

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau Mike Satre, Chairman

January 27, 2015
Assembly Chambers
7:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF MINUTES**
 - A. December 16, 2014 Special Planning Commission Meeting
 - B. December 16, 2014 Committee of the Whole Meeting
 - C. November 25, 2014 Regular Planning Commission Meeting
- III. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**
- IV. **PLANNING COMMISSION LIAISON REPORT**
- V. **RECONSIDERATION OF THE FOLLOWING ITEMS**
- VI. **CONSENT AGENDA**
 - A. USE2014 0017
 - B. VAR2014 0028
 - C. AME2014 0011
 - D. VAR2014 0027
 - E. USE2014 0018
- VII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**
- VIII. **UNFINISHED BUSINESS**
- IX. **REGULAR AGENDA**
- X. **BOARD OF ADJUSTMENT**
- XI. **OTHER BUSINESS**
 - A. Planning Commission Committee Assignments
- XII. **DIRECTOR'S REPORT**
 - A. New Dwelling Units 2014
- XIII. **REPORT OF REGULAR AND SPECIAL COMMITTEES**
- XIV. **PLANNING COMMISSION COMMENTS AND QUESTIONS**
- XV. **ADJOURNMENT**

MINUTES

Planning Commission CITY AND BOROUGH OF JUNEAU Mike Satre, Chairman

Special Planning Commission Meeting
Auke Bay Area Plan

December 16, 2014

I. ROLL CALL

Mike Satre, Chairman, called the Special Planning Commission Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:05 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Karen Lawfer, Ben Haight, Nicole Grewe, Dan Miller, Paul Voelckers

Commissioners absent: Gordon Jackson

Staff present: Hal Hart, Planning Director; Beth McKibben, Senior Planner; Eric Feldt, Planner II; Tim Felstead, Planner I

I. REGULAR AGENDA

AME2013 0012: A presentation and discussion of the Draft Auke Bay Area Plan by the Auke Bay Steering Committee to the Planning Commission.

Applicant: City and Borough of Juneau

Location: Borough-wide

Mr. Hart introduced the Auke Bay Area Plan to the Commission stating that it is a working document and not a final product. He said they are implementing at least the 2008 Comprehensive Plan. He said that goal is very important: "To create a marine, mixed use transit and pedestrian-oriented village at Auke Bay." The Auke Bay Area Plan is the community's interpretation of that mandate, said Mr. Hart.

There has been a lot of change in Auke Bay since 2012, said Mr. Hart, including the

construction of the roundabout, which cost about \$5 million. Within the next year infrastructure connecting the Brotherhood Bridge to Auke Bay for pedestrians will be under construction, said Mr. Hart.

A thirteen unit condominium complex is nearing completion, with a small apartment complex approved in the post office building still to be constructed, said Mr. Hart. Home construction and remodels have a big economic impact in the area, he noted.

Mr. Feldt said a primary goal for the Committee was how to make the area more attractive to private investors and thus attract private funding, especially in the face of a shortage of public funds. One tool is to change the zoning district to create a small town center, said Mr. Feldt. The zoning district should complement the creation of a miniature downtown feel, said Mr. Feldt.

As has already been mentioned, said Mr. Feldt, the plan is a living document and is not meant to simply sit on the shelf and collect dust. It will evolve over time with the groups that meet every year with the City to manage it, as the needs of the community evolve, said Mr. Feldt.

It is important to keep communication open between private landowners in the Auke Bay area and the public entities such as the University of Alaska Southeast, Docks and Harbors, and the Department of Transportation (DOT), because they all have their own projects going on at different times, explained Mr. Feldt.

Gerald Gotschall, Auke Bay Steering Committee Chair, said this evening he will be acting as the voice of the Steering Committee. Over the past 12 months the Auke Bay Steering Committee has heard from all of the various entities such as the University, Docks and Harbors, DOT and the Native community regarding the activities going on in the Auke Bay area, said Mr. Gotschall. This provided the Steering Committee with the background as to what is currently happening within the community, he said.

From there the Steering Committee could go on and develop its vision statement, he said. The design charrette added transportation and built priorities to the vision for the community, said Mr. Gotschall. They then moved on to the key concepts of the town center, said Mr. Gotschall, which involved the higher density zoning with support for businesses and marine-related activities. As the focus moved closer to the town center the zoning became more dense and as it moved out the density lessened, said Mr. Gotschall. They stayed away from tweaking with any residential zoning, said Mr. Gotschall.

Mr. Hart said they had meaningful input on the historic and heritage component of the plan from the Douglas Island Indian Association, and extremely helpful and significant support from the Áak'w K̓wáan Tribe which has resided in Auke Bay for thousands of years.

Public Comment

Steering Committee Member Joann Lott said the Steering Committee was a great working group with many opportunities for exchange of discussion and ideas. She said that in her

opinion the Auke Bay Area Plan is a good representation of what the area residents would like to see transpire for the community.

Fritz Cove Road resident Karla Allwine said the CDD staff provided excellent guidance to the Steering Committee, but that in her opinion the document before the Commission was truly the result of the community at large and the people who were involved in the process. She said her concern was that the zoning as it stands at this time does not complement what the vision for the Auke Bay community is.

Steering Committee member Alice Taff said the Steering Committee has been well directed and well supported by professional staff. Ms. Taff said she wanted to emphasize that the people who live and work in Auke Bay want to see that its' beauty and special characteristics be maintained, while a stronger community is forged in the process. They want to maintain the quality of the water, the views, the integrity of the landscapes and the safety of the wildlife as the community grows, said Ms. Taff.

Pat Carroll, a Fritz Cove Road resident and the DOT liaison to the Committee, told the Commission that Fritz Cove road will be repaved and widened about one foot on each side this coming summer, and that the Brotherhood Bridge project is underway. This involves construction of a 10 foot wide multi-use pedestrian/bike path on the uphill side of the road from Brotherhood Bridge to Engineers Cutoff. They expect that project to be completed in October (2015), said Mr. Carroll. At about \$25 million, that is only half of the path, said Mr. Carroll. The portion of the bike path that will traverse Engineers Cutoff to Auke Lake is currently under bid, he said. They expect that portion of the project to be completed in the spring of 2016, he said.

The Fritz Cove road to Seaview project will not be completed until the summer of 2016, said Mr. Carroll. That project will involve 8 foot shoulders and 6 foot sidewalks the full length of the road from Fritz Cove Road to Seaview, he said.

Commission Questions and Comments

Chairman Satre said one of the main concerns has always been the amount of traffic going through the area. He asked if there was any work towards the Auke Bay bypass slated with the state for any time in the near future.

It is on the needs list, said Mr. Carroll. But that is estimated as a \$60 million to \$70 million effort, he said. There is no funding for the project, he said.

Mr. Voelckers asked for an explanation of how speed will be controlled in the Auke Bay core area, and if the design itself may contain speed-calming measures.

They do use calculations based upon the speed of existing traffic to determine the speed that traffic should travel through the corridor, said Mr. Carroll. He said he believes the roundabout has already had a speed calming effect in the area. Pedestrian refuge islands will be installed in the area which should also have an effect of reducing traffic speed, said Mr. Carroll.

Mr. Feldt said the Committee met just last week and established the goal of a speed not over 30 mph in the core zone in the Auke Bay area. He said that goal will be in the most recent draft of the Plan.

Mr. Voelckers said if there is a perception of an active public risk then the Department of Transportation still has control over setting the speed limit, such as in school zones, for example.

Mr. Watson asked how secure the funding was for the DOT projects mentioned by Mr. Carroll.

The project that has yet to be funded is the Fritz Cove road to Seaview project, said Mr. Carroll.

Mr. Watson asked if there will be a turn lane designated specifically for Auke Bay school.

There will be a left turn lane available for those vehicles going to Auke Bay school from out the road, said Mr. Carroll.

Mr. Haight asked how snow removal could be accomplished in the area without putting snow on the pedestrian paths.

Mr. Carroll said he is not aware of any change in the basic snow removal plans for the area.

Ms. Grewe said she felt that getting the speeds down is critical to realizing the vision of the Plan. She asked how it would be possible to get the DOT to lower the speed limit to 30 mph. She asked also what the disadvantages would be if the speed limit was lowered to 30 mph.

The drivers set the speed limit and what the speed limit should be, said Mr. Carroll. He said the policy is empirical and that it is driven by safety. He said holding up a sign with the speed limit on it is not effective.

Ms. Lawfer suggested that the Plan specifically recommends maintaining bus routes to the University and maintaining Auke Bay as a hub for bus service out the road and onto the Back Loop road.

Mr. Miller said he felt that a long-term goal of 30 mph could be met with enough natural traffic slowing occurrences such as the roundabout and increased pedestrian activity, but that to expect traffic to respond to 30 mph signs now would be unrealistic.

Mr. Voelckers said he had concerns about how the Plan would be carried forward and that it not simply be aspirational in nature. For example, said Mr. Voelckers, what are the actual Title 49 pieces that need to be changed to fulfill this vision for the Auke Bay community. It needs to be a plan with some teeth, that really guides how development needs to happen, said Mr. Voelckers. One of the main drivers of the development would be Docks and Harbors, said Mr. Voelckers, and he said he did not see them represented in the current Plan.

Chairman Satre asked if there are recommendations from the staff as a result of this Plan on

rezones for the core area which would add teeth to the recommendations.

Mr. Hart said they could make recommendations to the Commission on a specific approach. He said he would like to suggest that they keep the core Auke Bay committee together for another eight to ten weeks and that and he would bring back to the Commission specific recommendations. He said he felt it was more important that they implement the Plan as it stands rather than postpone it while they wait for specific zoning recommendations.

Mr. Miller asked if they have examined the mechanics of the rezone process.

Mr. Hart said this Plan is an amendment of the Comprehensive Plan, and that he has explored some of the process over the past year with the City Attorney.

Mr. Watson voiced his concern that as plans for rezoning the core area of Auke Bay were underway, that property owners be consulted and that it not simply be an exercise done on paper.

Mr. Haight said he is impressed by the report and how polished it is considering it has been largely put together by community members. This is a document which will be honored and respected by the community more than a document which has been put together by outside consultants, said Mr. Haight.

Ms. Grewe stated she thought it would be good to add in the introduction a specific paragraph stating specific goals the community would like to accomplish over the next 10 years regarding its evolution.

II. **BOARD OF ADJUSTMENT** – None

III. **ADJOURNMENT**

The meeting was adjourned at 8:33 p.m.

MINUTES

Planning Commission
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

Committee of the Whole Meeting
Juneau Economic Plan

December 16, 2014

I. ROLL CALL

Mike Satre, Chairman, called the Committee of the Whole meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Municipal Conference Room of the Municipal Building, to order at 6:00 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman;
Bill Peters, Karen Lawfer, Ben Haight, Nicole Grewe,
Dan Miller, Paul Voelckers

Commissioners absent: Gordon Jackson

Staff present: Hal Hart, Planning Director; Eric Feldt, Planner II, Tim
Felstead, Planner I

Participants: Jim Calvin, Managing Principal and Senior Economic Analyst for
the McDowell Group; and Barb Sheinberg, Sheinberg Associates

II. REGULAR AGENDA

Discussion of the of the Juneau Economic Plan's recommended initiatives.

Mr. Calvin provided a brief overview of the development of the Juneau Economic Plan, stating the process began about a year ago, and that they are now reaching the conclusion of the process. He said they have distilled mountains of information into what they believe will provide a viable plan for Juneau's economic development over the next 10 years.

They looked at all of the key industries in Juneau and all of the demographic trends as well, to see where the community was pointed from an economic and demographic perspective, explained Mr. Calvin.

A large portion of the project involved public engagement in which they surveyed 400 households as well as online surveys and business surveys. In addition they conducted numerous stakeholder meetings including several town meetings and meetings with high school students, said Mr. Calvin.

They also did case study research which involved looking at other communities and economic development in those communities to try to learn from those communities and to see what they could apply to Juneau. Based upon all of the public input they developed a vision statement for the community, said Mr. Calvin, as well as 10 guiding principles which he said he believes the community can all agree upon. Over the past couple of months they have been busy developing specific economic development initiatives, he said.

They settled upon eight initiatives which they think are important for the community to touch on from an economic development perspective, said Mr. Calvin. They're taking all of this information and distilling it into the final plan, he said, which if all goes well will be presented to the Assembly on December 29, (2014). After that they will be working with the Assembly for the next few weeks responding to their input on the draft, he said.

The draft of the Juneau Economic Plan is currently available at:
<http://www.juneaueconomicplan.org/>.

Mr. Calvin and Ms. Sheinberg briefly addressed the eight initiatives:

❖ ***Protect and Enhance Juneau's Role As Capital City***

Alaska is what drives our economy, said Mr. Calvin. We have 4,000 state government workers in Juneau, he said, with \$250 million in annual payroll. With all of the multiplier effects that is 40% of our annual economy, he said.

Support the Alaska Committee and make sure that we do all we can to ensure we are the best capital city, he said.

Build on our role as capital city by branding our community as a great place to live, said Mr. Calvin.

❖ ***Attract and Prepare the Next Generation Workforce***

They first need to understand what the needs of the employers are, said Ms. Sheinberg. Increasing the availability of child care is of primary importance, she said. Housing and childcare need to be available to both attract and retain workers in Juneau, she said.

Our educational system needs to be able to prepare youth to participate successfully in

the Juneau workforce with vocational and professional jobs, she said. Thirty eight percent of our private sector workforce is currently composed of nonresidents. A goal is to convert some of that workforce into a resident workforce, said Ms. Sheinberg.

❖ ***Revitalize Downtown***

This is the area that the million of visitors that arrive in Juneau each year notice first and it is where they form their first impressions of Juneau, said Ms. Sheinberg. While there are some exciting things going on in our downtown sector said Ms. Sheinberg, the number of dilapidated buildings and aging infrastructure do not contribute to a good first impression of the community. There are a number of things that vibrant downtown areas have that Juneau does not have, said Ms. Sheinberg.

❖ ***Recognize and Expand Juneau's Position As a Research Center***

There are 20 different research centers or activities conducted in Juneau such as the Forestry Science lab, the Ted Stevens lab, the weather service, the university, and the Rain Forest Center, said Ms. Sheinberg. These research centers are based upon the natural resources which we have, such as forestry and fisheries, she said.

The first objective would be to recognize what is already going on and to get the word out about that, said Ms. Sheinberg. But added to that, she said, there close to 300 Alaskan fisheries research management and science jobs of which 65 are located in Juneau and the rest are located in Seattle. The mayor has a task force on this effort to locate some of these jobs in Juneau, she said. Focused political leadership is a big part of what needs to happen to accomplish this, she said.

❖ ***Promote Housing Affordability and Availability***

Affordable housing is critical for economic growth in Juneau, said Ms. Sheinberg. Also housing for seniors will become increasingly important as the senior population grows, and housing for the inebriate population in downtown Juneau is a current and growing need, she said.

❖ ***Build the Senior Economy***

Facilitate the development of the services and facilities necessary for residents to comfortably and affordably retire in Juneau.

