: Written Testimony Regarding File Number USE2014 0014 & VAR2014 0025

Ms. McNally,

I would like to write in support of the proposal put forth by Allen and Gerri Butner for a conditional use permit for their property, as well as a variance to reduce the rear yard setback from 25 feet to 0 feet, to allow for the operation of a commercial hydroponic vegetable farm. I am supportive of this initiative for the following reasons:

- Juneau residents will benefit from the increased availability of fresh, locally grown lettuce through area stores.
- Juneau retailers will benefit from access to higher-quality produce at lower cost, better reliability of delivery and reduced storage requirements. The reduction in wholesale cost, storage costs, and spoilage costs will directly benefit retailers and may indirectly benefit the public to the extent that these savings are reflected in lower retail prices.
- The local economy will benefit from the creation of local jobs.

For these reasons, I recommend the planning commission approve the application put forth by Allen and Gerri Butner for a conditional use permit and variance. Thank you.

Sincerely,
 Bob Mitchell
 8525 E Valley Court
 Juneau, AK 99801

Holly Kveum

From: Mike and Nancy Norton <mikennancy@gci.net>
Sent: Friday, October 31, 2014 2:55 PM
To: Christine McNally
Subject: Allen and Gerri Butner's conditional use permit

Hi, Christine. We are writing on behalf of Allen and Gerri Butner and their conditional use permit to allow hydroponic vegetable farming on their property.

Allen and Gerri have a true belief in eating food that's good for you. In today's society, you just never know if the products you are eating are laden with pesticides or what, unless you eat organic. And we know how expensive that is. The Butner's are enthusiastic about this business venture and bringing produce to our town that will be grown without pesticides or the like. Because it's local, it will be fresher and better for us and ideally cheaper as there won't be freight attached.

As a customer, we, too, are enthusiastic of the possibility of getting produce that is fresh, not weeks old, when we purchase it at the store or when dining at a local restaurant. And not just during the summer growing months, but all year long. It's also reassuring to know that during a natural disaster, when transportation in and out of Juneau might be difficult, that we have a source for fresh produce right here at our finger tips. We're hopeful that this conditional use permit will be granted to the Butners and gratefully appreciate your consideration of this business venture.

Mike and Nancy Norton
9391 Long Run Drive
Juneau
957-1697

Holly Kveum

From: Mukhya Khalsa <mukhya@gmail.com>
Sent: Friday, October 31, 2014 10:31 AM
To: Christine McNally
Subject: hydroponic farm

When I moved from California to Anchorage 35 years ago, I noticed how much older the fresh vegetables were in the grocery stores. As time passed, I stopped noticing and it was only brought to my attention when guests from the lower 48 would come to visit and notice that the zucchini was bitter and the tomatoes were tasteless.

Twelve years later, I moved to Juneau and realized the vegetables were really old compared to Anchorage. It is difficult to store "fresh" food here for more than a few days without it going bad. As Juneau residents, you may think this is normal, but I have been assured by distant friends and relatives that it is not.

I am very excited to hear that we have an opportunity to have a quantity of locally grown food that will be attainable through our grocery stores within days of picking. I hope you will approve Allen and Gerri Butner's Conditional Use permit and Setback Variance applications.

Best Regards,

Mukhya Khalsa

Hari Dev Khalsa

And their extended Juneau Family

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**** REVISED ****

PLANNING COMMISSION
NOTICE OF DECISION

Date: December 4, 2014

File No.: USE2014 0014

Allen Butner
 9220 Lee Smith Drive
 Juneau, Alaska 99801

Application For: Conditional Use Permit to allow a commercial hydroponic vegetable farm in the D5 zoning.

Legal Description: Airport Acres Block C Lot 8

Property Address: 9220 Lee Smith Drive

Parcel Code No.: 5-B16-0-105-005-0

Hearing Date: November 25, 2014

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 13, 2014 and approved the Conditional Use permit for a commercial hydroponic vegetable farm in the D-5 zoning to be conducted as described in the project description and project drawings submitted with the application and with the following mandatory conditions:

1. Prior to a Certificate of Occupancy a commercial water meter shall be installed.
2. CBJ property will not be used to access the site.
3. CBJ property will not be used for storage of supplies or equipment related to this urban agricultural use.
4. Containers used for growing hydroponic vegetables will be temporarily placed on the applicant's property and will be removed if the vegetable growing operation is discontinued.
5. In addition to the landscaped areas shown on the site plan submitted with the project application, a detailed vegetative cover plan shall be provided indicating how the 20 percent minimum is met, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structures.
6. A vegetative screening buffer shall be installed along the eastern property line.
7. The following metrics for business expansion will necessitate a new Conditional Use Permit
 - a) Hiring of employees beyond that required for the six containers
 - b) The addition of delivery vehicles beyond the one proposed
 - c) The addition of a container van beyond the six proposed
8. This conditional use permit does not authorize marijuana to be grown, cultivated, processed, tested, sold, or stored within or on the property.

Allen Butner
File No.: USE2014 0014
December 4, 2014
Page 2 of 2

A Variance to the rear yard setback must be approved before any containers can be placed in the rear yard setback.

This Notice of Decision does not authorize construction activity. 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 with 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).

Effective Date: The permit is effective upon approval by the Commission, November 25, 2014.

Expiration Date: The permit will expire 18 months after the effective date, or May 25, 2016 if no Building Permit has been issued and substantial progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Chrissy McNally, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk

12/11/14
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. 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.

USE2017 0015 Conditional Use Permit to allow hydroponic growing of vegetables in a D5 zoning district

Regular Planning Commission Hearing

July 25, 2017



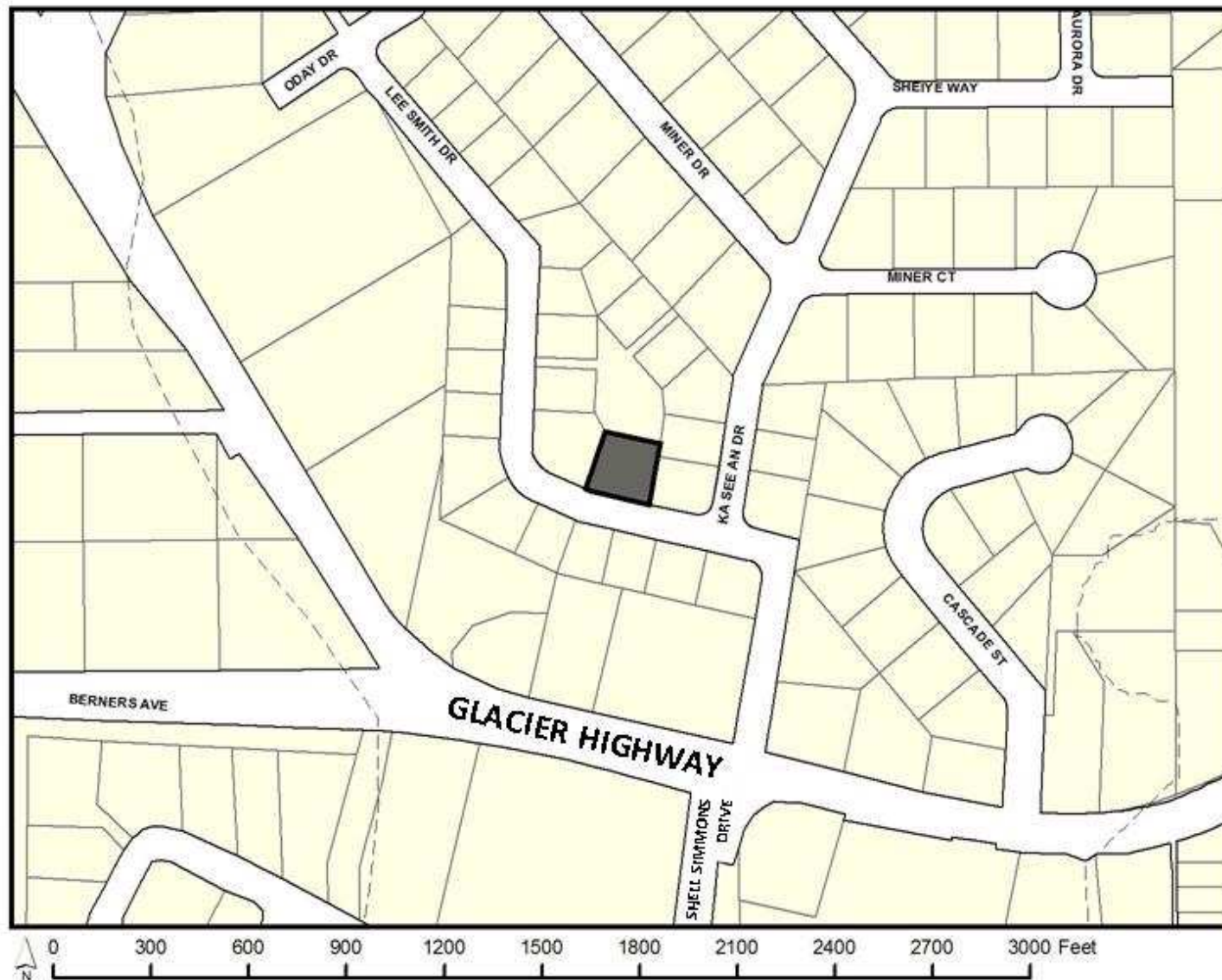
USE17-15

General Information

Applicant/Property Owner:	Allen and Gerri Butner
Property Address:	9220 Lee Smith Drive
Legal Description:	Airport Acres, Block C Lot 8
Lot Size:	9,806 Square Feet
Comprehensive Plan Future Land Use Designation:	Urban Low Density Residential
Zoning:	D5
Utilities:	City water & sewer
Access:	Lee Smith Drive
Existing Land Use:	Single family residential