❖ ***Build on Our Strengths***

This involves doing what Juneau needs to do as a community to build and expand business opportunities taking advantage of our natural resources and creating wealth, said Mr. Calvin. With world-class assets as a visitor destination, said Mr. Calvin, we can continue to build upon that by attracting independent visitors, he said. Our role as an arts and cultural hub can be expanded upon, said Mr. Calvin. Mining is the highest wage job in Juneau, said Mr. Calvin, and every miner that we can convince to live in Juneau is

an increase to the economy, he said.

❖ ***Enhance Essential Infrastructure***

The cost of getting things to the community on a barge is closely tied to the cost of all goods in the community, said Mr. Calvin. Also closely connected to the essential infrastructure initiative is giving the community room to grow which can be accomplished by gaining access to the thousands of acres on West Douglas. That is a tremendous asset that the community does not currently benefit from, said Mr. Calvin. Improved access to West Douglas is key in terms of long-term development for the community, said Mr. Calvin.

Commission Comments and Questions

Mr. Voelckers said he thought the study was deep and well thought out. He asked Ms. Sheinberg's and Mr. Calvin's opinions on how the study could get traction in terms of implementation of the initiatives and goals.

Mr. Calvin responded they are now in the process of taking the eight initiatives, objectives and actions and identifying their recommendations.

Mr. Miller stated that promotion of housing affordability does tie in with other initiatives. He stated it may be helpful to have definitive pointers within each initiative to where it specifically relates to the other initiatives. Mr. Miller stated this is a great piece of work and that it had his total support.

Mr. Calvin stated that housing would clearly be at the top of their list and that it does relate to most of the other initiatives and that without success in housing there would not be success with many of the other initiatives.

Mr. Watson asked Mr. Calvin and Ms. Sheinberg what their first, second and third priorities would be in terms of the initiatives.

Ms. Sheinberg responded that they are currently in the midst of that exercise.

Mr. Calvin responded that for the long term growth success of the community that the west side of Douglas island needs to be accessed. He added that this is a long-term initiative and that with the extension of the Douglas Highway that progress towards this initiative has begun.

Ms. Sheinberg answered that with more than half of our work force being linked to the state that everything that we do to maintain our capital and a well-trained workforce that lives here is of utmost importance.

Ms. Grewe said she would like to see the Commission get together after the holidays to pick out their top three initiatives.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

V. **ADJOURNMENT**

The meeting was adjourned at 7:00 p.m.

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MINUTES

PLANNING COMMISSION Regular Meeting City and Borough of Juneau **Mike Satre, Chairman**

November 25, 2014

I. ROLL CALL

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

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Karen Lawfer (telephonically), Ben Haight, Nicole Grewe, Paul Voelckers, Mike Miller (telephonically)

Commissioners absent: Bill Peters, Gordon Jackson

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Laura Boyce, Senior Planner; Chrissy McNally, Planner I; Jonathan Lange, Planner II; Tim Felstead, Planner I; Allison Eddins, Planner I; Samantha Stoughtenger, Wastewater Utility Superintendent; Michelle Elfers, Project Manager

II. APPROVAL OF MINUTES

- October 14, 2014 – Regular Meeting
- October 28, 2014 – Committee of the Whole Meeting
- October 28, 2014 – Regular Meeting

MOTION: *by Mr. Watson, to approve the October 14, 2014, and the October 28, 2014, Regular Planning Commission meeting minutes and the October 28, 2014, Planning Commission Committee of the Whole meeting minutes with any minor modifications by any Commission members or by staff.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Loren Jones reported that the Assembly is interviewing applicants for the Planning Commission. He added that the Assembly has accepted the Tall Timbers Neighborhood Association appeal of the Planning Commission decision to issue Haven House a Conditional Use permit. Mr. Nankervis will be handling that appeal.

The Assembly conducted its five-hour retreat yesterday and will meet again in this fashion in the New Year. The Assembly expects a draft of the Juneau Economic Plan by December 24, (2014), said Mr. Jones.

Capital Transit has looked at its revised plan under the reduced budget, which is not acceptable, said Mr. Jones. It will be holding a series of public hearings on proposed revisions this December 1, 2, 3, 4, and 6th, said Mr. Jones.

The Assembly has a report on downtown revitalization and identifying future industrial lands, said Mr. Jones. One of the Assembly's priorities includes looking at the Lemon Creek area such as the staff has done with Auke Bay, said Mr. Jones. There are also recommendations in the Economic Development Plan that a similar plan be followed for the downtown area, he added. Other plans were also discussed, said Mr. Jones.

The Assembly reviewed the Subdivision Ordinance and timeline, said Mr. Jones. Mayor Sanford would like to see the Subdivision Ordinance reach the Assembly quickly, said Mr. Jones. The memo received by the Assembly said that by the time it would reach the Assembly would be some time in February, said Mr. Jones. The Mayor would like to see this ordinance reach the Assembly before it does its priority setting on the "14th", said Mr. Jones.

Mr. Watson asked Mr. Jones what the status was on the Assembly decision on the appeal of the Bicknell property.

The petitioner had asked for a delay, said Mr. Jones, while the petitioner entered into negotiations with the Borough for a solution. Mr. John Corso is the hearing officer who granted the delay, said Mr. Jones. That is the current status of the appeal as far as he knows, said Mr. Jones.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

AAP2014 0015:	A Conditional Use Permit for an accessory apartment on a substandard sized lot on Dixon Street in Downtown Juneau.
Applicant:	Myra Pugh
Location:	725 Dixon Street

Staff Recommendation

Based upon the proposed plan (identified as Attachments A, B, and C), and the findings and conclusions stated above, the Community Development Department Director recommends the

Planning Commission **APPROVE** the request, with the following conditions of approval.

Conditions of approval:

- One additional on-site parking space shall be provided prior to Certificate of Occupancy, if the corresponding Variance Permit VAR2014 0021 is not approved.

VAR2014 0021: A request for a Variance to the parking requirement for an accessory apartment on Dixon Street in Downtown Juneau.
 Applicant: Myra Pugh
 Location: 725 Dixon Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0021. The Variance permit would allow for the reduction of the parking requirement from one space to zero spaces for an accessory apartment at 725 Dixon Street in Downtown Juneau.

MOTION: *by Mr. Watson, to approve VAR AAP2014 0015 and VAR2014 0021 on the Consent Agenda with staff's findings, analyses, recommendations and conditions, and asks for unanimous consent.*

The motion was approved by unanimous consent.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2013 0016: Residential rezone of 43 parcels along North Douglas Highway
 Applicant: City and Borough of Juneau
 Location: North Douglas Highway

Staff Recommendation

After talking to Mr. Stitz, staff understood his concerns. Staff clearly indicated they would recommend that his property be excluded from the up-zone and simply be rezoned to the transition zone of D-3. Staff made this conditional upon his understanding that such an action would mean that any future rezone request for the property would be done at the owner's expense. Mr. Stitz understood and agreed.

Mr. Goddard explained this is the case presented to the Commission in August regarding a transition zone rezone on North Douglas Highway which was approved by the Commission and forwarded to the Assembly for approval. The Assembly has subsequently sent this back to the Commission for further review. The issues raised by the Assembly were if adequate public

notice was given at the time, and if there were higher densities that could be obtained on the properties in question, said Mr. Goddard.

Mr. Goddard said the public notice requirement has been met three times. He said three separate notices had been issued, and in addition to that an informational letter had been sent to the property owners within the rezone. They also held a neighborhood meeting which was held in accordance with the code requirements, said Mr. Goddard. The Assembly hearing itself also met public notice standards, noted Mr. Goddard.

This issue was essentially brought up to the Assembly by Mr. Kody Stitz, said Mr. Goddard. The one change ~~in from staff's~~ original recommendation ~~the staff would is make is to recommend remove that the land of~~ Mr. Stitz's property that was in the D1(T)D3 properties that was recommended go to a D5 zone ~~only transition to be left in a the~~ -D3 zone at his request, said Mr. Goddard. He wanted to maintain certain livestock that he understood the upzoning to D5 would prevent him from keeping, said Mr. Goddard.

Commission Comments and Questions

Chairman Satre wanted to clarify that when first heard at the Planning Commission level that all requirements for public notice were met.

Mr. Goddard affirmed that this was true.

Chairman Satre clarified that the current recommendation of staff was to reaffirm the previous staff recommendation with the exception of the single Stitz-owned parcel which would remain as a D3 zoned parcel. By not upzoning this particular parcel of land, said Chairman Satre, could this put the Commission in any spot-zoning type of situation?

Mr. Goddard explained that the requirements for rezoning hold a minimum size requirement. That requirement is met by the size of the Stitz parcel, it being over three acres in size, said Mr. Goddard. This is not technically a spot zone, however the definition of spot zoning is left open to interpretation by the Commission, said Mr. Goddard. It would, however, said Mr. Goddard, be "an island of D3 surrounded by D5".

Any property owner could be present at the Assembly hearing on this issue and make their opinions known regarding upzoning at that time; could they not, asked Chairman Satre.

Mr. Goddard affirmed that this was so.

If this property did remain an island of D3 within a sea of D5, a future property owner would have no real issue coming forward and asking for a rezone up to a higher zone, stated Chairman Satre, given the conformance with the Comprehensive Plan maps and zoning regulations.

Mr. Watson asked for a further clarification on Mr. Goddard's answer on spot zoning.

Mr. Goddard answered that it would be an island of D3 surrounded by D5. He added it would depend on how the Commission wanted to define “spot zoning”. The parcel of land meets the criteria to create a separate zone all by itself, said Mr. Goddard. A minimum of 2 acres is required to create an island or a unique zone, said Mr. Goddard.

Mr. Watson asked what livestock was allowed within a D3 zone versus a D5 zone.

Mr. Goddard said within the Table of Permissible Uses there are several types of agricultural related uses relating to farm animals, and that both zones allow six chickens. He would require further input from the staff on any other differences, he said.

Mr. Voelckers asked for the location of the parcels belonging to the other individuals who had submitted recent letters protesting the upzoning. He asked if perhaps their land was contiguous to the D3 request of Mr. Stitz.

The staff responded they had not yet had time to assimilate that information, as those letters had just arrived.

Public Comment

North Douglas property owner Kody Stitz said he and his family purchased their property in July aware that it was zoned D1 and that it could transition in zoning to D3. D5 zoning would prohibit the purchase of toy goats for his children, said Mr. Stitz, unlike D3 zoning. He said he is also concerned about zoning for the entire neighborhood, because he does not want to be an island of D3 zoning within a sea of D5 zoning.

Mr. Stitz said he is not aware of anyone protesting the D1 to D3 zoning. He said he would like to see the zoning stop at D3 zoning and not progress to D5 zoning. He said he felt that was much too high of a zone for the area.

Mr. Watson asked Mr. Stitz if when he purchased his property he was aware that it could transition to D3 zoning.

Mr. Stitz said that he was aware of the property’s transitional zoning.

Ms. Lawfer asked Mr. Stitz for his opinion on the land designated for D15 zoning.

He said he had no problem with that land designated for D15 zoning because it was formerly a gravel pit and that he felt the zoning was fine for that particular parcel of land.

Juneau resident Pam Garcia said that she owned the land in front of the Stitz property and that she was also against the proposed D5 zoning. Her husband Steve Merli also spoke to the Commission against the proposed D5 zoning and in favor of the D3 zone for his property. Both Mr. Merli and Ms. Garcia said they purchased their property because they wanted to live in a

low density area, and that they would have purchased property elsewhere if they wanted to live in a higher density area.

North Douglas resident Robin Paul said that she owns land next to Ms. Garcia and Mr. Merli. She said that she also is against the higher D5 zoning but is fine with the D3 zone. She said she was confused about how North Douglas addresses were formulated. She said for the purpose of public notices she would prefer that public notices provide the beginning and ending addresses of streets (the range of affected addresses).

Ms. Paul said the curve in the road is very scary and that the increased density of D5 zoning would put too much traffic on the road.

Mr. Voelckers asked Ms. Paul when the subject of D5 zoning first came to her attention.

Ms. Paul said she did not hear the issue of D5 zoning raised at the August meeting that she attended.

Chairman Satre affirmed that the D5 zoning did transpire at the August meeting attended by Ms. Paul. He said the original intent was to move the zoning from D1 to D3, and following the staff report and a recommendation to upzone to a higher density, the Commission made a recommendation to the Assembly at that meeting.

Mr. Watson asked Ms. Paul according to the map where she would consider her neighborhood to end.

Ms. Paul said the gravel pit towards town would make a nice subdivision. She said the neighborhood would start at her property and proceed around the bend in the road to the north.

North Douglas resident Patty Collins also spoke against the proposed upzone in the area. She said that she and her husband understood when they bought their waterfront property ten years ago that at some point it would transition to D3 zoning. Ms. Collins said that they are fine with the D3 zoning but that they are not in favor of the higher density D5 zoning. She said the road is scary and curvy. There is a housing need in Juneau, she said, but she said she did not feel this was the best possible area to raise the density even higher than the D3 zoning.

North Douglas resident Russ McDougall said that he lives in an area which just went from a D1 to a D10 zoning at 10.5 mile North Douglas. He wanted to know if the planners could supply more information on the differences between D1 and D5 zoning.

Chairman Satre said that information would be provided after public comment was concluded.

Commission Questions and Comments

Chairman Satre asked if the staff had additional information on the differences between D1 and D5 zoning, especially regarding the housing livestock.

From a use point of view there is little difference between D3 and D5 zoning, said Mr. Goddard, with a few exceptions. In the D3 zone there could be a single family detached two dwellings per lot. In the D5 zone only one dwelling would be allowed per lot, said Mr. Goddard. There are circumstances where there could actually be higher density in a D3 zone as opposed to a D5 zone, said Mr. Goddard. This is because of the potential difference in lot sizes, he explained.

Mobile homes could be allowed in the D3 zone but not in the D5 zone, said Mr. Goddard.

Mr. Watson asked if as a property owner he could go to the Planning Commission and ask that his D3 lot be zoned to a D5 lot.

As long as it was consistent with the Comprehensive Plan then a rezone could be requested, said Mr. Goddard.

There is a form available online, explained Ms. McKibben; [Keeping Chickens and Other Farm Animals in Juneau](#), which summarizes farm animals which may be owned within the Borough. It specifies how many chickens may be kept in what zones within the area, said Ms. McKibben. For other farm animals it remained unclear if zones D3 and D5 differed, and the Table of Permissible Uses would have to be checked further.

Mr. Voelckers asked Mr. Goddard why he had listed D3 zoning as not appropriate for ULDR (Urban Low Density Residential) zoning in his analysis.

Mr. Goddard stated since the area was not supposed to have services, but that the Borough had provided services, he felt that the higher zone was more appropriate for the area since urban services had been provided.

Ms. Lawfer stated she felt the discriminating factors between D3 and D5 zoning were density versus use. She said she wanted to clarify that lower density does not preclude what some might call "strange" uses for the properties such as a rock crusher, for example. Ms. Lawfer asked for some commercial applications which would be allowed in a D3 zone which would not be allowed in a D5 zone.

Mr. Goddard responded that other than the mineral extraction there were no other differences that he could identify between the two zones. He said they are very similar in character.