USE17-15

Vicinity Map

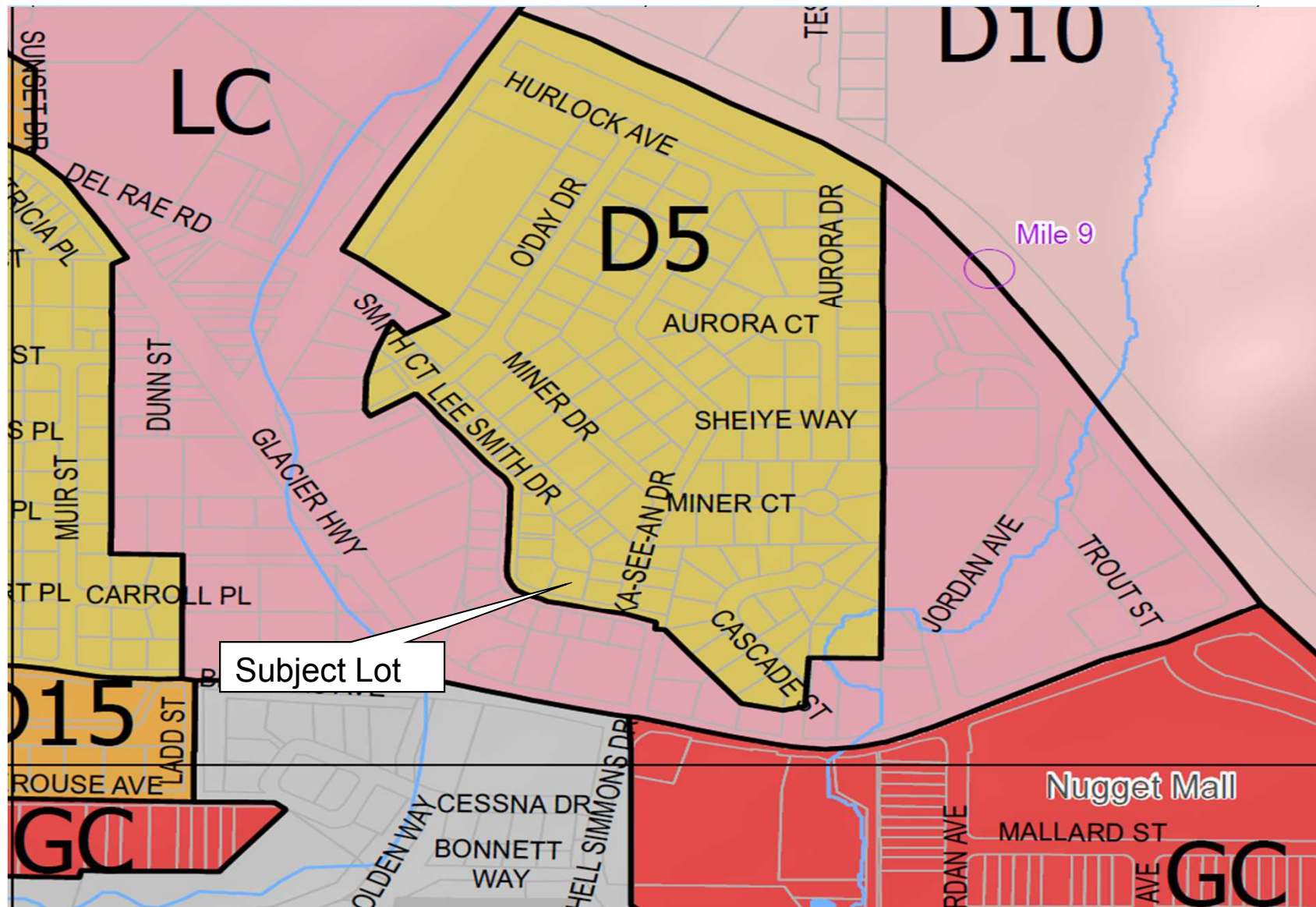


- Vegetables will be grown in six large containers that have been converted for hydroponic gardening.
- Containers will be connected to utilities and will therefore require a building permit.
- Plans to stack the containers in his rear yard; three across and two high.
- Each container will be 40 feet long, 8 feet wide and 10 feet high.

- This is the applicant's second conditional use permit application for this project.
- The previous application was approved by the Planning Commission on November 25, 2014.
- Conditional use permits expire after 18 months if no Building Permit has been issued for the project that was approved. (CBJ 49.15.150 (C))
- Previously approved conditional use permit expired on May 25, 2016.

USE17-15

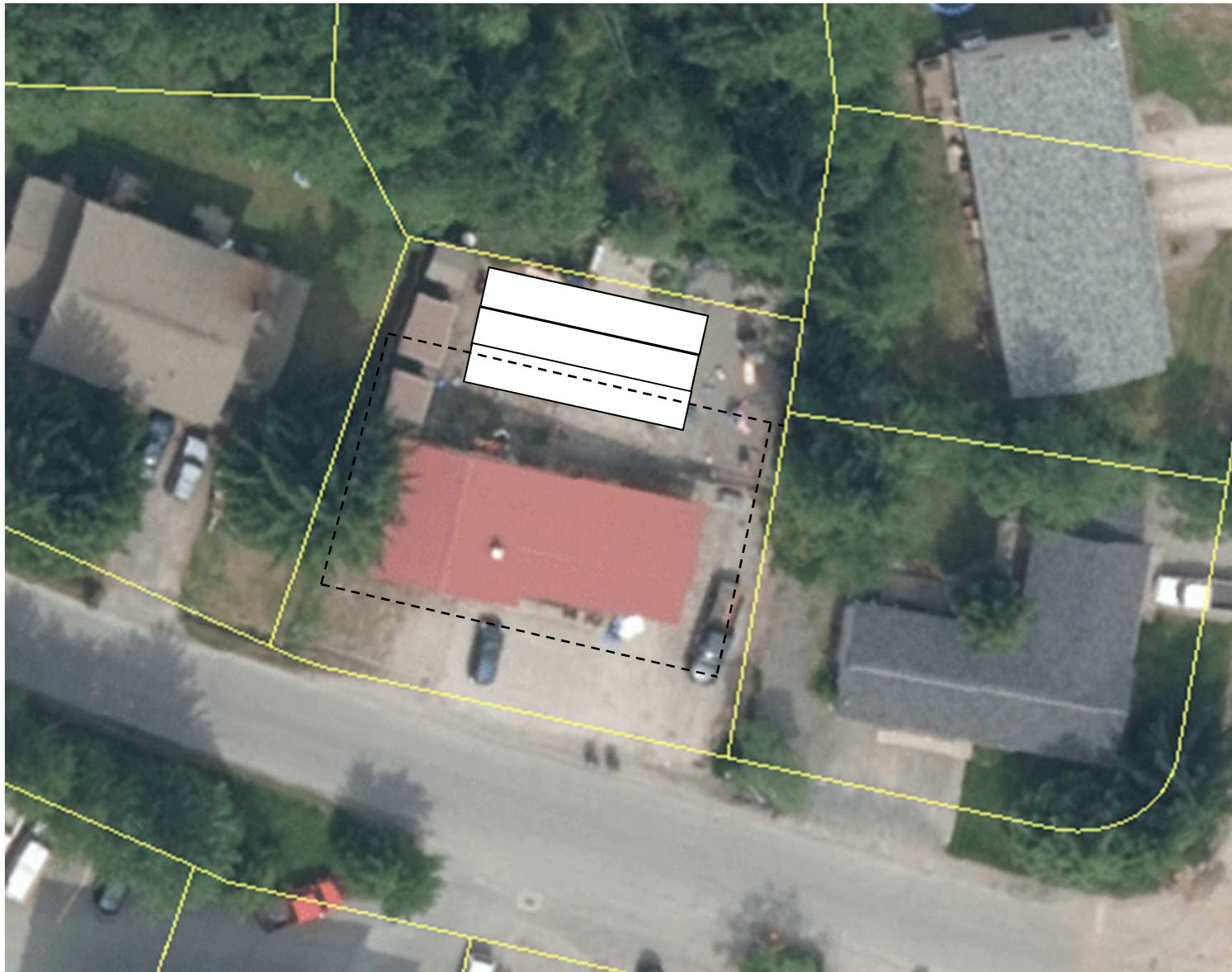
Area Zoning





USE17-15

Project Design



Noise & Traffic:

- Containers will be connected to utilities.
- One delivery truck
- No employees
- No retail sales

Parking:

- Back out parking is not allowed for commercial uses
- Advisory condition

Public Health & Safety:

- Fertilizer will be diluted and stored safely

Urban Low Density Residential (ULDR)

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

- With appropriate conditions, this commercial development may be deemed to be of a scale consistent with a single-family residential neighborhood.