Theoretically, said Mr. Goddard, a duplex could be allowed in a D3 zone on the same sized lot as a D5 zone and yet not be allowed on that lot in a D5 zone.

Mr. Haight asked for the exact scope of the Commission's decision on this issue this evening.

Chairman Satre said they had the same application before them that they had before them in August:

- ✓ Approve the zone transition from rural reserve to D15
- ✓ Approve the zone transition from D1 to D3 for those lots designated RDR on the land use maps of the Comprehensive Plan

They also had a recommendation from the staff at that meeting for an upzone to D5 on the ULDR lots, and an upzone to D15 on the gravel extraction parcel, said Chairman Satre. At that meeting the recommendation was that they move forward, said Chairman Satre. He said the Assembly has remanded their decision back to the Commission to reconsider.

The staff recommendation is to maintain the original recommendation except for the Stitz property which they recommend they lower to D3 zoning instead of the recommended D5 zoning which had gone to the Assembly, said Chairman Satre. And now they are confronted with multiple property owners in the area who would like to be included in the D3 zone, said Chairman Satre.

Chairman Satre stated that he felt it was inappropriate for the Commission to be picking and choosing spots on the map according to individual property owner's requests for zoning preference. He said he felt it was appropriate was for the Commission to consider D1 – D3 zoning for the entire ULDR portion, or the Commission could reaffirm its original decision of D5 zoning for that portion.

MOTION: *by Mr. Haight, that those lots recommended for an upzone to D5 as ULDR on the Land Use Maps of the Comprehensive Plan be zoned from D1 transition to D3, with the recommendation that all of the previous recommendations from the Commission to the Assembly on AME2013 0016 stand.*

Mr. Haight said it was the traffic and safety aspects of the road that really affected him on this issue.

Ms. Grewe spoke in support of the motion, and wanted to make note of the additional public comment received this evening in support of the D3 zone for the area, which the Commission had not received in August.

Mr. Watson concurred with the motion, stating that the staff and the Commission had been given the mission over the past couple of years to provide housing for the community. He said he did feel some discomfort that the Commission was responding to some, but perhaps not the majority of the property owner's interests.

Mr. Miller spoke against the motion, stating that he felt D5 zoning was the appropriate upzone for the area and that the Assembly sent it back to the Commission to look at the public notice

aspects and to look at any of the other property to see if it could be of zoned further. Mr. Miller said that he felt the directions for the Commission were clear. He added a D5 zone would not mandate the area being built out to D5 zoning. The result of that zone would be that a few areas would be built with several smaller lots that would help the housing situation in Juneau.

Chairman Satre said that he would not object to this motion, but that procedurally he firmly believed that the Assembly erred in remanding this back to the Planning Commission. When the Commission makes a recommendation to the Assembly regarding rezones the Assembly has every right and every ability to make the exact same change that the Commission is making tonight, said Chairman Satre. The Commission met the requirements of public notice, said Chairman Satre. If there are broader issues of public notice then the entire scope of public notice should be addressed, he added.

Roll Call Vote:

Yeas: Voelckers, Grewe, Haight, Lawfer, Watson, Satre

Nays: Miller

MOTION PASSES

CSP2014 0022: CSP review of the CBJ Biosolids Treatment and Disposal Evaluation Phase II Final Report.

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Assembly that they initiate the design and construction of the thermal belt dryer and energy recovery furnace at the JDWWTP (Juneau Douglas Waste Water Treatment Plant).

Ms. McKibben explained that this is the City/State project review for the biosolids treatment disposal. This is a review of the recommendations for compliance with the Comprehensive Plan. A second CSP review will follow once the actual project is formulated, noted Ms. McKibben.

The recommended alternative is the thermal drying of biosolids followed by combustion of the biosolids in a furnace to recover heat that is then recirculated to the biosolids by a drying process, thus reducing the amount of purchased fuel, explained Ms. McKibben. The carbon footprint is a recommendation of the 2011 action plan which also includes a lifecycle cost analysis which is called for in the Comprehensive Plan and the Climate Action Plan, noted Ms. McKibben.

There are two proposed locations for the facility whatever alternative it may be, said Ms. McKibben. One is at the existing Mendenhall Wastewater Treatment Plant which is located in the Valley on a three acre parcel surrounded by a residential neighborhood, and the other location is the Juneau Douglas Wastewater Treatment Plant (JDWTP), on a ten and a half acre site, located within a larger hundred acre parcel. It is located within a waterfront industrial district on Thane Road with rural reserve zoned land across the highway, said Ms. McKibben.

This has been evaluated for consistency with the 2013 Comprehensive Plan, the 2011 Climate Action Plan and the Juneau Douglas Wastewater Treatment Plan, and is within the planning area of the 2004 Long Range Waterfront Plan, said Ms. McKibben.

Commission Comments and Questions

Mr. Voelckers asked for some background on how the two sites were selected as an option for the treatment plants. If waste is being trucked between one or the other of the identified sites, why then does that not open up other options that are also available to be used as a trucked option, asked Mr. Voelckers. He asked if other locations had been considered and subsequent studies performed on those locations.

Ms. Stoughtenger replied that only the two existing sites were evaluated, as they are the sites on which they have control. They could also provide costs to utilizing those two sites which they could then provide in their cost analysis, she explained.

Mr. Voelckers said there may even be other city properties available to be considered as sites that may also allow the same CBJ control of process.

Ms. Stoughtenger clarified that they did not look at other CBJ properties.

Mr. Voelckers said that he felt it would be logical to consider other CBJ-owned properties such as possibly those existing in Lemon Creek where there is already existing waste-handling infrastructure with the possibility of a future incinerator being installed in that area. He said he was aware of some CBJ-owned property adjoining Home Depot, for example. He said a facility located in that area would avoid a lot of driving and avoid pulling that material (sewage sludge) through the center of town.

Ms. Stoughtenger stated that for this type of land additional costs such as permits and utilities would have to be considered. What may be feasible from a trucking perspective, she said, may carry many additional costs making it beyond the realm of feasibility.

Chairman Satre stated the ultimate goal for this meeting is to state whether the recommended alternative is supported by the Comprehensive Plan.

Mr. Watson stated that he shares Mr. Voelckers' thoughts on treatment site alternate locations. Mr. Watson stated that there were a lot of questions that he wanted to ask, and that he would leave it up to the Assembly to ask those questions, and that he hoped the Assembly did ask those questions. He said the Assembly was also looking for a solution to solve the landfill problem, and that he did not see that problem addressed in this alternative.

Ms. Stoughtenger said this does not handle municipal solid waste, but that sludge from the recommended dryer and furnace would actually drive the biosolids so that in the future if that joint use facility were to come online they would be one step closer to disposing of that in conjunction with the municipal solid waste.

Mr. Watson asked how many containers a week are being trucked through town at this time.

Approximately one a day, answered Ms. Stoughtenger.

Mr. Watson asked if hauling the waste out of town has helped solve the odor problem.

Ms. Stoughtenger said that she wished this was true. The proposed alternative will address any odors from drying the sludge, she said. Any odors experienced by the current plant operations will not be alleviated by the solution, she explained.

Mr. Watson asked where they saw the bio product ending up.

They would end up with an ash which they could use for a construction alternative, or land cover for the landfill, said Ms. Stoughtenger.

Mr. Haight asked when the decision would be made.

They were provided with the two options, said Ms. Stoughtenger.

Mr. Haight said they were currently using aerobic digestion with the JD plant. He said it could perhaps be discontinued with some advantages. He asked if this had been factored into the costs and direction.

Ms. Stoughtenger said she did not know but she would have to check into that.

Mr. Haight said he saw no considerations for electric heat as an option and was wondering if it was an option.

It was not an option, said Ms. Stoughtenger.

Mr. Haight said he found it interesting that Alternative One was considered the least risk because to him it seemed like a high risk due to the volatility of pricing and permit issues.

They have to factor in unknown technology, said Ms. Stoughtenger. They know what they are getting with the status quo, and that was considered as a factor, she said.

The inflation rate used to consider the lifecycle analysis is 2%, said Mr. Haight. The much higher rate of actual inflation is not captured in the analysis, he said. Because of this, he said, the final O&M (Operation and Management) costs are slightly skewed, he said. Mr. Haight said it didn't appear to him that the cost analysis reflected the fact that the existing incinerator building was still in good condition and could be refurbished.

Ms. Stoughtenger said they would be reusing any part of the building that they could.

Mr. Haight said he did not see any costs associated with the end product, especially with Alternate Three.

MOTION: *By Mr. Watson, that the Commission approve CSP2014 0022 and accept staff's recommendations in choosing Number Three as the preferred method to deal with the community's biosolids.*

Mr. Haight spoke in support of the motion saying that he would like to pass the message on to the Assembly that the Commission does support continued study and movement towards resolving the municipal solid waste problem.

Mr. Voelckers said he did support option three but that he was reluctant to proceed and recommend that JD was the best site.

Mr. Voelckers said he would like to propose an amendment to the motion for additional study by the CBJ staff on the cost and operational effects of developing an alternative lemon Creek location for the proposed biosolids plant.

Mr. Watson accepted that amendment to his motion.

Mr. Voelckers stated it may very well be that the JD site is the best option, but that he felt there was industrial property available in Lemon Creek and that savings could be netted with just the trucking and hauling costs. He said it was also likely that the industrial incinerator would be located in lemon Creek. He said there were just too many compelling questions not to have the location be explored further.

Ms. Lawfer asked to offer a friendly amendment to the motion stating that they supported the recommendations made by the staff and that it is consistent with the Comprehensive Plan, and then continue with the individual recommendations.

Mr. Watson withdrew his motion.

FINAL MOTION: *by Mr. Voelckers, that the Planning Commission adopt recommendation Number Three on the biosolids treatment option, and that before the final location is recommended, that additional study by CBJ staff be performed looking at cost and operational effects on alternate locations including Lemon Creek.*

The motion passed with no objection.

USE2014 0014:	Conditional Use to allow commercial hydroponic vegetable farm in the D5 zoning district.
Applicant:	Allen & Gerri Butler
Location:	9220 Lee Smith Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a

commercial hydroponic vegetable farm in the D5 zoning district. The approval is subject to the following 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

USE2014 0014 (Use Permit)

The proposal is to operate a commercial hydroponic vegetable farm in converted shipping containers, explained Ms. McNally. This property is located in the D5 zoning district and is accessed by Lee Smith Drive. It is in a residential area bordered by light commercial zoning.

The containers are 50 feet long by eight feet wide, said Ms. McNally. Stacked two feet high they would still meet the use maximum height requirement for accessory structures of restriction of 25 feet, she said. This stie does meet the parking requirement, said Ms. McNally. There is currently a day care operation out of the home, but it will be phased out as the hydroponic farm operation commences.

The lettuce would be harvested out of the shipping containers where it would be grown, packaged in the packaging room and then placed in the delivery truck, said Ms. McNally.

This is considered a minor development meaning that it uses less than 10,000 square feet in-of land or 5,000 square feet of a building, said Ms. McNally. It is designated as Urban Low Density Residential (ULDR) and with the Conditional Use permit it was found to be in conformance with the Comprehensive Plan, said Ms. McNally.

The proposal is also supported by Policy 2.1 which advocates supporting the individual and commercial production of foods locally grown with careful evaluation of environmental impacts, said Ms. McNally.

Ms. McNally stated that today she received a recommendation from the CBJ law Department that another condition be placed on this permit specifying that it not be for the growth of marijuana.

VAR2014 0025 (Variance)

The variance connected with the use permit was recommended for denial based upon the fact that it was not found to be consistent with justice to other property owners, said Ms. McNally. The property owner could still use the property for a principle permissible use without the variance and the operation could still be achieved by using less containers, said Ms. McNally.

Commission Comments and Questions

Mr. Watson said he had not seen anything addressed with how the day care business meshed with the hydroponic business and how the parking would be addressed for those two separate businesses and the shared parking space.

The business plan is to cease operation of the day care business as the hydroponic farm develops, said Ms. McNally. There is sufficient parking for both uses. The CBJ does not regulate the space requirements for day cares. She said the day care business currently has four children and is licensed for eight children.

Applicant

Applicant for the project, Allen Butner, said they are trying to create a business that will provide fresh, local produce of the highest quality without pesticides, fungicides or radiation through the local retailers at a competitive price. They will grow this produce in 53 foot container vans transformed into state-of-the-art hydroponic farms, said Mr. Butner.

They applied for the existing use and various permits in order to locate this business on their existing property, said Mr. Butner. They already have an existing commercial water meter installed on the property, it is flat and located immediately near commercially zoned areas, said Mr. Butner. None of the surrounding property owners or renters that he was able to contact have any objections to this project, stated Mr. Butner.

Mr. Butner said in contrast to the staff report he does believe that they currently do meet the 20% vegetation cover requirement for the property. He said they plan on removing the existing day care business of four children once their business is under operation and the outside play area will then also be added to vegetative cover.

They also do not want to be limited to one delivery van, said Mr. Butler. The delivery van will be a 15 person van, not a large delivery van, he said. He said he would like the option to add a second delivery van if it was needed. He could not maintain a 20 foot setback, said Mr. Butner. If he would have to reduce the size of the growing operation to meet that setback requirement it would not make the project financially viable, he said.

Commission Comments and Questions

Mr. Watson asked on which end of the vans the refrigeration units would be located and what the hours of operation the refrigeration units were to be.

They would kick on as needed, said Mr. Butner.

Mr. Watson asked what the height of the additional roof covering over the vans would be.

Mr. Butner answered they have abandoned the idea of an additional roof covering because the idea of a rooftop garden was much more appealing.

Mr. Watson asked about the noise level of the cooling and heating equipment in the container vans used for growing the vegetables.

Mr. Butner said he has been told the noise level would be the equivalent to the noise of a heat pump for a residential home.

MOTION: *by Ms. Grewe, to approve USE2014 0014 and accept staff's findings, analysis and recommendations as noted in the staff report, and that no marijuana cultivation be allowed as requested by the law department.*

The motion passed with no objection.

X. BOARD OF ADJUSTMENT

VAR2014 0025:	Variance to reduce the rear yard setback from 20 feet to 0 feet to place three shipping containers for a commercial hydroponic farm
	.
Applicant:	Allen & Gerri Butler
Location:	9220 Lee Smith Drive

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2014 0025.

If the Board of Adjustment chooses to approve the Variance staff recommends a 5 foot rear yard setback instead of the requested zero foot setback.

Chairman Satre adjourned the meeting as the Planning Commission and reconvened the body as the Board of Adjustment to address the variance request. He noted that the staff has recommended the variance be denied on criteria one, two, three, five and six.

The Planning Commission convened as the Board of Adjustment.

MOTION: *By Mr. Haight, to approve VAR2014 0025 accepting staff's recommendations to deny*

the variance.

Mr. Haight stated that while just about every criteria denies the variance, if the variance would be granted for this property it would not work for all properties in the area.

Mr. Miller stated that this vegetable gardening application has a lot of good attributes regarding the whole idea of sustainable gardening in Juneau. He said it makes him want to figure out how to approve the variance. He said on the face of it, it can appear difficult to approve the variance criteria.