Chapter 2 – Sustainability

- Implementing Action 2.1 – IA10 Support the individual and commercial production of foods locally grown with careful evaluation of environmental impacts.

CBJ Lands Department

- No objections
- No access through CBJ land
- No storage on CBJ land

CBJ Building Department

- No objections
- Life and safety issues will be address during building permit review

CBJ Fire Department

- No objections

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 commercial hydroponic vegetable farm in a D5 zoning district.

1. A vegetative cover plan shall be provided indicating how the 20 percent minimum is met, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structures.
2. The applicant shall plant or bond for the installation of a minimum of 1,961 square feet of required vegetation prior to the issuance of a Certificate of Occupancy.
3. The vegetative cover areas shown on the plan submitted shall be maintained with live vegetative cover.
4. An expansion of the business to include additional containers beyond the **six proposed** or the addition of delivery vehicles beyond the one proposed require a new Conditional Use Permit.

5. The six growing containers must be removed from the site if/when the business ceases operations.
6. A commercial water meter must be installed before a Certificate of Occupancy is issued.
7. CBJ property will not be used to access the site.
8. CBJ property will not be used for storage of supplies or equipment related to this business.

1. This conditional use permit does not authorize marijuana to be grown, cultivated, processed, tested, or sold within or on this property.
2. Back out parking by the delivery truck is prohibited, per CBJ 49.40.230 (b) (7).

USE17-15

QUESTIONS?

USE2017-0016

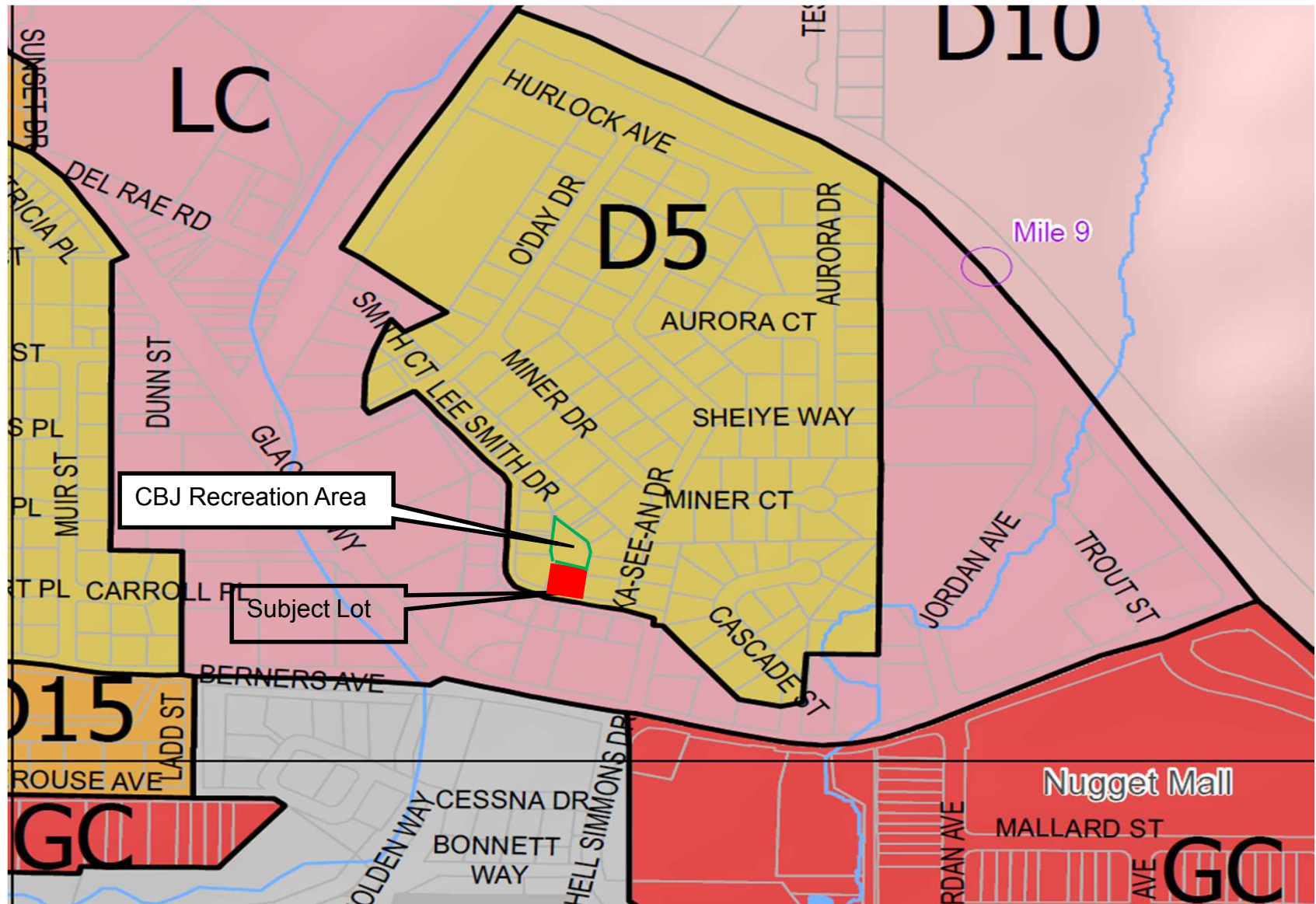
**Conditional Use Permit for an
encroachment into a rear yard
setback adjoining CBJ land
classified as a recreational area**

CBJ Planning Commission Hearing
July 25, 2017



USE 17-16

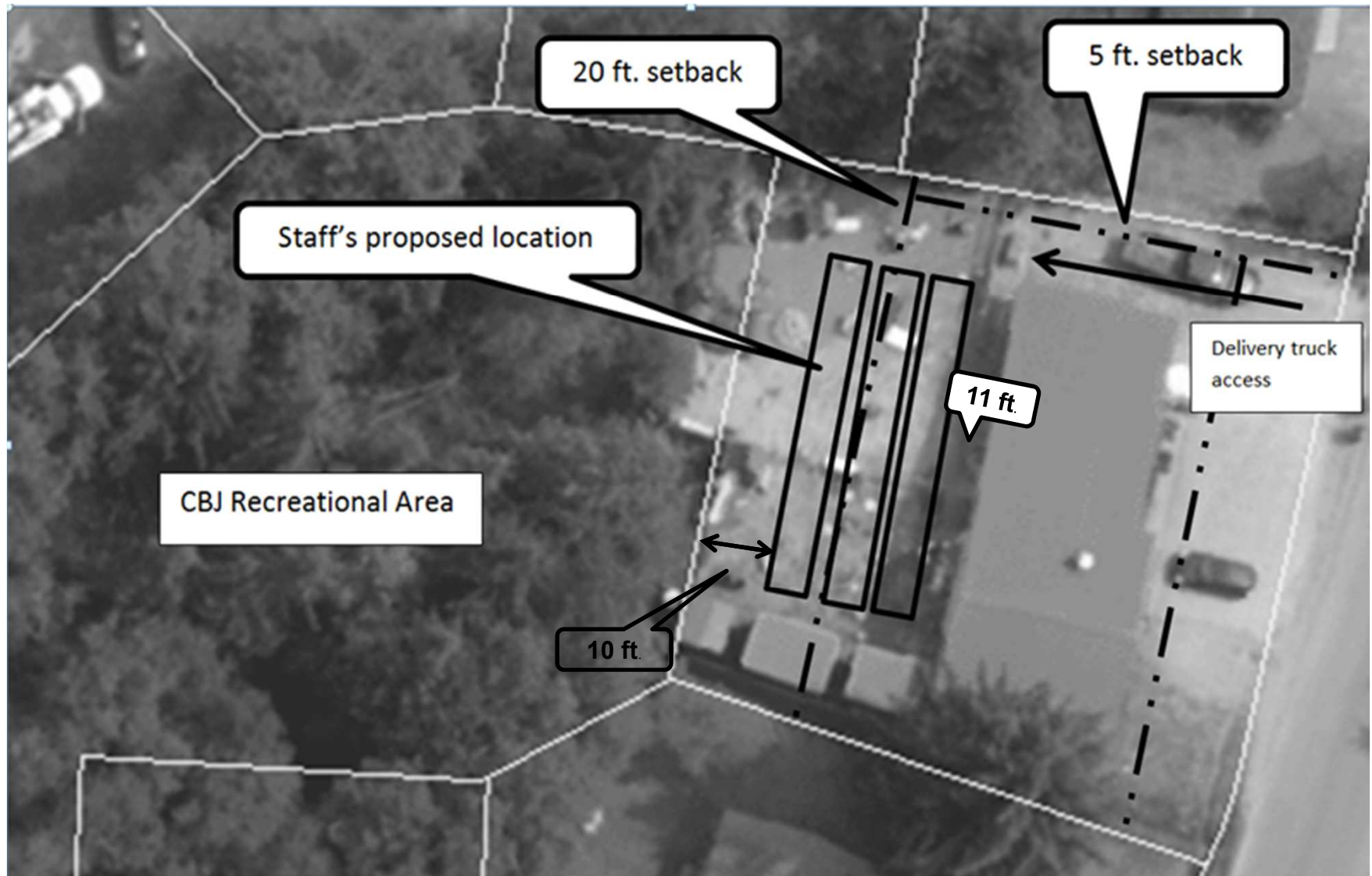
Zoning Map



USE 17-16

•49.25.430(4)(N) *Parcels adjoining publicly owned land. The commission, through the conditional use permit process, may allow structural projections into required side or rear yard setbacks if the affected yard adjoins publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification; provided such projections are minimized and are necessary to prevent substantial hardship to the applicant. The commission may deny such requests if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.*





- POLICY 9.3. TO PRESERVE AS PUBLIC NATURAL AREAS THOSE PUBLICLY-OWNED LANDS AND SHORELINE AREAS THAT POSSESS IMPORTANT RECREATIONAL, SCENIC, FISH AND WILDLIFE, AND OTHER ENVIRONMENTAL QUALITIES OR ARE SUBJECT TO NATURAL HAZARDS.*

- *POLICY 10.6. TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.*

1. The application is complete.
2. Appropriate according to Table of Permissible Uses
3. Complies with public notice requirements
4. Does not materially endanger the public health or safety.