Mr. Miller said the staff wanted to change the setback to five feet and that the owner said he could live with that. That changes criterion number two to being met so the intent of the title is observed, said Mr. Miller. That also helps with number three, he said. On number five (c) it could be said that the physical features of the community are burdensome and that getting fresh vegetables to our community is burdensome, said Mr. Miller. Number six is an obvious benefit to the community, said Mr. Miller. He said he did not see how Condition One could be met.

Chairman Satre stated he could see that a five foot setback could be much more palatable to the Commission than a zero foot setback.

Could this be accomplished this evening, asked Chairman Satre, or is this something that needed to be directed to the staff for further work.

Mr. Haight concurred with Chairman Satre, saying that further work by the applicant and staff was warranted. He also concurred with the statements of Mr. Miller. He said he would like to see the Commission come up with a solution that would work. He said perhaps it would be a setback or perhaps a reduction of height on the outer container. Something that would reduce what would be considered a light and air issue for the adjacent property, said Mr. Haight.

Mr. Haight withdrew his original motion on VAR2014 0025.

MOTION: *by Mr. Watson, that VAR2014 0025 be continued to allow the applicant more time to work with the staff and have it brought back before the Commission as soon as possible.*

The motion passed with no objection.

The Board of Adjustment reconvened as the Planning Commission.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Childcare

Mr. Hart suggested that regarding the day care issue at one of the upcoming meetings that they have an educational panel which would include the state day care manager to explain the state day care regulations and Joy Lyon, representing the Association for the Education for Young Children (AEYC), and a staff person who has been working on these issues. Mr. Hart stated they have presently before them three daycare proposals for consideration.

Chairman Satre said they would like an idea of what other municipalities are doing in this area, and how Juneau compares with other jurisdictions.

Auke Bay Steering Committee

The Auke Bay Steering Committee meets December 2, (2014) in the Assembly Chambers to run through the final edits of its report. The report will next be presented to the Planning Commission, said Mr. Hart.

Industrial Lands Analysis

Mr. Hart said they want to work more closely with the Engineering Department so they are aware of their land needs so that all land needs are considered. Is imperative that they always look 20 years into the future, said Mr. Hart.

New Community Development Department Staff

Mr. Hart introduced Allison Eddins as the newest member of the Community Development Department staff.

Planning Manager Resignation

Planning Manager Travis Goddard resigned as planning manager to accept a position in Othello, Washington, as planning director.

Commission Questions

Mr. Voelckers asked for clarification on the timing of the Subdivision Ordinance progression.

Mr. Goddard responded they had planned a special meeting on the Subdivision Ordinance January 6, or 7, (2015) with the idea that it would be the only item on the agenda. The staff expected with this schedule the ordinance would arrive at the Assembly mid-January or early February for adoption in March.

Mr. Watson said it would have been nice if the Chair of the Subdivision Review Committee had been made aware of the Assembly's goals for the Subdivision Ordinance regarding deadlines.

- ❖ Notice of Appeal to Superior Court
 - USE2013 0027- Zenk, Baumgartner, Miyasato, Olson v. Planning Commission
- ❖ Notice of Appeal to Assembly
 - USE2014 0008- Tall Timbers Neighborhood Association v. Planning Commission

- UNL2014 0001- Tall Timbers Neighborhood Association v. Board of Adjustment

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Commission on Sustainability

Mr. Haight reported that the Commission on Sustainability met this evening on biosolids treatment and issued a letter supporting Alternate Number Three as a letter of recommendation to the Assembly.

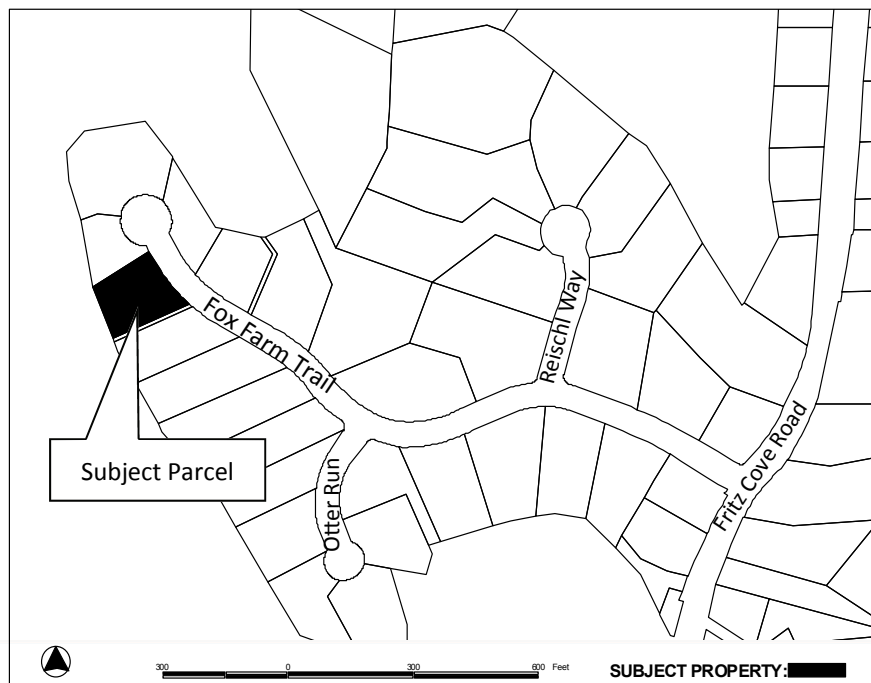
XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting adjourned at 10:22 p.m.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Conditional Use to allow a bed and breakfast.

* Rescheduled from the December 16, 2014 Special Planning Commission Meeting.

File No:	USE2014 0017	Applicant:	Russell & Gretchen Powers
To:	Adjacent Property Owners	Property PCN:	4-B20-0-103-015-0
Hearing Date:	January 27, 2015	Owner:	Russell & Gretchen Powers
Hearing Time:	7:00 PM	Size:	0.53 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	10497 Fox Farm Trail
	155 South Seward Street	Accessed Via:	Fox Farm Trail
	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 McNally at christine.mcnally@juneau.org or at 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 10, 2014



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: January 16, 2015

TO: Planning Commission

FROM: Chrissy McNally, Planner *Chrissy McNally*
Community Development Department

FILE NO.: USE2014 0017

PROPOSAL: Conditional Use to operate a 4 bedroom bed and breakfast in the D-1 zoning district.

GENERAL INFORMATION

Applicant: Russell & Gretchen Powers

Property Owner: Russell & Gretchen Powers

Property Address: 10497 Fox Farm Trail

Legal Description: Spruce Point Estates Lot 11

Parcel Code Number: 4-B20-0-103-0-150-0

Site Size: 0.53 Acres

Comprehensive Plan Future Land Use Designation: Rural Low Density Residential (RLDR)

Zoning: D-1

Utilities: City water & private septic

Access: Fox Farm Trail

Existing Land Use: Single Family Residence

Surrounding Land Use:

North	-	D-1/Single Family Residence/Auke Bay
South	-	D-1/Single Family Residence/Auke Bay

East - Auke Bay
West - D-1/Single Family Residential

Vicinity Map



ATTACHMENTS

Attachment A: Conditional Use application
Attachment B: 1989 Plat Spruce Point Estates
Attachment C: As-built
Attachment D: Front of residence
Attachment E: Floor plan
Attachment F: Lighting and circulation plan
Attachment G: Letter from Gary Hayden, P.E.
Attachment H: Public comment
Attachment I: Public notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a year round 4 bedroom bed and breakfast in the D-1 zoning district.

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BACKGROUND

The applicants purchased the single family residence located at 10497 Fox Farm Trail in June 2014 with the intent to operate a bed and breakfast. The lot was platted in 1989 as part of the Spruce Point Estates Subdivision, and the single family residence was built in 1991.

ANALYSIS

Project Site – CBJ 49.80.120 defines a bed and breakfast as, “a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site”. The site is located in a D-1 zoning district on the west side of Mendenhall Peninsula in a low density residential neighborhood. According to CBJ 49.25.300 *Table of Permissible Uses* bed and breakfasts are allowed in the D-1 zoning district with a Conditional Use Permit.

The subject site is 22,966 square feet and was platted in 1989 as part of the Spruce Point Estates Subdivision. It is located near the cul-de-sac of Fox Farm Trail. Fox Farm Trail is a CBJ maintained roadway. There are 21 lots in the subdivision which are governed by 24 covenants and a Homeowners Association. There is a shared boat dock for members of the subdivision; however, its use requires an annual fee (see Vicinity Map).

The subject site is lined with large evergreen and deciduous trees on both the north and south property lines (Figure 1). Both these property lines border single family residences. Additional trees were recently planted along the front yard property line (Attachment D). There is a pedestrian access easement to the shoreline along the southern property line (Figure 1). The rear of the property is a tidewater lot line. The distance from the residence to the northern property line is approximately 15 feet. The distance from the residence to the southern property line is approximately 50 feet.

The top floor of the residence contains the garage, dining room, living room, kitchen, one full bathroom and one bedroom. The bottom floor contains three bedrooms, two bathrooms, and laundry facilities. There is access to a large deck from the bottom floor (Figure 2).

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Figure1: Site Aerial



Figure 2: Rear of house looking from tideline

Project Design – The single family residence is 3,123 square feet with 4 bedrooms and 3 bathrooms. According to the applicant, there is an attic space they plan to convert to their personal bedroom. Therefore, before this work is complete three bedrooms will serve as rentals and one bedroom will be used by the owners. Following completion of the attic bedroom, four bedrooms would be available to rent. The owners intend to upgrade the plumbing and heating systems as well as other minor interior improvements.

Currently, the proposed bed and breakfast is limited to no more than eight guests at a time. According to John Young, CBJ Building Plan Reviewer, the International Building Code allows residences that contain sleeping units that are transient in nature to adhere to standard residential construction standards if they contain 10 or fewer individuals. Beyond ten individuals, stricter construction requirements would be required for the residence. Title 49, the Land Use Code, does not list a maximum number of allowable bedrooms for a bed breakfast.

Traffic – The property is located in a low density residential neighborhood near the end of the Fox Farm Trail cul-de-sac. Traffic consists of residents traveling to and from their residences. According to the applicant, there are also occasional sight seers. There is no expectation that traffic generated by the proposed bed and breakfast would adversely affect traffic flow on Fox Farm Trail.

Staff received comments from two adjacent property owners that were concerned about increased traffic in the neighborhood as a result of the proposed bed and breakfast. The neighbor to the north is concerned about on-street parking in front of their property.

Parking and Circulation – The parking requirement for a bed and breakfast is 1 space per 2 bedrooms. The parking requirement for a single family residence is 2 spaces. Therefore, a total of 4 parking spaces are required for this development. The parking space requirements in CBJ 49.40.210(b)(1) require a parking space to be 8.5 feet wide and 17 feet long. The site has a two car garage and a 20 foot wide by 42 foot long driveway. Therefore, the site can accommodate 6 vehicles, exceeding the minimum parking requirement. However, one car per rented bedroom is a reasonable expectation. With four available parking spaces in the driveway, the site can accommodate one car per rented bedroom.

The neighbor to the north commented that they are concerned bed and breakfast guests will park in front of their property on the street (Attachment H). However, they have spoken to the applicants about their concerns and believe the applicants will maintain sufficient off-street parking for guests.

Noise – With the recommended condition of 8 guests, the proposed bed and breakfast would have 10 individuals on site. There is the potential for guests gathered on the outdoor patio or beach to disturb neighbors to the north and south. There may also be additional noise from guests arriving and departing. The applicants have stated that they intend to establish guidelines for guests that

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will address noise.

Based on adjacent property concerns, staff recommends that a condition be placed on the proposed use that outdoor events be limited to no later than 10 p.m. Monday through Thursday and midnight on Fridays and Saturdays. This condition along with the occupancy limit condition and with existing vegetative buffer between properties is expected to mitigate off site noise impacts.

Public Health or Safety – The owners have hired an engineer to upgrade the onsite septic system to meet Alaska Department of Environmental Conservation standards (Attachment F). As previously mentioned the owners intend to upgrade the plumbing and heating systems and smoke and carbon dioxide alarm systems.

There are lights illuminating the driveway and entryway to the house. These will provide for safe entry and exist for the proposed bed and breakfast (Attachment F). Sufficient off-street parking is provided for the proposed use, ensuring guests will not park in the right-of-way disturbing traffic and pedestrians.

Neighbors have commented that they are concerned with guests walking on the shorelines and any liability that may occur if someone were injured on their property. Staff informed the applicant of this concern, and they intend to address trespassing with each guest.

Habitat – There are no eagle nests, anadromous fish streams, wetlands, or other sensitive areas on the subject site.

Property Value or Neighborhood Harmony –The Spruce Point Estates *Declaration of Protective Covenants, Conditions and Restrictions* do not specifically mention uses that are restricted in the subdivision. The document does state that one professional sign of one and one half square feet is allowed at each property.

The owner of the property at the end of the cul-de-sac wrote a letter in support of the use. However, staff received two email statements from neighboring property owners opposing the use (Attachment H). The adjacent property owner to the north stated they are not opposed to the use, but want to ensure guests will not trespass on their property, sufficient off-street parking will be provided, and nighttime noise will not disturb adjacent property owners.

Staff received a call from one neighboring property owner that was concerned about guests using the neighborhood dock. Use of this dock requires paid membership and is accessed through a private property. When the applicants purchased the property they opted not to pay for rights to use the dock.

The applicants have stated that they intend to establish guidelines for guests to protect the privacy of adjacent property owners. Based on the concerns of neighboring property owners, available off-

Planning Commission
File No.: USE2014 0017
January 16, 2015
Page 7 of 9

street parking and the International Building Code requirement previously mentioned, staff recommends a condition that the bed and breakfast be limited to eight guests– 2 per bedroom.

Conformity with Adopted Plans – The subject site is designated as Rural Low Density Residential (RLDR) on the Comprehensive Plan Land Use maps. RLDR is defined as

Rural residential land at densities of one to three dwelling units per acre, based on existing platting and capability of the land to accommodate on-site septic systems and wells or whether the land is served by municipal water and sewer service

Issuance of a conditional use permit for a four bedroom bed and breakfast is allowable based on CBJ 49.25.300 Section 1.610 *Table of Permissible Uses*. The Comprehensive Plan identifies the need to promote independent and over-night travelers and promote “development that supports year-round visitor services and activities”. Further, Policy 5.4 in the Comprehensive Plan states:

POLICY 5.4 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED SERVICES, WHILE PROTECTING JUNEAU’S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

A small locally owned and operated bed and breakfast fits within this vision set forth in the Comprehensive Plan.

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

Planning Commission
File No.: USE2014 0017
January 16, 2015
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development will more probably than not:

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.610 for the D-1 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 December 6, 2014 and December 15, 2014 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, no evidence is found to indicate that the proposed use, with conditions, will materially endanger the public health or safety.

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

No. There is no evidence to suggest that the proposed development will decrease property values in the neighboring area. With appropriate conditions, this development will not substantially be out of harmony with property in the neighboring area.

Planning Commission
File No.: USE2014 0017
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6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Yes. Based on the preceding staff analysis, it is found that the proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.