USE 17-16

Findings

5. With conditions will not substantially decrease the value of or be out of harmony with property in the neighboring area.
6. Is in general conformity with the land use plan.
7. N/A

8. Will the proposed development meet the additional criteria of 49.25.430 (4) (N) in particular:

a) Is the affected yard adjoining publicly owned land which has been placed in a park, open space, or similar restrictive land management classification?

- Yes. The adjacent CBJ parcel is owned by the CBJ, managed by CBJ Department of Lands and Resources, and is designated as a 'Recreational Area'.

- ***b)* Are the projections necessary to prevent substantial hardship to the applicant?**
- **Yes.** Placing the containers outside of the 20 rear yard setbacks would only leave two feet between the containers and the rear of the residence thus requiring a fire separation. Allowing a minimized encroachment of 10 feet would place the containers 11 feet away from the residence. 11 feet will provide enough room for cleaning, maintenance and snow removal and would alleviate the hardship of requiring a one hour fire separation between the two uses.

- ***c) Are the projections minimized?***
- **Yes**, if the encroachment into the setback is reduced to 10 feet instead of the requested 15 feet.

It is recommended that the Planning Commission adopt the Director's analysis and findings and **approve** a conditional use permit to allow a structural projection of up to 10 feet into the required rear yard setback.

1. The setback is reduced to 10 feet instead of 5 feet as the applicant has requested.
2. The applicant is required to have an as-built completed by a licensed surveyor to verify the location of the containers prior to issuance of a Temporary Certificate of Occupancy.



Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: August 3, 2017

File No.: USE2017 0015

Allen and Gerri Butner
9220 Lee Smith Drive
Juneau, AK 99801

Proposal: Conditional Use Permit to allow a commercial hydroponic vegetable farm in a D5 zoning district.

Property Address: 9220 Lee Smith Drive

Legal Description: Airport Acres Block C, Lot 8

Parcel Code No.: 5B1601050050

Hearing Date: July 25, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 14, 2017, and approved the conditional use permit to allow a commercial hydroponic vegetable farm in a D5 zoning district to be conducted as described in the project description and project drawings submitted with the application, and with the following conditions:

1. A vegetative cover plan shall be provided indicating how the 20 percent minimum vegetative cover is met. The plan shall be reviewed and approved by CDD staff prior to issuance of a building permit for the structures.
2. The applicant shall plant, or bond for the installation of, a minimum of 1,961 square feet of required vegetation prior to the issuance of a Certificate of Occupancy.
3. The vegetative cover areas shown on the plan submitted shall be maintained with live vegetative cover.

Allen and Gerri Butner
 File No.: USE2017 0015
 August 3, 2017
 Page 2 of 3

4. A parking plan shall be provided indicating how the minimum parking requirement of four parking spaces will be met; two parking spaces for the residence and two parking spaces for the hydroponic vegetable business. The parking plan must be reviewed and approved by CDD staff prior to issuance of a building permit for the structures.
5. An expansion of the business to include additional containers beyond the six proposed, or the addition of delivery vehicles beyond the one proposed, require a new Conditional Use Permit.
6. The six growing containers must be removed from the site if/when the business ceases operations for 365 consecutive days or moves to another location.
7. The applicant shall post a bond or another financial guarantee acceptable to the Director, in an amount determined by the Building Official, necessary to remove and dispose of the proposed insulated containers if, or when, the business ceases operation for 365 consecutive days or moves to another location.
8. A commercial water meter must be installed before a Certificate of Occupancy is issued.
9. CBJ property will not be used to access the site.
10. CBJ property will not be used for storage of supplies or equipment related to this business.
11. This conditional use permit does not authorize marijuana to be grown, cultivated, processed, tested, or sold within or on this property.

Advisory condition:

1. Back out parking by the delivery truck is prohibited, per CBJ 49.40.230 (b) (7).

Attachments: July 14, 2017 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2017 0015.

This Notice of Decision does not authorize construction activity. 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 with 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).

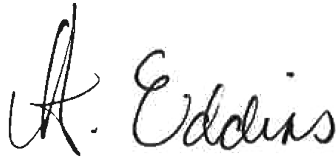
Effective Date: The permit is effective upon approval by the Commission, July 25, 2017

Expiration Date: The permit will expire 18 months after the effective date, or December 25, 2018 if no Building Permit has been issued and substantial construction progress has not

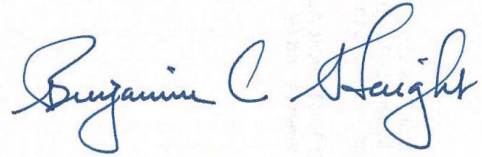
Allen and Gerri Butner
File No.: USE2017 0015
August 3, 2017
Page 3 of 3

been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Allison Eddins, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

August 8, 2017

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. 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: July 14, 2017

TO: Planning Commission

FROM: Allison Eddins, Planner *A. Eddins*
Community Development Department

FILE NO.: USE2017 0016

PROPOSAL: A Conditional Use Permit to allow the encroachment into a rear yard setback that abuts publicly owned land.

GENERAL INFORMATION

Applicant: Allen and Gerri Butner

Property Owner: Allen and Gerri Butner

Property Address: 9220 Lee Smith Drive

Legal Description: Airport Acres Block C, Lot 8

Parcel Code Number: 5B1601050050

Site Size: 9,806 sq. ft.

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential (ULDR)

Zoning: D5

Utilities: CBJ water and wastewater

Access: Lee Smith Drive

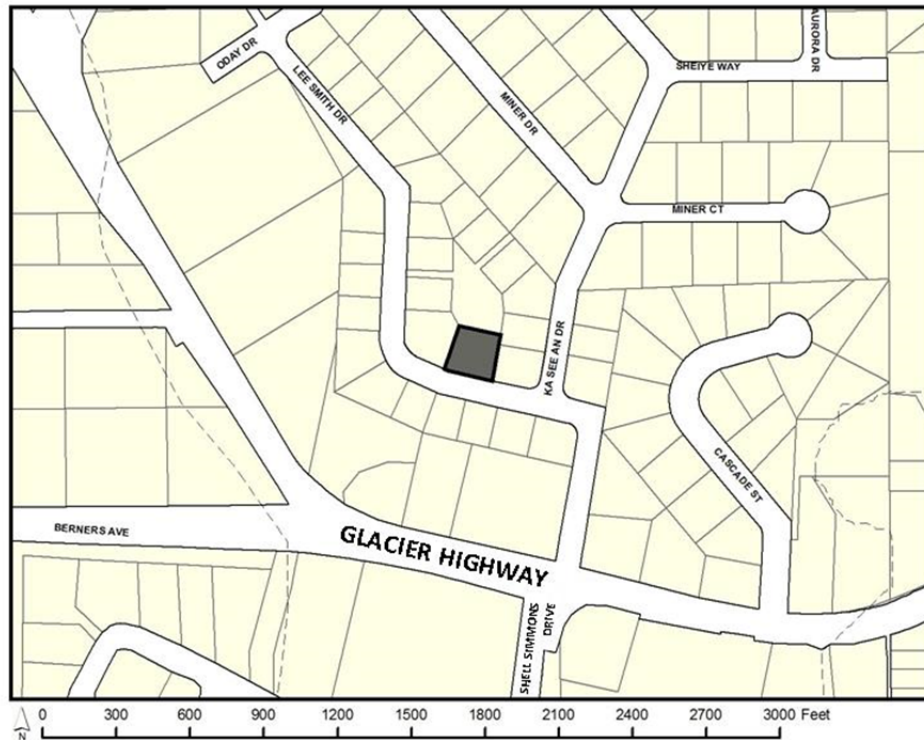
Existing Land Use: Single family residential

Surrounding Land Use:

North	-	D5/ Vacant CBJ Recreational Area
South	-	Light Commercial/Professional Offices
East	-	D5/Duplex
West	-	D5/Duplex

Planning Commission
 File No.: USE 2017 0016
 July 14, 2017
 Page 2 of 10

Vicinity Map



ATTACHMENTS

Attachment A – Conditional Use Permit Application
 Attachment B – 1955 Plat
 Attachment C – Project Narrative
 Attachment D – Applicant’s Site Plan
 Attachment E – Zoning Map
 Attachment F – Public Notice
 Attachment G – NOD for VAR2014 0025

PROJECT DESCRIPTION

The applicant requests a conditional use permit for the development of a hydroponic vegetable farm that will encroach 15 feet into a 20 foot rear yard setback that abuts a CBJ parcel that is classified as a recreational area. CBJ 49.25.430(4)(N) provides that the conditional use permit process be used rather than the variance process when the setback adjoins publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification.