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, USE2014 0017. The permit would allow the development of a 4 bedroom bed and breakfast in the D-1 zoning district subject to the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.
3. The applicants shall submit a list of house rules that address noise, trespassing and parking to the Community Development Department.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number: USE20140017	Date Received: 11/4/14
----------------	------------------------------	------------------------------------	----------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☒ Use Listed in \$49,253.00 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: Bed + Breakfast

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

To operate a B+B out of our existing 4 bedroom home.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S): Residential, Zoned D-1

PROPOSED USE OF LAND OR BUILDING(S): Private Residence and Bed + Breakfast

UTILITIES PROPOSED: Existing

WATER: ☒ Public ☐ On Site
 SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 22,966 square feet Total Area of Existing Structure(s) 1,391 square feet
 Total Area of Proposed Structure(s) 0 square feet (3161 occupied)

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>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees <u>LLI</u> \$ <u>350.00</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee \$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment \$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee \$ <u>50.00</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit \$ <u>100.00</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee \$ <u>500.00</u></td> <td><u>5699</u></td> <td><u>0005932</u></td> <td><u>11/4/14</u></td> </tr> </tbody> </table>	ALLOWABLE/CONDITIONAL USE FEES	Check No.	Receipt	Date	Application Fees <u>LLI</u> \$ <u>350.00</u>				Admin. of Guarantee \$ _____				Adjustment \$ _____				Pub. Not. Sign Fee \$ <u>50.00</u>				Pub. Not. Sign Deposit \$ <u>100.00</u>				Total Fee \$ <u>500.00</u>	<u>5699</u>	<u>0005932</u>	<u>11/4/14</u>
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number USE20140017	CITY and BOROUGH of JUNEAU	Date Received: 11/4/14
Project Name (City Staff to Assign Name)		

PROJECT APPLICANT INFORMATION	Project Description <i>To operate a bed and breakfast from our home.</i>		
	PROPERTY LOCATION		
	Street Address <i>10497 Fox Farm Trail</i>	City/Zip <i>Juneau AK 99801</i>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Lot 11, Spruce Point Estates, Plat 89-16, Juneau Recording District</i>		
	Assessor's Parcel Number(s) <i>AB2001030150</i>		
	LANDOWNER/LESSEE		
	Property Owner's Name <i>Russell + Gretchen Powers</i>	Contact Person: <i>Rusty</i>	Work Phone: <i>789-3332</i>
	Mailing Address <i>10497 Fox Farm Trail</i>	Home Phone: <i>723-2552</i>	Fax Number: <i>789-6868</i>
	E-mail Address <i>Rusty@plumbandheat.com</i>	Other Contact Phone Number(s): <i>Gretchen 723-1822</i>	
	LANDOWNER/LESSEE CONSENT		
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 <i>[Signature]</i> Landowner/Lessee Signature		Date <i>11/3/14</i>	
X <i>[Signature]</i> Landowner/Lessee Signature		Date <i>11/3/14</i>	
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 <i>Same</i>		Contact Person: <i>Same</i>	
Mailing Address <i>Same</i>		Home Phone: <i>Same</i>	
E-mail Address <i>Same</i>		Fax Number: <i>Same</i>	
Other Contact Phone Number(s): <i>Same</i>			
X <i>[Signature]</i> Applicant's Signature		Date of Application <i>11/3/14</i>	

OFFICE USE ONLY BELOW THIS LINE				
STAFF APPROVALS	☒	Permit Type Building/Grading Permit	Date Received	Application Number(s)
	☐	City/State Project Review and City Land Action		
	☐	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
	☐	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	☐	Sign Approval (If more than one, fill in all applicable permit #'s)		
	☐	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	<i>11/4/14</i>	<i>USE20140017</i>
	☐	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

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

FORMS\2010 Applications Revised November 2009

November 3, 2014

City/Borough of Juneau
Permit Center
230 S. Franklin St.
Juneau, AK 99801

Proposal: Application for Conditional Use Permit, Case Number PAC20140032

We are requesting a conditional use permit to operate a year round bed and breakfast from our home at 10497 Fox Farm Trail. Attachment A is an "as built" survey showing the homes' orientation on the lot. Attachment B shows the 2 story floor plan & attic storage. Attachment C is our site plan with lighting, parking, & traffic flow.

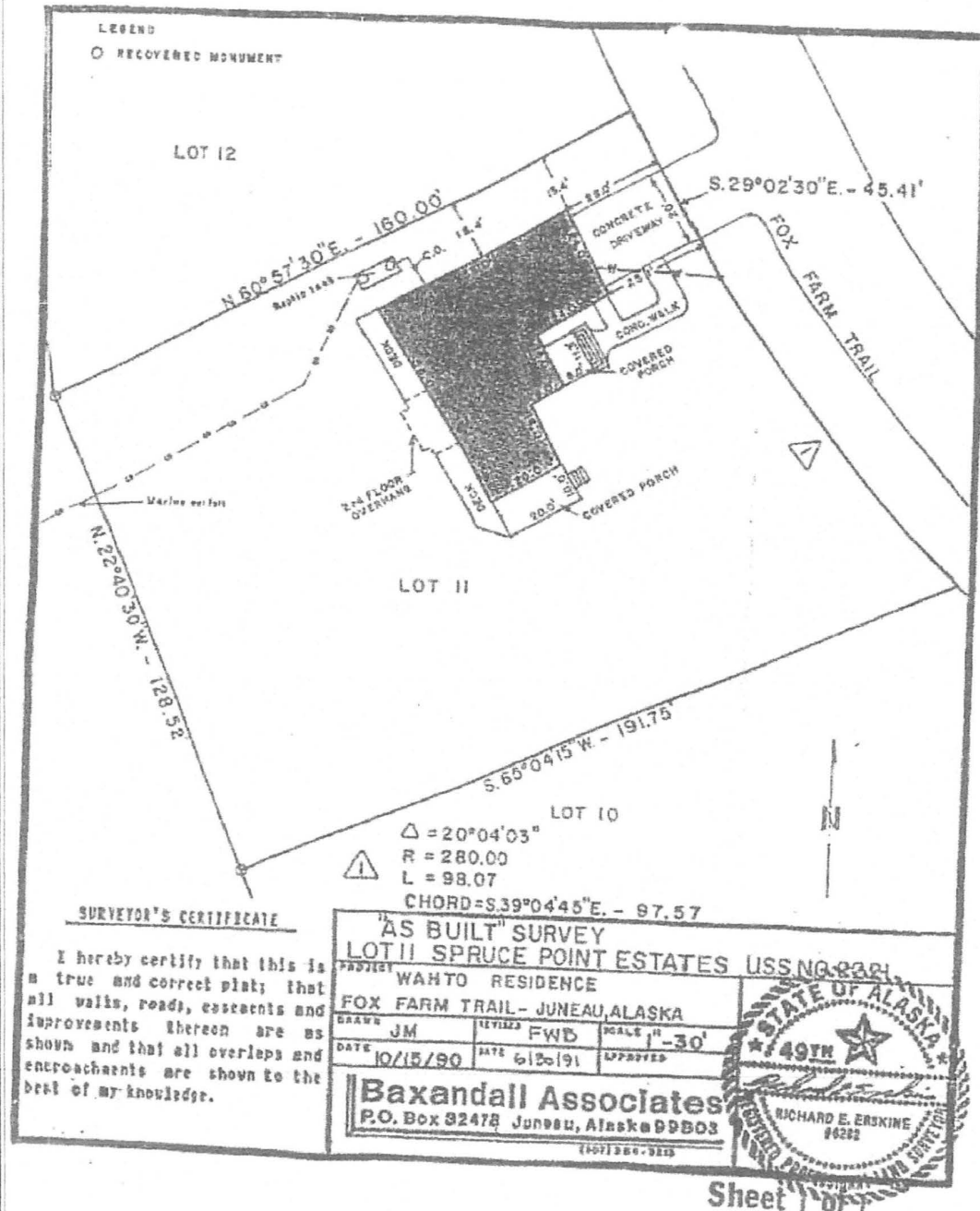
This home was constructed in 1992, with 4 bedrooms and 3 bathrooms, located in a D-1 residential zoning district. The site is a low density waterfront wooded peninsular area of Juneau. This home has had no updates in the last 15 years, except for a new deck and greenhouse in 2007. We plan to update the plumbing & heating systems, install interior soundproofing, updated smoke & CO alarm system, interior paint, & floor coverings in the near future. No structural changes are planned. The front of the garage is 42' from the street, the north side of the home is 15.4' from the treed property line, the south side is over 50' from the treed property line, and the rear of the lot is tidewater.

Lighting- There are five 100 watt exterior lights for the front entryway and driveway. A neighborhood street light is located on the north side of our driveway, providing additional illumination. We plan on not changing the current lighting.

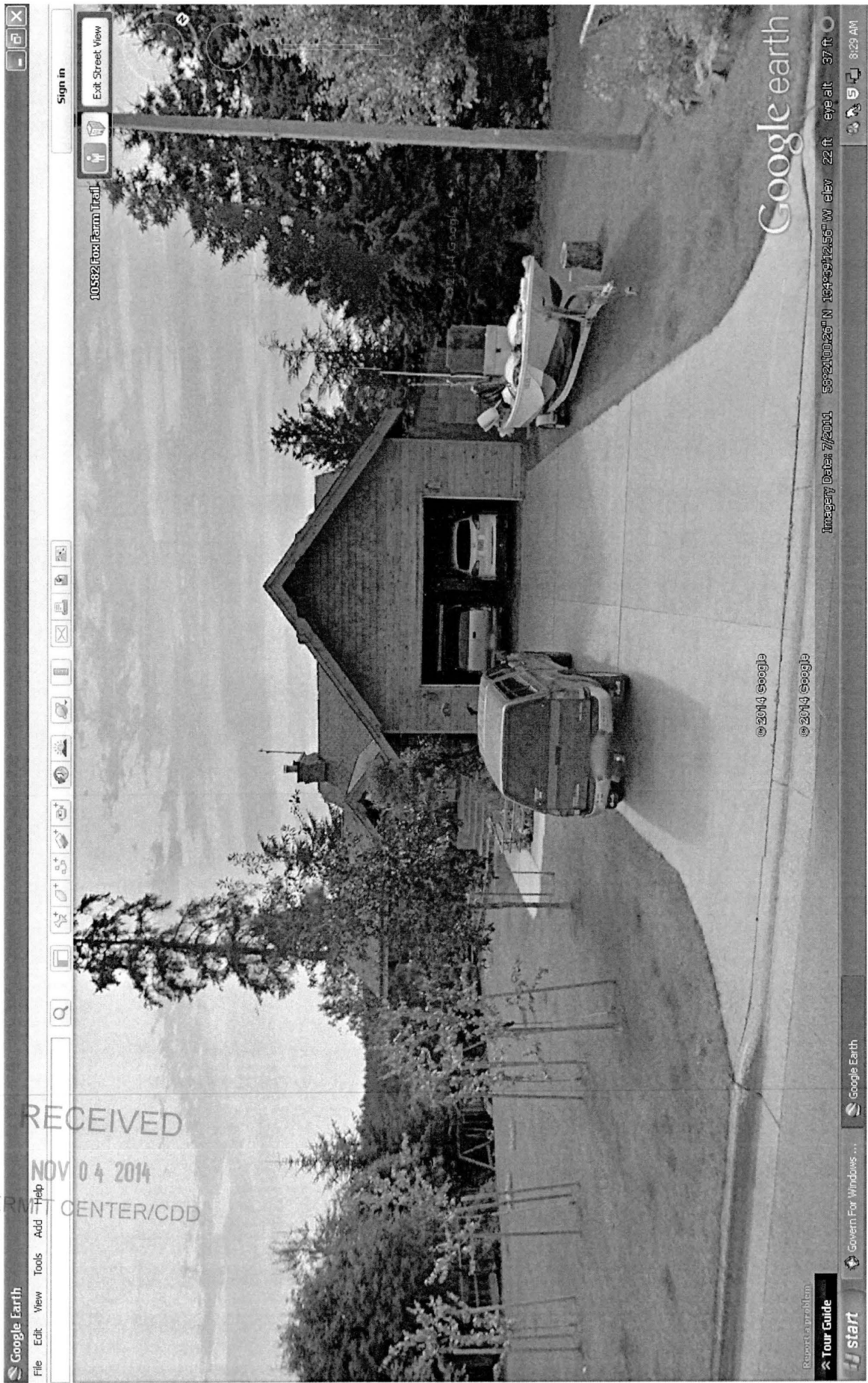
Parking- There are 2 parking spaces in the garage and space for 4 vehicles in the 20' wide by 42' long driveway. Providing off street parking is an important aspect for us. We are open to increasing the parking space into the yard area if it becomes an issue in the future.

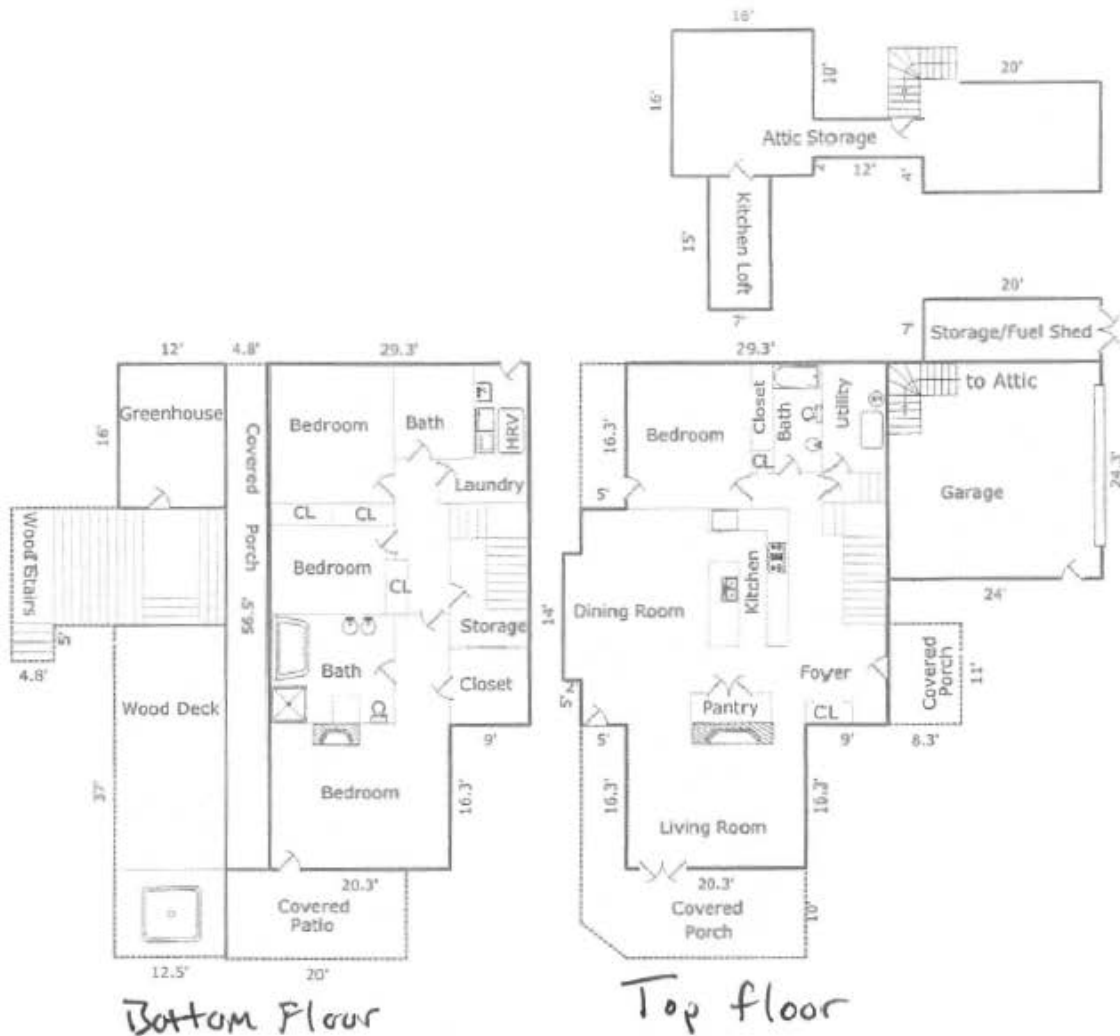
Proposed Traffic Circulation- Traffic in this neighborhood consists of residents driving to and from their homes and light traffic from sight seers, as this is the last cul-de-sac on Fritz Cove Rd. Our proposal will have minimal effect on the current traffic flow.

Attachment A



RECEIVED
 NOV 04 2014
 PERMIT CENTER/CDD





Sketch by Apex Sketch v8 Blended™

Comments: All calculations are approximate. Room and utility placement is estimated for visualization.

RECEIVED

IV 04 2014

CENTER

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	Ground Floor	1506.38	1506.38
GLA2	Main Floor	1654.38	1654.38
GAR	Garage	582.00	582.00
P/P	Covered Balcony	81.25	
	Covered Side Porch	323.75	
	Covered Porch	90.75	
	Ground floor Cvd Dk	268.38	
	Stairs to beach	335.81	
	Wood Deck	462.50	
	Covered Conc Patio	200.00	1762.44
OTH	Storage/Fuel Shed	140.00	
	Greenhouse	192.00	
	Attic Storage	544.00	
	Kitchen Loft Area	105.00	981.00

LIVING AREA BREAKDOWN

	Breakdown	Subtotals
Ground Floor	29.3 x 40.3	1177.31
	16.3 x 20.3	329.06
Main Floor	34.3 x 5.0	171.25
	16.3 x 20.3	329.06
	36.3 x 14.0	507.50
	5.0 x 34.3	171.25
	16.3 x 29.3	475.31

Net LIVABLE Area

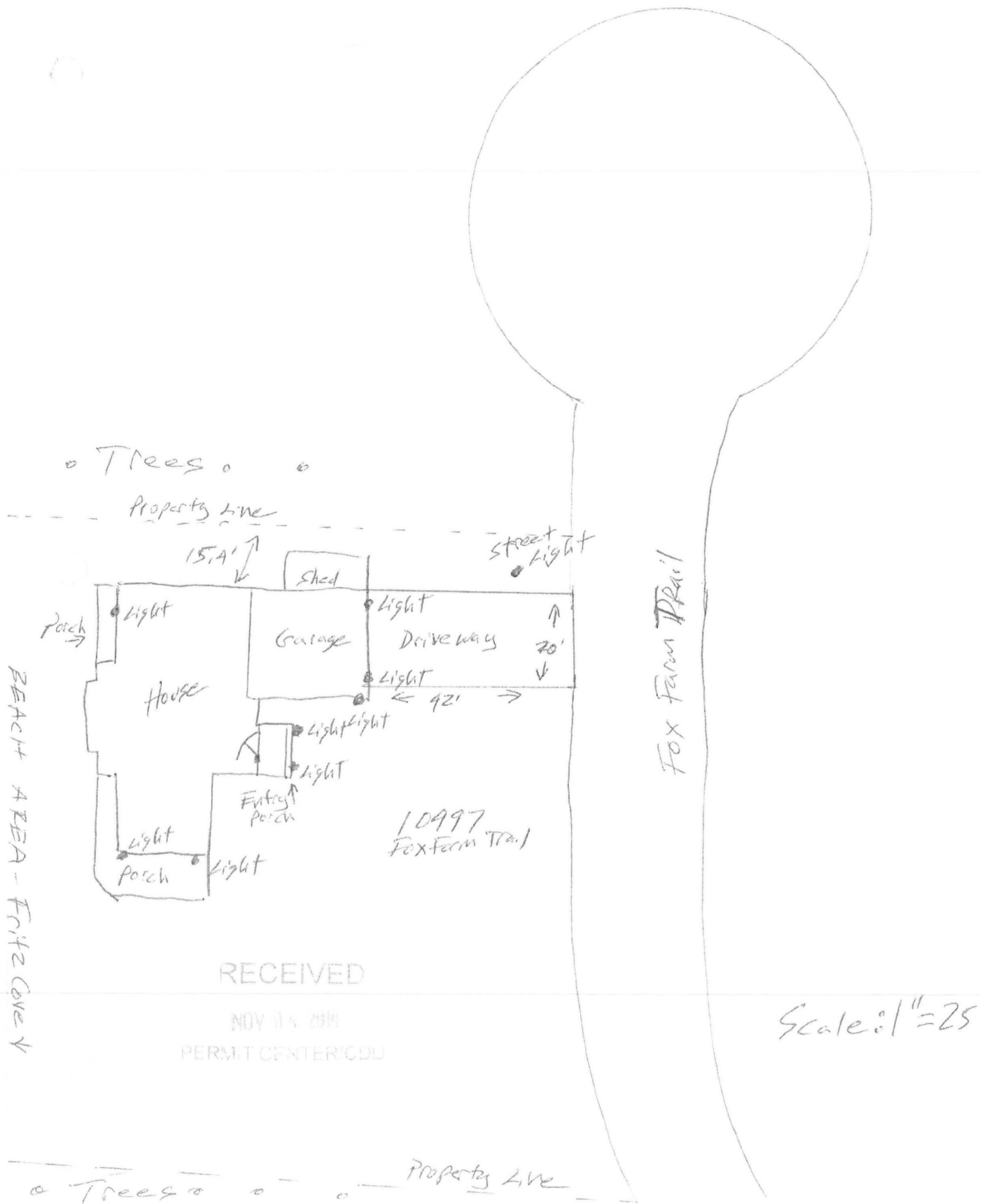
(rounded)

3161

7 Items

(rounded)

3161



EA²

ENGINEERING ANALYSIS --- APPLICATIONS

Gary Hayden, P.E. P.O. Box 210076 Auke Bay, Alaska 99821
(907) 789-7293

akea2@me.com

November 28, 2014

Mr. Rusty Powers
10497 Fox Farm Trail
Juneau, Alaska 99801

Electronic copy sent to rusty@plumbandheat.com

Subject: On-lot Wastewater System Upgrade
Engagement of engineering services
Lot 11 Spruce Point Estates
Juneau, Alaska

This letter is to acknowledge that you have engaged **EA²** to act as your engineer concerning upgrades to the on-site wastewater treatment and disposal system serving 10497 Fox Farm Trail.

We have discussed your planned development and business ideas. Our preliminary discussions indicates that some upgrades to the existing sewage treatment system are needed. We have also explored various concept designs for upgrades which could be acceptable to ADEC. The next step will be for me to discuss these concepts with the staff at ADEC and choose the preferred option. I will then complete a detail design and submit it for review and permitting by ADEC.

I am confident that together we will be able to meet the regulatory requirements then install upgrades to the wastewater treatment system which comply with current standards.

I look forward to working with you on this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary Hayden", written in a cursive style.

Gary Hayden, PE

Megan Daniels

From: Martin Beckner <tightline51@live.com>
Sent: Thursday, December 04, 2014 4:16 PM
To: Christine McNally
Subject: Fox Farm Trail Conditional Use Permit Application Response

Dear Ms. McNally:

We are adjacent property owners (10468 Fox Farm Trail; 4B2001030210). We request that the Planning Commission deny the application for this proposed conditional use of subject property. This use violates the spirit and the Spruce Point Estates Protective Covenants, Conditions and Restrictions and would have a negative impact on our ability to quietly enjoy our neighborhood and property due to increased automotive and foot traffic.

Sincerely,

Martin and Linda Beckner

Hi Chrissy,

We are next door neighbors of the Powers who are planning to open a B&B on Fox Farm Trail. Our main concerns about the B&B are parking on a narrow street and especially in front of our mailbox, noise especially at night, and liability from their clients using things that belong to us or trespassing on our property.

We have had a discussion with the Powers and feel that they know and understand our concerns and we feel we can work with them if issues come up. We understand that they plan to add more offstreet parking in their existing yard. So we are not opposed to allowing the B&B to happen if these issues are addressed.

Mike McKrill and Lisa Rollin
10507 Fox Farm Trail

Megan Daniels

From: Mary Mearig <mearig@gci.net>
Sent: Monday, December 01, 2014 1:05 PM
To: Christine McNally
Subject: File No. USE2014 0017 - bed and breakfast at PCN 4-B20-0-103-015-0

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. McNally:

We are adjacent property owners (10478 Fox Farm Trail; PCN 4-B20-0-103-020-0). We request that the Planning Commission deny the application for this proposed conditional use of subject property. This use violates the spirit and intent of the Spruce Point Estates Protective Covenants, Conditions and Restrictions. Sincerely,

Lance & Mary Mearig

JAN VAN DORT

10518 Fox Farm Trail

Juneau, Alaska 99801

907.321.0271

jvandort@gci.net

December 10, 2014

Re: USE2014 0017; Powers

Ms. Chrissy McNally, Planner

Via email: christine.mcnally@juneau.org

Dear Ms. McNally and Commission Members:

My wife, Phyllis Carlson, and I have lived in Spruce Point Estates subdivision since 1991. We are two lots away from the location of the proposed bed and breakfast. We have long believed that the subdivision, particularly the portion where Rusty and Gretchen Powers reside, would be an ideal location for a bed and breakfast because it is quiet and friendly, has no through-traffic, is relatively dry for Juneau, is at street level, is fully accessible and possesses beautiful views of Auke Bay, Stephens Passage and the lower end of Lynn Canal. In sum, it is the best that Juneau has to offer. We are looking forward to greeting people from different parts of the world and sharing our gardens with them when they walk by our home.

We strongly support Rusty and Gretchen in this endeavor and urge that you grant the use permits which will enable them to succeed. They have not asked me to write this letter. I am sending it to you because of my heartfelt belief that enterprise of this nature enhances the image and enjoyment of our community by people who do not live here and makes Juneau a better place for everyone.

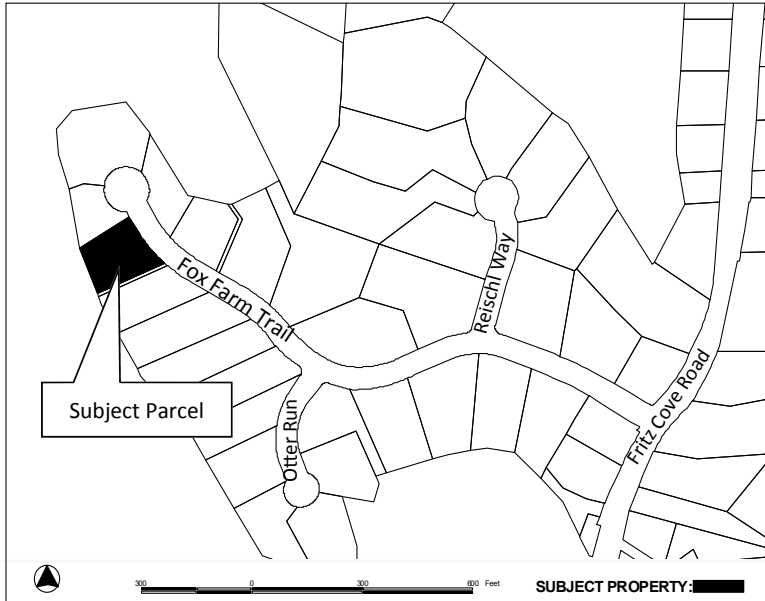
Thank you for your time, attention and consideration.

Sincerely,

Jan Van Dort



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Conditional Use to allow a bed and breakfast.

* Rescheduled from the December 16, 2014 Special Planning Commission Meeting.

File No:	USE2014 0017	Applicant:	Russell & Gretchen Powers
To:	Adjacent Property Owners	Property PCN:	4-B20-0-103-015-0
Hearing Date:	January 27, 2015	Owner:	Russell & Gretchen Powers
Hearing Time:	7:00 PM	Size:	0.53 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	10497 Fox Farm Trail
	155 South Seward Street	Accessed Via:	Fox Farm Trail
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

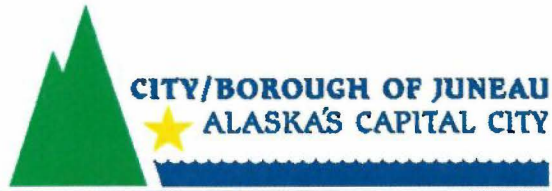
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included 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 McNally at christine.mcnally@juneau.org or at 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 10, 2014



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: January 28, 2015

File No.: USE2014 0017

Russell & Gretchen Powers
10497 Fox Farm Trail
Juneau, Alaska 99801

Application For: Conditional Use to operate a 4 bedroom bed and breakfast in the D-1 zoning district.
Legal Description: Spruce Point Estates Lot 11
Property Address: 10497 Fox Farm Trail
Parcel Code No.: 4-B20-0-103-015-0
Hearing Date: January 27, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 16, 2015 and approved the Conditional Use Permit to operate a 4 bedroom bed and breakfast in the D-1 zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.
3. The applicants shall submit a list of house rules that address noise, trespassing and parking to the Community Development Department.

Attachments: January 16, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Planning Commission regarding USE2014 0017.

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, January 27, 2015.