Planning Commission
 File No.: USE 2017 0016
 July 14, 2017
 Page 3 of 10

The applicant also has applied for a conditional use permit to allow a hydroponic vegetable farm in a D5 zoning district. The applicant received approval of a conditional use permit (USE2014 0014) that expired in May 2016. This application is addressed in a separate staff report USE2017 0015. The approval of the permit to operate the hydroponic vegetable farm is not contingent upon the approval of this conditional use permit to encroach into the setback.

BACKGROUND

In 2014, the applicant received a variance (VAR2014 0025) that allowed for six converted storage containers used for hydroponic vegetable farming to encroach 15 feet in a 20 foot rear yard setback. The variance was approved on December 9, 2014. Variances expire after 18 months if no building permit has been issued for the project that received the variance. The applicant's approved variance expired on June 9, 2016 (Attachment G).

When the area was platted in 1955 the undeveloped lot behind the subject lot was dedicated as "Recreational Area" (Attachment B). However, the boundaries of Juneau did not extend to this area at that time. At the time of the 2014 variance application, the lot's classification as an official CBJ recreational area was uncertain and the lot was not listed in 2016 CBJ Lands Management Plan. Subsequently, the CBJ Lands and Resources Office, Assessor's Office, and Law Department researched the lot and determined that it is, in fact, CBJ recreational space. The lot is managed by the CBJ Lands and Resources Office. The lot is heavily vegetated and, according to the applicant, receives a high volume of storm water runoff from the surrounding lots. The city has no plans to develop this lot.

ANALYSIS

CBJ 49.25.430(4)(N) requires that the conditional use permit process be used when the affected setback adjoins publicly owned land dedicated for open space.

49.25.430(4)(N) Parcels adjoining publicly owned land. The commission, through the conditional use permit process, may allow structural projections into required side or rear yard setbacks if the affected yard adjoins publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification; provided such projections are minimized and are necessary to prevent substantial hardship to the applicant. The commission may deny such requests if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts (emphasis added).

The use of a conditional use permit in such a circumstance instead of a variance was adopted into the CBJ Land Use Code in 1991 by CBJ Ordinance 91-03. This code change was made to recognize that placing a structure in a setback next to publicly owned land may have less impact

on the provision of light, air and privacy than if it were placed adjacent to private property. The record also indicates that this distinction was made so that this type of encroachment would not have to meet the high threshold of approval that a variance must meet in order to be approved. There must be a finding that the applicant will suffer substantial hardship if the setback violation is not granted. There is also a requirement that encroachments be minimized. In addition to the elements normally addressed for a conditional use permit, the requirements of 49.25.430(4)(N) are also addressed throughout this report and more specifically below, under Findings.

Project Site – The subject site is 9,806 square feet and is located in the D5 zoning district, which has a required minimum lot size of 7,000 square feet. A Light Commercial zoning district is located on the southern side of Lee Smith Drive (Attachment E). A 2,244 square foot single family residence was built on the site in 1962. The surrounding uses to the project site are discussed in detail in staff report USE2017 0015.

The required setbacks, requested setback reduction, and staff's recommended setback reduction are provided in the following table:

Yard	Required Setback	Requested Setback	Recommended Setback
Front yard	20 feet	20 feet	20 feet
Rear yard	20 feet	5 feet	10 feet
Side yard	5 feet	5 feet	5 feet

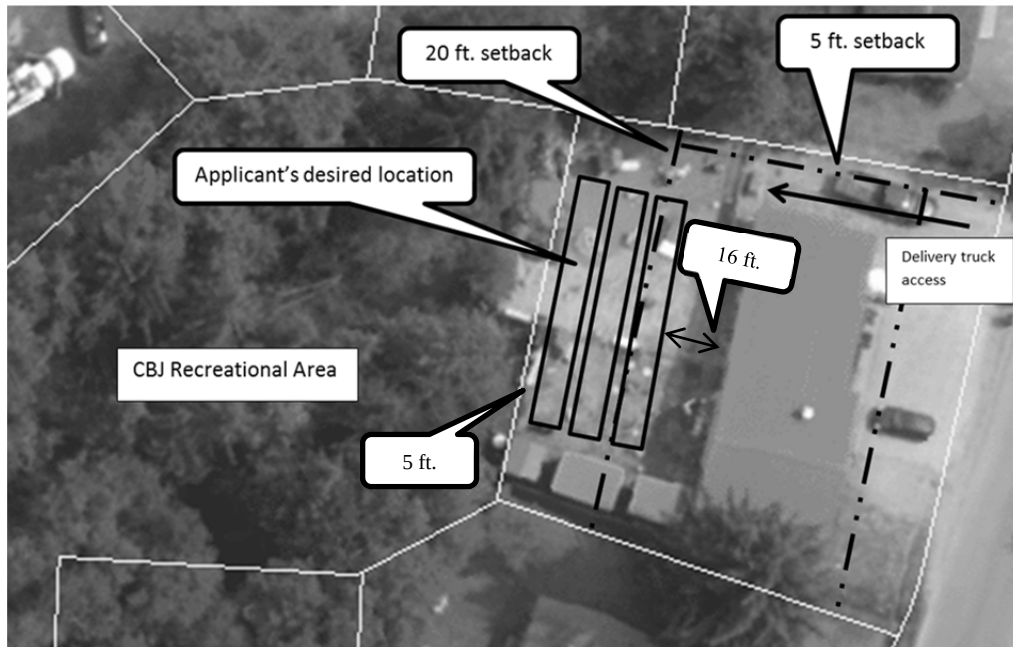
The applicant proposes to place the six containers in the rear yard approximately 16 feet from the residence and 5 feet from the rear lot line. The applicant acknowledges that there is room in his rear yard to place the containers and meet the 20 foot rear yard setback. However, the containers would be approximately two feet away from the residence. The applicant has stated that placing the containers close to the residence would not leave enough space for proper cleaning, maintenance and snow removal. If the containers are placed within 10 feet of the residence the applicant will be required to install a one hour fire separation between the two uses.

The applicant also acknowledges there is room to place one of the containers in the side yard and still meet the required 5 foot side yard setback. However, this would obstruct the delivery truck's access. The containers could be placed in the rear yard 10 feet from the property line and eleven feet from the house. This would reduce the encroachment from five feet to 10 feet and provide an 11 foot separation between the containers and the residence.

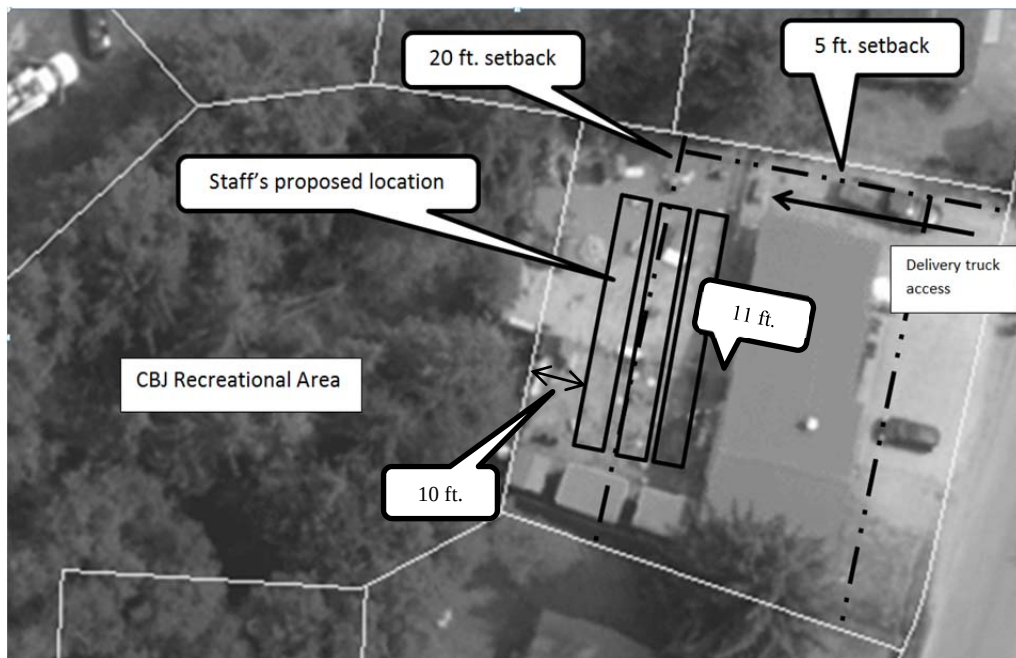
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Staff is recommending the approval of a 10 foot setback encroachment. Staff also recommends that the applicant be required to have an as-built completed by a licensed surveyor to verify the location of the containers prior to issuance of a Temporary Certificate of Occupancy.