155 So. Seward Street, Juneau, Alaska 99801-1397

Powers

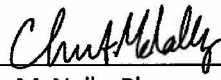
File No.: USE2014 0017

January 28, 2015

Page 2 of 2

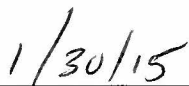
Expiration Date: The permit will expire 18 months after the effective date, or July 27, 2016 if no House Rules have been submitted in accordance with condition 3 and the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Chrissy McNally, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk

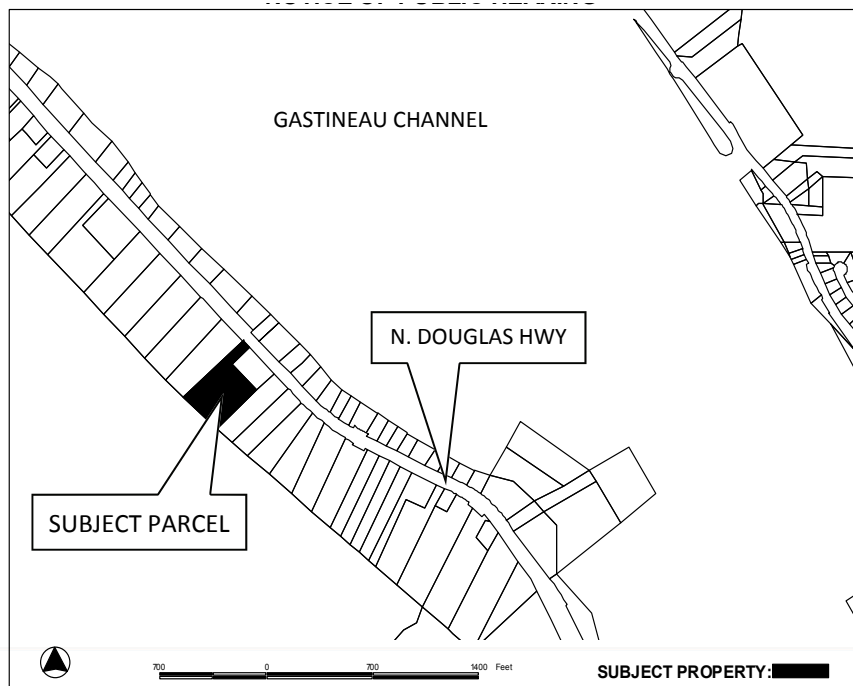

Date

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 Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Variance request to allow driveway to encroach into required Planned Unit Development perimeter buffer.

** A Variance request could include the elimination of all dimensional standards.

File No:	VAR2014 0028	Applicant:	Corvus Design
To:	Adjacent Property Owners	Property PCN:	6-D07-0-101-017-2
Hearing Date:	January 27, 2015	Owner:	Douglas Island Development, Inc.
Hearing Time:	7:00 PM	Size:	3.19 Acres
Place:	Assembly Chambers	Zoned:	D-1(T)D-3
	Municipal Building	Site Address:	5405 North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas Highway
	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 McNally at christine.mcnally@juneau.org or at 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: January 15, 2015

TO: Board of Adjustment

FROM: Chrissy McNally, Planner *Chrissy McNally*
Community Development Department

FILE NO.: VAR2014 0028

PROPOSAL: Variance request to allow a driveway to encroach into the required 25 foot Planned Unit Development perimeter buffer.

GENERAL INFORMATION

Applicant: Corvus Design

Property Owner: Douglas Island Development, LLC

Property Address: 5405 N. Douglas Highway

Legal Description: USS 2960 LT 7B

Parcel Code Number: 6-D07-0-101-017-2

Site Size: 3.19 acres

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

Zoning: D-3

Utilities: City water and sewer

Access: North Douglas Highway

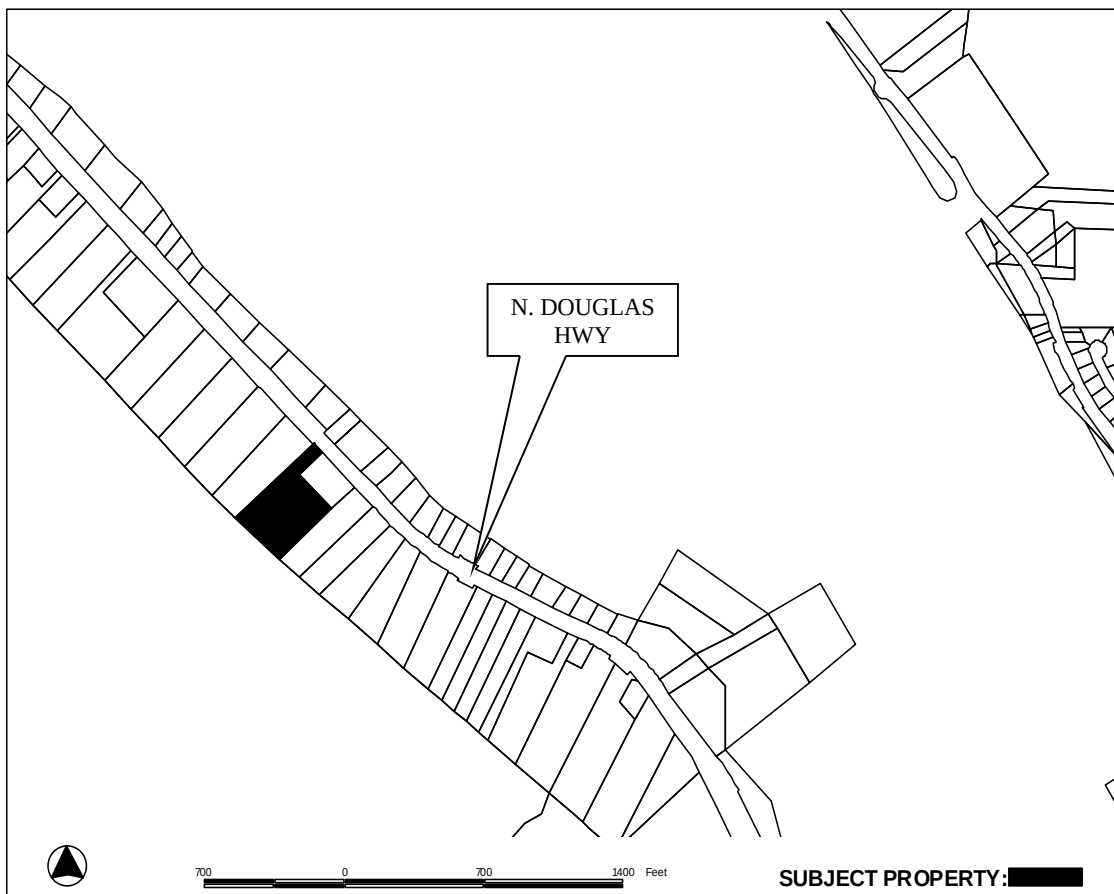
Existing Land Use: Vacant

Surrounding Land Use: North - D-1/D-3/Single Family/Duplex
South - D-3/Single Family/Duplex

Board of Adjustment
File No.: VAR2014 0028
January 15, 2015
Page 2 of 7

East - D-3/Single Family/Duplex
West - D-1/Single Family/Duplex

Vicinity Map



ATTACHMENTS

Attachment A: Variance application
Attachment B: Site plan
Attachment C: Public notice

PROJECT DESCRIPTION

A planned unit development (PUD) is proposed for a 3.19 acre parcel along North Douglas Highway (see Vicinity Map). The PUD would consist of 12 single family dwelling units on common property

Board of Adjustment
File No.: VAR2014 0028
January 15, 2015
Page 3 of 7

managed by a homeowners association (HOA). The site will be accessed by a 20 foot wide common driveway.

CBJ 49.15.670(e) requires a minimum 25 foot perimeter buffer “between the exterior boundary of the planned unit development and the nearest structure, road, or parking area within the development...” CBJ 49.80.120 *Definitions* defines a driveway as private roadway providing vehicular access to a structure. The common driveway comes to within 10 feet of the north and south exterior boundaries. Accordingly, as a condition of final plan approval, the project requires an approved Variance to the design standard.

BACKGROUND

The preliminary plan for the North Douglas Planned Unit Development received Planning Commission approval on December 9, 2014. During review for the preliminary plan the driveway encroachment was addressed. The applicant pursued the possibility of redesigning the driveway to maintain the 25 foot buffer. However, the maximum grade for a driveway based on International Fire Code standards, is 12 percent. The proposed design is the only design that can meet that maximum grade. To comply with the 25 foot buffer the driveway would be much steeper than 12 percent.

The property owners have been seeking to develop their parcel in North Douglas for several years. In 2011, the property owners subdivided their 3.57 acre lot to separate their personal dwelling from the site to be developed with the PUD. In January 2014 the property owners met with Community Development Department staff to discuss the option of a cottage housing development. The property owners determined that a PUD, instead of cottage housing, was the appropriate development course for their property.

The subject site was located in a mapped transition zone beginning in 1987. The area remained a transition zone in anticipation of City sewer installation. The subject lot transitioned from D-1 zoning to D-3 zoning with the approval of AME2013 0016. Sewer installation was completed in the summer of 2013. The D-3 zoning allows the property owners to adjust their property boundaries to reduce the size of the lot which contains their personal residence and enlarge the site of the proposed PUD to accommodate the proposed 12 units.

ANALYSIS

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary

Board of Adjustment
File No.: VAR2014 0028
January 15, 2015
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situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

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

The relaxation would give substantial relief to the owner of the property. The maximum allowable grade for the driveway is 12 percent. According to the project engineer, the proposed driveway design is the only feasible option to maintain a 12 percent grade. Any other design would exceed the maximum grade. To avoid any encroachment into the required perimeter buffer would require reducing the number of dwelling units to eight or nine.

The design minimizes, as much as possible, encroachment into the required 25 foot buffer. The total encroachment is approximately 900 square feet of the entire driveway. There will be no permanent structures or parking in the perimeter buffer. The landscape plans also indicate there will be vegetative screening around the perimeter of the PUD further mitigating the impact of the driveway encroachment. The driveway will never be closer than 10 feet from the side property line.

Outside of the PUD design criteria, driveways do not have setback requirements from property lines. A driveway for a single family house on the lot could be constructed up to the property line and would likely do so to further reduce the grade. Structures in the D-3 zoning district have a 10 foot side yard setback.

YES. This criterion is met.

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

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.

Development will be of appropriate type and design while recognizing the economic value of the

Board of Adjustment
 File No.: VAR2014 0028
 January 15, 2015
 Page 5 of 7

land in that the grade of the driveway will meet the requirements of the International Fire Code and allow for the maximum number of allowable units. The two areas of encroachment where vehicles will pass, and potentially pedestrians, will not impact the provision of light and air as 10 feet of setback will be maintained. The approved preliminary PUD design exceeds the required common open space requirements found in CBJ 49.15.670(f) providing space for light and air.

YES. This criterion is met.

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

At the two switchbacks of the common driveway where the PUD setback encroachment occurs, the minimum distance from the side lot lines is ten feet. Vehicles and potential pedestrians will come within ten feet of the property lines when utilizing the driveway. There will be vegetative buffering along the property lines as well, helping to reduce the impact of vehicles passing. Therefore, the encroachment of the driveway in the required perimeter buffer will not injure nearby property.

YES. This criterion is met.

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

Planned Unit Developments are allowed in the D-3 zoning district.

YES. This criterion is met.

5. *That compliance with the existing standards would:*

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

Without an approved Variance, the PUD could still be developed. However, the potential density would not be met because units would have to be removed from the design in order for the driveway to stay under or at the maximum grade of 12 percent and stay within the perimeter buffer.

NO. This sub-criterion is not met.

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

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File No.: VAR2014 0028
January 15, 2015
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Compliance with the standard would allow the applicant to develop the PUD with 8 or 9 units instead of the allowable 12. There are no other similar developments in the neighborhood. However, the proposed development is single family homes which are consistent with the scale and appearance of the existing development in the neighborhood.

NO. This sub-criterion is not met.

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

Compliance with the 25 foot perimeter buffer standard would be unnecessarily burdensome because of the steep slope of the lot. According to the project engineer another design may be possible, but it could eliminate up to 4 units of housing. Even then, the grade would still be at 12 percent.

YES. This sub-criterion is met.

or

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

There are no preexisting nonconforming conditions on the subject parcel.

NO. This sub-criterion is not met.

YES. Criterion 5 is met because sub-criterion 5(C) is met.

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

A grant of the Variance would allow for a 12 unit Planned Unit Development that meets or exceeds all other design criteria. The 12 units will provide much needed housing to the Juneau community at reasonable prices.

YES. This criterion is met.

Board of Adjustment
File No.: VAR2014 0028
January 15, 2015
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FINDINGS

1. *Is the application for the requested Variance 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.

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

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

N/A

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

Yes. The requested variance meets criteria 1, 2 ,3, 5C, and 6; therefore, it satisfies CBJ 49.20.250.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and APPROVE the requested Variance, VAR2014 0028. The Variance permit would allow for the driveway to encroach into required 25 foot Planned Unit Development perimeter buffer.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>VAR20140028</u>	Date Received <u>12/23/14</u>
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TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)	☐ Variance to Dimensional Standards (VDS)
☐ Variance to Habitat Setbacks (VHB)	☐ Variance to Parking Requirements (VPK)
☒ Variance to Setback Requirements (VSB)	

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
 PUD requires a 25 foot buffer setback. The variance would be for locating two segments of a driveway within the PUD setback. The driveway would extend 15 feet into the buffer and maintains the 10 foot sideyard setback for a D-3 zoning.

Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):
 The site is steep and narrow in width. The property is undeveloped with irregular native plant species. The desired natural PUD buffer would be ineffective and the intent would be better served through the inclusion of a 'good neighbor' fence and landscaping to screen the PUD from neighboring lots. No buildings or parking would be located within the 25 foot buffer to impact air and light quality.

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
 To meet IFC and CBJ Fire requirements the driveway must not exceed 12% grade. To access the upper portion of the property and maintain the needed slope the driveway must extend into the PUD buffer. This allows the two switchbacks which are located in the buffer to have the needed turning radius for emergency vehicles.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
 Without the variance and the need to meet the fire safety requirements would result in the development of a 8 to 9 residential PUD rather than the proposed 12 units. This would result in financial hardship for the developer and would not be consistent in promoting the development of additional housing units as listed in the CBJ's Comprehensive Plan.

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.	VARIANCE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>400-</u>	<u>99</u>	<u>CD 000000006</u>	<u>12/23/14</u>
	Adjustment	\$ _____	_____	_____	_____
	Total Fee	\$ <u>400-</u>	_____	_____	_____

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>12/23/14</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description A phased 12 unit residential Planned Unit Development on a 3.19 acre parcel zoned D-3 on North Douglas.		
	PROPERTY LOCATION		
	Street Address 5405 North Douglas Highway	City/Zip Juneau, AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 2960, Lot 7B1		
	Assessor's Parcel Number(s) 6-D07-0-101-017-2		
	LANDOWNER/ LESSEE		
	Property Owner's Name Douglas Island Development, LLC	Contact Person: Joanne Schmidt	Work Phone: 907-723-6803
	Mailing Address 5405 North Douglas Highway, Juneau, AK 99801	Home Phone:	Fax Number:
	E-mail Address joanne.schmidt@gci.net	Other Contact Phone Number(s): Austyn Schmidt 907-723-3315	
	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>12/23/2014</u> Date
X			<u>12-23-14</u> 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 Corvus Design		Contact Person: Christopher Merti	Work Phone: 907-988-9000
Mailing Address 119 Seward Street, Suite 15, Juneau, AK 99801		Home Phone:	Fax Number:
E-mail Address cmerti@corvus-design.com		Other Contact Phone Number(s):	
X			<u>DEC 19, 2014</u> Date of Application

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			VAR 20140028
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials

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

I:\FORMS\2010 ApplicationsRevised November 2009

North Douglas Planned Unit Development
Applicant: Corvus Design

5405 North Douglas Highway
Owner: Douglas Island Development, LLC

Variance Approval Criteria

A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined the following criteria are met. Include in your project narrative a detailed description about how your proposal meets each of the criteria listed below:

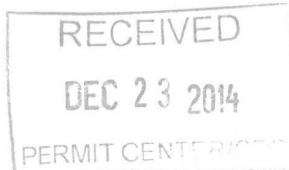
(1) The relaxation applied for or a lesser relaxation specified by the board of adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;

The relaxation of the required 25 foot setback as required by the PUD ordinance would give substantial relief to the owner and developer of this property. A significant challenge is the steep slope of the property, narrow width of the site, and the need to develop the driveway with a slope of 12% or less. Numerous alternatives were developed for the site using the 12% maximum or less slope. Those that did not encroach into the setback only allowed the development of 8 or 9 units despite the property area and zoning allowing up to 12 units. Allowing the driveway to encroach 15 feet into the setback (preserving a 10 foot setback) does allow the development of 12 units. The development of 12 units makes this project financially feasible by the developer. Furthermore it assists the CBJ in addressing the housing shortfall indicated in the 2013 Comprehensive Plan. All buildings and parking areas are outside the 25 foot setback. Of note is that the D-3 sideyard setback for residential projects in this neighborhood is 10 feet and this project would meet this general requirement (but not setback requirement for a PUD). The development of a driveway steeper than 12% would pose safety issues and would not be consistent with the International Fire Code and CBJ requirements for emergency access. Additionally, driveway alignments that were kept out of the 25 foot setback resulted in a tighter curve radius at the switchbacks that would make emergency access up the driveway a challenge.