Applicant's desired location



Staff's recommended location



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Project Design – The applicant proposes to use six insulated containers to house the hydroponic growing operation. The containers are 40 feet long, 10 feet high and 8 feet wide. The proposal is to stack the containers with three on the bottom and three on top (Attachments C & D). The structures would occupy 960 square feet of lot space and be 20 feet high. The accessory structure height allowance in the D5 zoning district is 25 feet. The applicant has future plans to construct a covered staircase in order to access the top containers. The staircase is not being considered as part of this application. The staircase will require a building permit and will be reviewed for compliance with the Title 49 height restrictions and setback requirements for staircases. The location of the staircase will depend on the approved location of the containers.

Traffic – Traffic is addressed in detail in the staff report for USE2017 0015.

Parking and Circulation – Parking is addressed in detail in the staff report for USE2017 0015.

Noise – Noise is addressed in detail in the staff report for USE2017 0015.

Public Health or Safety – There is no evidence that there will be any negative impacts to public health or safety if the applicant is allowed to place the containers within the rear yard setback. The abutting CBJ property has been classified as recreational space and will not be developed thus maintaining adequate open space for light and air. The CBJ Lands Department has requested that the containers be at least five feet from the shared property line. As stated earlier, staff is recommending that the containers be placed 10 feet away from the rear property line. Staff recommends, as a condition of approval, that the applicant be required to have an as-built completed by a licensed surveyor prior to the issuance of a Temporary Certificate of Occupancy in order to verify the approved location of the containers.

Habitat – The area is a densely developed area of the lower Mendenhall Valley. The CBJ recreational space does not contain any anadromous streams, eagles' nests, wetlands, or any other sensitive habitats that are regulated by Title 49.

Property Value or Neighborhood Harmony – The subject property is in the D5 zoning district and is bordered by the Light Commercial zoning district. (Attachment E). A large hotel and two dental clinics are directly across the street from the subject lot. There are two duplexes adjacent to the subject site. The lot to the northeast contains a church. As previously stated the rear of the lot is adjacent to a vacant CBJ parcel which receives a high volume of storm water runoff from the surrounding lots. The area is also in close proximity to the airport.

Placing the containers in the rear yard will minimize the visual impacts on the surrounding properties while maintaining adequate open space for light and air. As mentioned earlier, the CBJ Lands and Resources Department has no objections to the applicant's proposed five foot

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rear yard setback. As a condition of approval for USE2017 0015, staff is recommending that the containers be removed at such a time when the hydroponic business ceases operations.

Conformity with Adopted Plans – This property is designated as Urban Low Density Residential (ULDR) on the 2013 Comprehensive Plan Land Use Subarea 4. The ULDR land use designation is for lands;

“...characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow house, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ49.25.300).

With the appropriate conditions that are recommended in the staff report for USE2017 0015, this commercial development may be deemed to be of a scale consistent with a single-family residential neighborhood.

Chapter 9 of the Comprehensive Plan provides guidance on the management of parks, trails, and natural resources.

Policy 9.3 states that public natural areas should be preserved. The applicant’s proposal does not diminish the natural nature of the CBJ parcel.

POLICY 9.3. TO PRESERVE AS PUBLIC NATURAL AREAS THOSE PUBLICLY-OWNED LANDS AND SHORELINE AREAS THAT POSSESS IMPORTANT RECREATIONAL, SCENIC, FISH AND WILDLIFE, AND OTHER ENVIRONMENTAL QUALITIES OR ARE SUBJECT TO NATURAL HAZARDS.

Policy 10.6 states that site design for residential developments should provide for light, air, and privacy. Setbacks are a tool within the land use code to provide for this. Given its Recreational Area status, no future development of the CBJ lot is anticipated. There would be no issues regarding provision of light, air and privacy if the application for a 5foot setback is approved. However, a five foot setback would not meet the requirement of 49.25.430 (4) (N) to minimize encroachments.

POLICY 10.6. TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

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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 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 proposed use is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 14.200 for the D5 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 July 14, 2017 and July 24, 2017 issues of the Juneau

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 July 14, 2017
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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. Additionally, with the proper conditions, this project will comply with the requirements of CBJ 49.25.430 (4) (N).

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

No. Based on the preceding staff analysis, with the recommended 10 foot rear yard setback this proposed development will not materially endanger 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. There is no evidence to suggest the recommended 10 foot rear yard setback for the containers would substantially decrease the value of property in the neighboring area.

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

Yes. Based on the preceding staff analysis, the recommended encroachment is in general conformity with the 2013 *Comprehensive Plan*.

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

8. Will the proposed development meet the additional criteria of 49.25.430 (4) (N) in particular:

a) Is the affected yard adjoining publicly owned land which has been placed in a park, open space, or similar restrictive land management classification?

Yes. The adjacent CBJ parcel is owned by the CBJ, managed by CBJ Department of Lands and Resources, and is designated as a 'Recreational Area'.

b) Are the projections necessary to prevent substantial hardship to the applicant?

Yes. A setback encroachment is necessary in order to prevent a hardship to the applicant. Placing the containers outside of the 20 rear yard setbacks would only leave

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two feet between the containers and the rear of the residence thus requiring a fire separation. Two feet is not enough space for cleaning, maintenance, and snow removal. Allowing a minimized encroachment of 10 feet would place the containers 11 feet away from the residence. Eleven feet will provide enough room for cleaning, maintenance and snow removal and would alleviate the hardship of requiring a one hour fire separation between the two uses.

c) Are the projections minimized?

Yes, if the encroachment into the setback is reduced to 10 feet instead of the requested 15 feet.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve a conditional use permit to allow a structural projection of up to 10 feet into the required rear yard setback.

The approval is subject to the following conditions:

1. The setback is reduced to 10 feet instead of 5 feet as the applicant has requested.
2. The applicant is required to have an as-built completed by a licensed surveyor to verify the location of the containers prior to issuance of a Temporary Certificate of Occupancy.

Project Number	USE 201700165	CITY and BOROUGH of JUNEAU	Date Received:	6/9/17
Project Name (City Staff to Assign Name)				

INFORMATION

PROJECT / APPLICANT

Project Description

PROPERTY LOCATION

Street Address

9220 Lee Smith Dr

City/Zip

Juneau AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

Airport Acres BL C LT 8

Assessor's Parcel Number(s)

5B1601050050

LANDOWNER/ LESSEE

Property Owner's Name

Allen and Gerri Butner

Contact Person:

Allen Butner

Work Phone:

(907) 500-4696

Mailing Address

9220 Lee Smith Dr

Home Phone:

(907) 500-4696

Fax Number:

E-mail Address

butner2272@gmail.com

Other Contact Phone Number(s):

LANDOWNER/ LESSEE CONSENT

****Required for Planning Permits; not needed on Building/ Engineering Permits****

I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X

Landowner/Lessee Signature

Date

6/5/17

X

Landowner/Lessee Signature

Date

5 June 17

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT

If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name

Same

Contact Person:

Work Phone:

Mailing Address

Same

Home Phone:

Fax Number:

E-mail Address

Same

Other Contact Phone Number(s):

X

Applicant's Signature

Date of Application

OFFICE USE ONLY BELOW THIS LINE				
✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
2	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		6/2/17	USE 17-016
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials
BMC

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>USE 20170016</i>	Date Received <i>6/9/17</i>																																			
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED ☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW) ☐ Use Listed in §49.25.300 (Table of Permissible Uses) ☒ (USE) <i>20170016</i> Please list the Table of Permissible Uses Category: <u>49.25.230(4)(N)</u> ***An Accessory Apartment Application will also be required.																																						
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. Structural projection into required rear setback adjoining publicly owned land designated public or open space 																																						
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☐ NO ☐ YES – Case # _____																																						
CURRENT USE OF LAND OR BUILDING(S): <u>Residential</u>																																						
PROPOSED USE OF LAND OR BUILDING(S): <u>Residence and commercial hydroponic/aeroponic farm</u>																																						
UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☐ Public ☐ On Site																																						
SITE AND BUILDING SPECIFICS: Total Area of Lot <u>9806</u> square feet Total Area of Existing Structure(s) <u>2244</u> square feet Total Area of Proposed Structure(s) <u>960 (40x8x3)</u> square feet Does not include second layer.																																						
EXTERNAL LIGHTING: Existing to remain ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures Proposed ☒ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures																																						
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST: ☐ Site Plan ☐ Floor Plan of proposed buildings ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)																																						
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">ALLOWABLE/CONDITIONAL USE FEES</th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td style="text-align: right;">\$ 350.00</td> <td></td> <td style="text-align: center;"><i>CD00009379</i></td> <td style="text-align: center;"><i>6/9/17</i></td> </tr> <tr> <td>Admin. of Guarantee</td> <td style="text-align: right;">\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td style="text-align: right;">\$ <u>See use 2017-0015</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td style="text-align: right;">\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ 350.00</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date	Application Fees	\$ 350.00		<i>CD00009379</i>	<i>6/9/17</i>	Admin. of Guarantee	\$ _____				Adjustment	\$ _____				Pub. Not. Sign Fee	\$ <u>See use 2017-0015</u>				Pub. Not. Sign Deposit	\$ _____				Total Fee	\$ 350.00			
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

**SUBDIVISION
OF A FRACTION OF**

U. S. SURVEY 381

SCALE: 1" = 50'

DECEMBER, 1954

JUNEAU, ALASKA

HELEN J. TONER, REGISTERED ENGINEER

CERTIFICATE OF APPROVAL BY THE BOARD

Source certify that the Suburban Plot about seven has been found in conformity with the Suburban Regulations of the Japanese (Article) Planning Board, and that said Plot has been approved by the Board by the Reference No. 3-4166 dated April 4, 1933, and that the United States has been approved for controlling in the Office of the United States Commissioner, an Office Research about.

11

Robert L. Cook
C. Legation
London (Great Britain) Foreign Office

STYRENE

By

CERTIFICATE OF REGISTERED ENGINEER

Merely clarify that I am a registered professional (I'm not), and that this piece represents the survey made by me in order to be as unassailable, and that all disclaimed and other details are correct, to the best of my knowledge.

2

L. D. R.

CERTIFICATE OF OWNERSHIP AND DEDICATION

we hereby certify that we are the owners of the property shown and described herein and that we hereby assign this plan of subdivision with our free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as aforesaid.

3

102. 18.000

1. The first

(

Dr. Robert L. L.

S. J. K.

Attachment B - 1955 Plat

RECEIVED
JUN 05 2017
LIBRARY OF CONGRESS

Conditional Use Permit

Project Description: A detailed letter or narrative describing the project.

We are looking to place up to six 40 ft. insulated container vans that have been modified to serve as hydroponic grow facility for leafy greens of various types and with the option to grow any manner of plant matter as dictated by the market. We may or may not place a concrete pad under the vans. Water, sewer and electric will be run underground to the vans. They will be stacked two high. This will still conform within the CBJ height maximum of 25 ft. They will be placed side by side, three wide. They will be placed on the asphalt area of the backyard, so as not to remove any vegetation from the property to conform to CBJ requirement of 20% vegetative cover. We are currently at approximately 27%. Access will be from the southern end of the property. There will be no significant foot traffic in this area. There will be no additional external lighting. No delivery vehicles will be going back there, beyond our vehicles occasionally. This is not anticipated to be needed other than rare occasion. I will be hand carrying boxes of product to the packaging room on the southern side of our house (Eventually, as the business grows), packaging it for delivery and loading it into the vehicle at the existing front parking area. We anticipate the hours of operation will be limited to 8am to 8pm as a general rule. Actual operation of the farm will only require a few hours a day, but we reserve the right to accommodate emergency orders or the needs of our customers. There will be no retail sales on site. The property is currently being utilized as a state licensed child care facility with the plan being that once the farm is solidly established, we will close the childcare facility. (it has already been closed) A French drain or bioswale will be installed to control rain water drainage and dispose of the wastewater from the farm. Containers will be painted in a manner that will not be garish or loud. Every attempt will be made to get them to blend in. If needed for screening, additional vegetation may be added.

Property is already very secluded. Back of property is CBJ property, an unused area full of trees with very little drainage, so it is not used at all by even wildlife. It is unlikely that this property will ever be developed as there is no access and it is the lowest point, so it would require substantial amount of fill. To the West are storage sheds that are approximately 15 ft. tall, with a six ft. fence behind it, partitioning it from the neighboring rental unit, which has minimal windows on the side. To the East, it is fairly treed for the back part of the property. Originally there was a dilapidated wood fence there that was removed and eventually will be replaced. There is a rental duplex beside the property to the East. One side is rented by a gentleman who is very accepting of the project. He owns a tree service and has been in that rental for over 10 yrs. The owner has also expressed his acceptance of the project. Both have expressed their feelings are that it's my property and I can do what I want with it. There is a church to the Northeast, shielded from the property with trees. The front of the property borders the road, with the properties across the street being commercial in nature. Their views will mostly be blocked by the house. The placement of the container vans closer to the property line will in no way block views, restrict light or air movement, or have any other deleterious impacts on the neighboring properties.

This authorization of a setback alteration will allow me to place all six vans towards the back of the property to minimize disturbances to the neighbors to the side. Without the Setback allowance, I will not have room to fit two container vans in the back yard and would be forced to place them on the East side of my house, which has a 5 ft. setback. There is 18 ft. between the house and the property line, allowing more than enough room to put a stack of two containers within the existing setbacks. However, this would not be an ideal situation for me, or the neighbors, and the vans would solidly be

visible from the road and businesses across the street. The roof of the house has a very long slope to the East side and the snow load there would also make having those vans in that location either inconvenient or downright dangerous. I also need to have space between my house and the container vans, for passage and snow, maintenance etc. When we have the second story, we will need to install stairs and a deck in order to access them. The stairs would be in that space between the van and the house. We would need a certain amount of space around the vans in order to do maintenance on the vans themselves and the surrounding property and residence. Another aspect is that if we have to separate the stacks of vans, I would need to run additional trenches through the asphalt, and run additional power lines and water lines. This would be prohibitively expensive. As far as wind goes, I was advised that it was safest to keep the containers in a large group, anchoring them to each other and anchoring to the ground on each of the four corners of the stack. The wider the stack, the more solid it is and the fewer hazards there are from wind. Granting this setback would allow me to keep everything in the back, minimizing the impact on the neighborhood, the expense of running water and sewer, and would allow for safety from snow loading on the house, while keeping a corridor for maintenance of the vans and the residence. That is why we need this setback allowance. The planned location maximizes the efficiency of the operation, while minimizing impact to the community.

In a previous Variance report, CBJ Staff stated "In general, the intent of the CBJ Land Use Code is to ensure that growth and development is in accord with the values of its residents, to identify and secure beneficial impacts of growth while minimizing the negative impacts, ensure that growth is of the appropriate type, design and location, to provide open space for light and air, and to recognize the economic value of land and encourage its proper and beneficial use." This project is all about the growth and development of Juneau. It fits right in with the goals of SE Conference, JEDC, Alaska Grown, and many others. It is utilizing a paved backyard, in a mostly commercial area, to provide food security and healthy, fresh, nourishing produce, year round, producing around 500,000 heads of lettuce in an area that is just 40x24. That is amazing! It is relatively low impact to the neighborhood, utilizing a small paved area in an already impacted area, to have an amazingly large beneficial impact on the community.

The challenge here, is defining what is the defining characteristic of our neighborhood? If you look at the 500 ft. circle surrounding my property, there are approximately 25 houses in that circle. There is also a bank, two dentist office complexes, a gas station, two large hotels, a church, a strip mall, low income housing, and the FAA. What I would consider our immediate neighborhood, is the rental unit to the West, the rental unit to the East which is partly vacant storage, the church rental unit to the North East, and the two dentist offices and Travelodge hotel across the street. The Travelodge Hotel is 75 ft. from my property. It is 60 ft. for one dentist office and 90 ft. for the other. The next closest houses are 210 ft. to the west on the far side of Lee Smith Dr., 140 ft. to the NW on the other side of the heavily forested City property (aka "the Swamp"), and 170 ft. to the far side of Ka-Sec-Ann Dr. The majority of the housing in the 500 ft. circle is on Cascade St., beyond a row of houses, and a green belt. It is closer to the bay door of the garage of the gas station, which is operating air hammers and all manner of very loud equipment than it is to the first Cascade St. residence. Aside from the three rental units immediately adjacent to my property, I am closer to the commercial properties than I am to anything else. Based on the above, the neighborhood surrounding my property is predominantly commercial. Allowing this setback is very much consistent as to scale, amenities, appearance or features, with existing development in the neighborhood.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

A. Site plan, floor plan and elevation views of existing and proposed structures

See attached

B. Existing and proposed parking areas, including dimensions of the spaces, isle width and driveway entrances

See Attached Photos, although the parking will not be affected by this project.

C. Proposed traffic circulation within the site including access/egress points and traffic control devices

There should be no increase in traffic in the region due to this project. There will be no retail sales, so the traffic will be limited to me taking deliveries to the stores occasionally. If anything, now that the child care in our home is closed, traffic should be less than the area is used to...

D. Existing and proposed lighting (including cut sheets for each type of lighting)

We will not be adding any additional external lighting

E. Existing and proposed vegetation with location, area, height and type of plantings

See attached photos. Daughter is about 6 ft. for scale. Vegetated screening may be added later as we see fit, and in discussion with the neighboring land owner.

F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Drainage is currently gravity fed from house to the back of the property. We will be installing a French drain or bioswale to capture this rainwater runoff. CBJ engineering suggested spraying waste water from this project on our vegetated areas. There are no eagle trees, hazards or salmon streams involved in this project.

SCALE: 1" = 20'-0"

JUNE 8, 2017

21

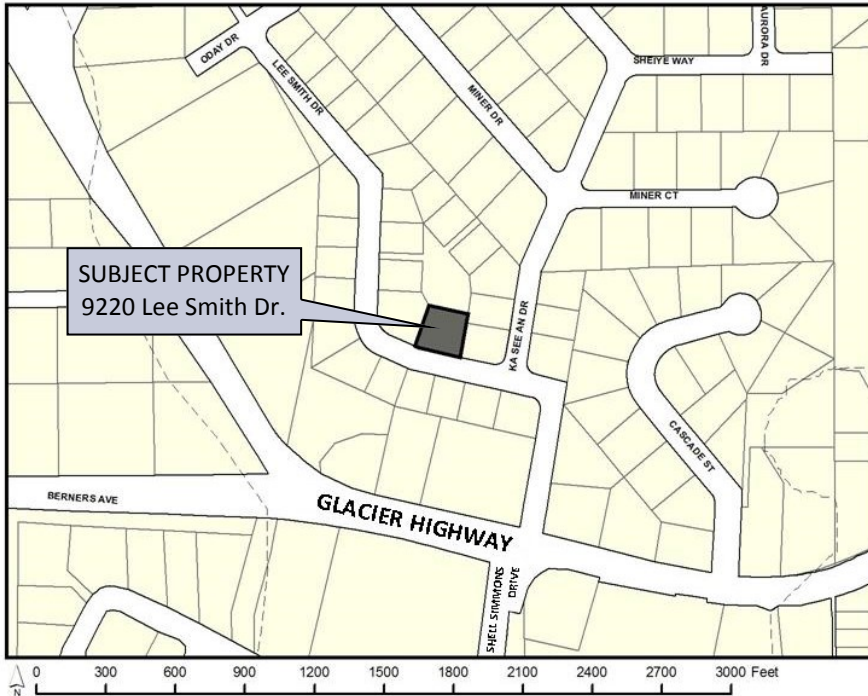
SHEET 1 OF 1

TERRAMAR HYDRO FARM
9220 LEE SMITH DRIVE

SHEET TITLE
PROPOSED SITE PLAN

Attachment D - Applicant's Site Plan

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSALS TO BE CONSIDERED BY THE PLANNING COMMISSION:

USE2017 0015: Renewal of an expired Conditional Use Permit to allow a commercial hydroponic vegetable farm in a D5 zoning district.

USE2017 0016: A Conditional Use Permit to allow the encroachment into a rear yard setback that abuts publicly owned land.

File Nos:	USE2017 0015 & USE2017 0016	Applicant:	Allen Butner
To:	Adjacent Property Owners	Property PCN:	5B1601050050
Hearing Date:	July 25, 2017	Owner:	Allen Butner
Hearing Time:	7:00 PM	Lot Size:	9,806 sq. ft.
Place:	Assembly Chambers Municipal Building 155 South Seward St, Juneau AK 99801	Zoned:	D5
		Site Address:	9220 Lee Smith Drive
		Accessed Via:	Lee Smith Drive

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Allison Eddins at allison.eddins@juneau.org or (907) 586-0758.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Attachment F - Public Notice

Date notice was printed: June 23, 2017



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: December 11, 2014

File No.: VAR2014 0025

Allen & Gerri Butner
9220 Lee Smith Drive
Juneau, Alaska 99801

Application For: A Variance to reduce the rear yard setback from 20 feet to zero feet for the placement of six containers for use as a commercial hydroponic vegetable farm.

Legal Description: Airport Acres Block C Lot 8

Property Address: 9220 Lee Smith Drive

Parcel Code No.: 5-B16-0-105-005-0

Hearing Date: December 9, 2014

The Board of Adjustment, at its regular public hearing, adopted the analysis and findings listed in the attached memorandum dated November 13, 2014, and amended the findings (see below) to approve the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. Prior to a Certificate of Occupancy an As-built stamped by a licensed surveyor shall be provided to the Community Development Department.

New findings made by Board of Adjustment during hearing

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

Approving the reduction of the rear yard setback to **five** feet for the placement of six container vans will provide substantial relief to the owner of the property in that the vans will be more accessible stacked three across and two high. The lesser relaxation of a five foot rear yard setback will allow all six containers to be in the rear yard and stacked two high minimizing the visual impact to the neighborhood. This configuration of the containers will be more consistent with justice to other property owners

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

Public safety and welfare will be preserved with a five foot rear yard setback because the rear lot line is adjacent to a vacant lot with no developed access. The placement of the containers five feet from the rear lot line preserves light and air by minimizing the impact to the neighboring properties.

Allen & Gerri Butner
File No: VAR2014 0025
December 11, 2014
Page 2 of 3

3. That the authorization of the Variance will not injure nearby property.

A five foot rear yard setback avoids the need to stack containers 3 high or put them in the side yard. The configuration with the five foot setback in the rear is the least harmful to nearby property.

5. That compliance with the existing standards would:

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

The subject property is within 500 feet of light commercial uses. There are containers at the nearby gas station. Therefore, the development is consistent as to scale, amenities, appearance and features with existing development in the neighborhood.

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

The entire community will benefit from the reduction of the rear yard setback to five feet. The Variance will allow for the proposed hydroponic vegetable farm to produce vegetables to be sold in locally.

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

Yes. All criterions are met, therefore, the variance meets Section CBJ § 49.20.250.

Attachment: November 13, 2014 memorandum from Chrissy McNally, Community Development, to the CBJ Board of Adjustment regarding VAR2014 0025.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with 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 Board of Adjustment 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 Board, December 9, 2014

Expiration Date: The permit will expire 18 months after the effective date, or June 9, 2016 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Allen & Gerri Butner
File No: VAR2014 0025
December 11, 2014
Page 3 of 3

Project Planner: Chris McNally
Chrissy McNally, Planner
Community Development Department

Michael Satre / Mike Satre
Michael Satre, Chair
Planning Commission

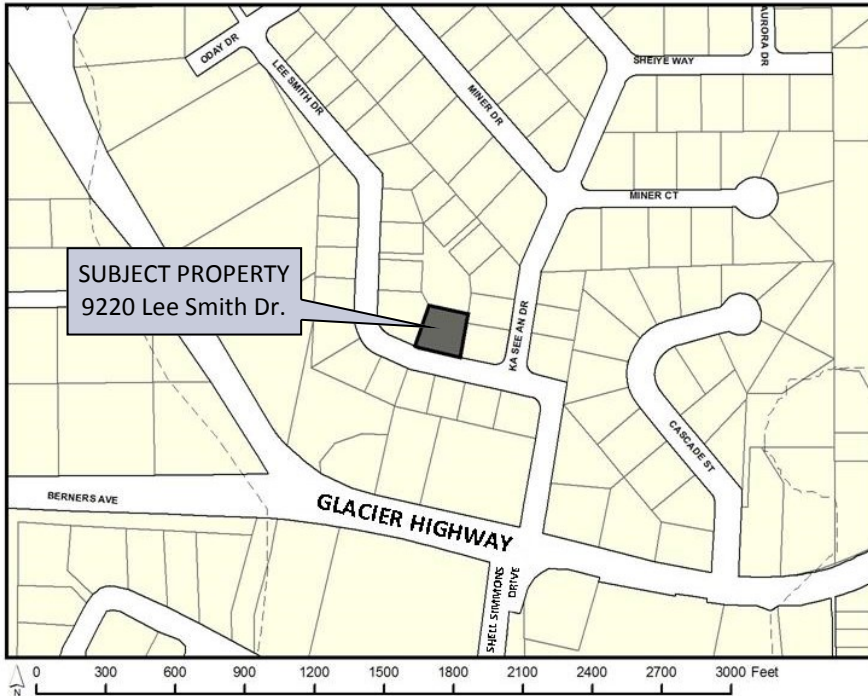
Jamie J. Jiri
Filed With City Clerk

12/11/14
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. 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.

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSALS TO BE CONSIDERED BY THE PLANNING COMMISSION:

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Date notice was printed: June 23, 2017



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

**THE PRESENTATION FOR USE2017 0015 IS COMBINED WITH
USE2017 0016 AND CAN BE FOUND AS AN ATTACHMENT TO
THAT CASE.**



Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: August 3, 2017
File No.: USE2017 0016

Allen and Gerri Butner
9220 Lee Smith Drive
Juneau, AK 99801

Proposal: A Conditional Use Permit to allow the encroachment into a rear yard setback that abuts publically owned land.

Property Address: 9220 Lee Smith Drive

Legal Description: Airport Acres Block C, Lot 8

Parcel Code No.: 5B1601050050

Hearing Date: July 25, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and modified the findings, as shown below and listed in the attached memorandum dated July 14, 2017 and approved a conditional use permit to allow a 15 foot encroachment into a rear yard setback that abuts publicly owned land.

Finding 8(c) in the attached memorandum is amended to read as follows:

Reducing the required setback to 5 feet will minimize the impacts of the use and allow the applicant 16 feet between the containers and the residence. The Planning Commission finds that 16 feet is a practical minimum to allow the applicant to build an access staircase and preserve the features of the rear yard.

The conditional use is to be conducted as described in the project description and project drawings submitted with the application, with the following conditions:

1. The applicant is required to have an as-built completed by a licensed surveyor to verify the location of the containers prior to issuance of a Temporary Certificate of Occupancy.

Allen and Gerri Butner
File No.: USE2017 0016
August 3, 2017
Page 2 of 2

2. Any structures belonging to the subject property found to be on CBJ land must be removed.

Attachments: July 14, 2017, memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2017 0016.

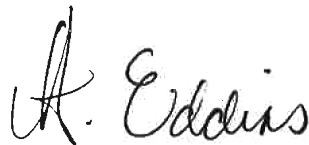
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with 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).

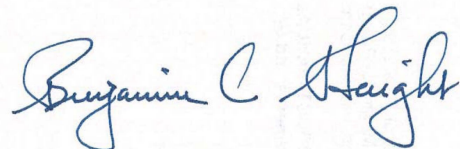
Effective Date: The permit is effective upon approval by the Commission, July 25, 2017

Expiration Date: The permit will expire 18 months after the effective date, or December 25, 2017 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Allison Eddins, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

August 8, 2017

Date

cc: Plan Review

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