(2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;

The variance is for the encroachment of a small segment of driveway in two locations along the property. The driveway would be 10 feet from the property line and no other large structures or parking would be within the 25 foot setback. All buildings and parking would be outside the required 25 foot PUD buffer. The encroachment is necessary to meet public safety needs through maintaining the driveway grade at 12% or less and providing switchback curve radius to accommodate emergency vehicles (International Fire Code and CBJ Fire Marshall). Without this variance, only eight or nine units of residential housing can be developed while maintaining driveway grade percentage and not encroaching into the buffer. We feel strongly that health and safety is a priority and support the requirements for a driveway grade of 12% or less. Permitting the encroachment within the buffer while maintaining this driveway grade allows the development of a 12 unit residential PUD and assists the CBJ in meeting the Housing goals listed in the 2013 Comprehensive Plan. The Plan states:

Policy 4.1 To facilitate the provision and maintenance of safe, sanitary and affordable housing for its residents.



North Douglas Planned Unit Development
Applicant: Corvus Design

5405 North Douglas Highway
Owner: Douglas Island Development, LLC

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.

Implementing Action 4.2 –IA2 Review planned unit development (PUD) provision in the Land Use Code to ensure maximum opportunity for flexible siting, design, and construction of residential development...Clustering of new structures and provision of mixed densities within each new subdivision should be encouraged.

Policy 4.6 To facilitate and assist in the development of affordable housing.

These additional housing units will help address the housing shortfall in Juneau while maintaining the intent of this title and preserving public safety and welfare.

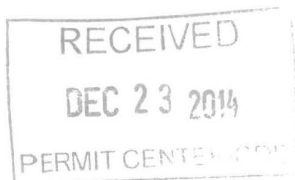
This encroachment is necessary and allows the development of 12 units of single family housing and is consistent with the 2013 Comprehensive Plan's Chapter 10: Land Use which states:

Policy 10.3 It is the policy of the CBJ to facilitate residential development of various types and densities that are appropriately located in relation to site conditions, surrounding lands uses, and capacity of public facilities and transportation systems.

The development of the PUD is designed to be consistent with the following (Chapter 10 of the 2013 Comprehensive Plan).

10.4DG1 New developments in the USAB, particularly in-fill development on vacant land within established neighborhoods, should be designed in such a way as to promote compatibility in scale and massing as the adjacent or nearby built environment and should ensure privacy, light and air to adjacent homes. Density alone should not be considered as a criterion for determining neighborhood harmony within the USAB provided that (1) light air and privacy is assured to adjacent residential occupants (2) parking for the subject project is screened or hidden from view from public streets and from adjacent residential neighbors and (3) project-serving roads and intersections are improved to a Level of Service D or better. When these criteria are met, higher density development is encouraged.

The encroachment of the driveway into the buffer, does not impact the provision for light and air to adjacent properties. The proposed smaller housing units, site layout, and additional open space (this project exceeds the common open space requirements) thereby promoting compatibility in scale, massing, and privacy and is consistent with the desired characteristics of a PUD. Additionally only a single driveway will access the PUD and the 12 units furthermore reducing the impacts to the neighborhood and supporting the design guidelines above.



North Douglas Planned Unit Development
Applicant: Corvus Design

5405 North Douglas Highway
Owner: Douglas Island Development, LLC

(3) The authorization of the variance will not injure nearby property;

The variance is for the encroachment of a small segment of driveway in two locations along the property. The driveway would be 10 feet from the property line and no other structures or parking would be within the 25 foot setback. The driveway would be screened from the neighboring lots through the installation of a 'good neighbor fence' along the property line and where appropriate landscaping to further screen the driveway from neighboring lots. This will increase privacy, reduce headlight glare and create greater neighborhood harmony as it is believed that the fence and designed landscaping will be more effective than the irregular existing native landscape to screen the adjacent properties.

(4) The variance does not authorize uses not allowed in the district involved;

The variance request does not propose for a use that is not allowed under Title 49; all proposed activities are in compliance with PUD standards.

(5) COMPLIANCE WITH THE EXISTING STANDARDS WOULD:

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

If the variance request to reduce the 25 foot setback requirement was denied, the applicant would be required to reduce the total number of residential units from twelve to eight or nine, and this would have a significant adverse effect financially upon the applicant, and the pool of new housing in Juneau being reduced is inconsistent with the CBJ's goal of supporting the development of affordable housing in the community.

(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 owner would not be able to fully develop the property consistent with current zoning for D3 lots and CBJ code related to PUDs, and reduce the total number of residential structures from 12 to 8 or 9.

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

Due to the steep slope (typical for Juneau and immediate vicinity) and narrow width of the site, the only way to develop a PUD and meet IFC and CBJ Fire Marshall requirements for access would be through the reduction of residential units from 12 to 8 or 9. No engineered structures or other facilities could prevent the driveway from entering the buffer and still allow the development of 12 residential units. The development of less than 12 units would have a significant adverse effect financially upon the applicant.



North Douglas Planned Unit Development
Applicant: Corvus Design

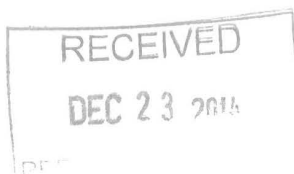
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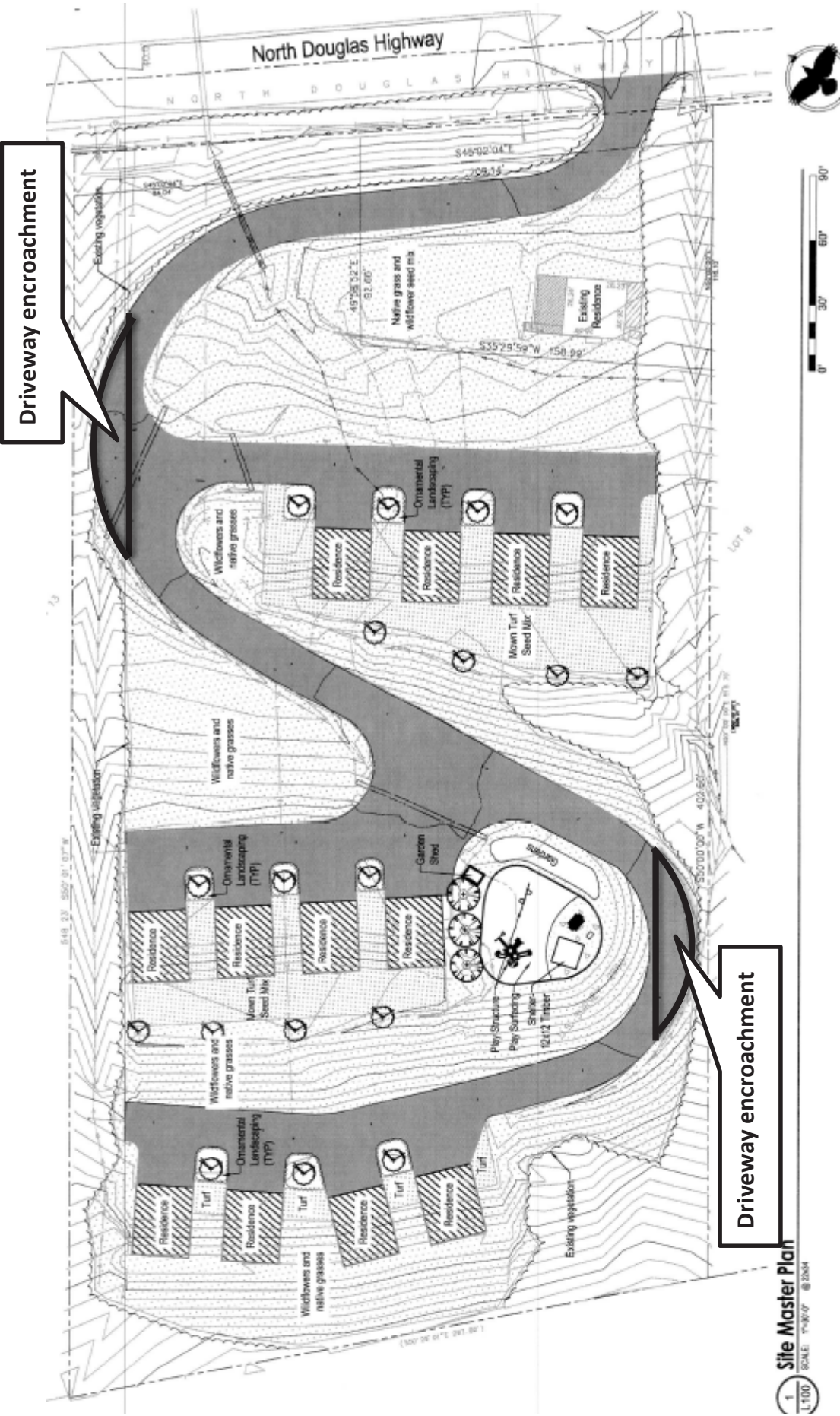
- (D) Because of preexisting nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both; and**

There are no non-conforming conditions on the subject parcel.

- (6) A grant of the variance would result in more benefits than detriments to the neighborhood.**

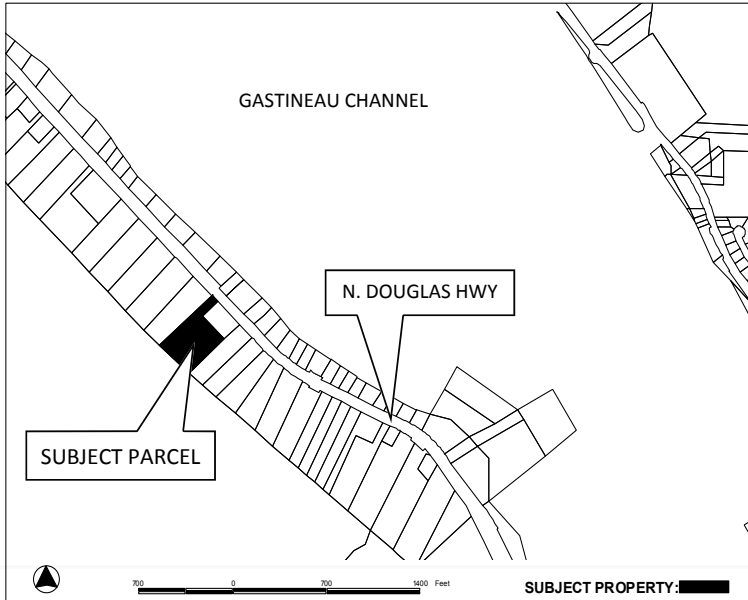
A granting of this variance request would result in significant benefits to the neighborhood, and is expected to maintain or increase property values to adjacent land owners. The intent of this PUD is to provide small high quality and aesthetic residential units that include 5 star energy ratings (possible use of geothermal), a public park, and exceeds the required open space/percentage in vegetation requirements. The addition of fencing and landscaping where the driveway encroaches into the buffer will provide better screening and privacy for adjacent properties than maintaining the existing irregular native vegetation. This new development as proposed will provide a livable neighborhood that is aesthetically pleasing, creates a neighborhood atmosphere, and creates a pool of new residential housing units which are in high demand in the community.







NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Variance request to allow driveway to encroach into required Planned Unit Development perimeter buffer.

** A Variance request could include the elimination of all dimensional standards.

File No:	VAR2014 0028	Applicant:	Corvus Design
To:	Adjacent Property Owners	Property PCN:	6-D07-0-101-017-2
Hearing Date:	January 27, 2015	Owner:	Douglas Island Development, Inc.
Hearing Time:	7:00 PM	Size:	3.19 Acres
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	Municipal Building	Site Address:	5405 North Douglas Highway
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If you have questions, please contact Chrissy McNally at christine.mcnally@juneau.org or at 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 24, 2014



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: January 28, 2015

File No.: VAR2014 0028

Corvus Design
119 Seward Street Suite 15
Juneau, Alaska 99801

Application For: Variance request to allow a driveway to encroach into the required 25 foot Planned Unit Development perimeter buffer.
Legal Description: USS 2960 Lot 7B
Property Address: 5405 N. Douglas Highway
Parcel Code No.: 6-D07-0-101-017-2
Hearing Date: January 27, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 15, 2015 and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: January 15, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Board of Adjustment regarding VAR2014 0028.

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.

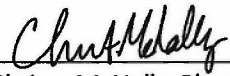
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (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, January 27, 2015

Expiration Date: The permit will expire 18 months after the effective date, or July 27, 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.

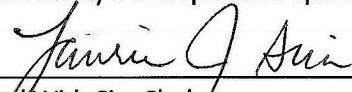
Corvus Design
File No: VAR2014 0028
January 28, 2015
Page 2 of 2

Project Planner:


Chrissy McNally, Planner
Community Development Department



Michael Satre, Chair
Planning Commission


Filed With City Clerk

1/30/15
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

Packet Page 74 of 121

City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

Please visit
<http://www.juneau.org/plancomm/>
for more information.

SHIP TO:



PROPOSAL: Amend Ordinance 2014-32 Wireless Communication Facilities for consistency with new Federal changes.

File No:	AME2014 0011	Applicant:	City and Borough of Juneau
To:	Neighborhood Association	Property PCN:	Boroughwide
Hearing Date:	January 27, 2015		
Hearing Time:	7:00 PM		
Place:	Assembly Chambers Municipal Building 155 South Seward 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 no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Eric Feldt at eric.feldt@juneau.org or at 586-0764.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.



Date notice was printed: December 22, 2014

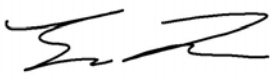


Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: January 20, 2015

TO: Planning Commission

FROM: Eric Feldt, Planner 
Community Development Department

FILE NO.: AME2014 0011

PROPOSAL: Amend Ordinance 2014-32 Wireless Communication Facilities for consistency with new Federal changes.

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

PROPOSAL

There are new Federal Communications Commission (FCC) changes that affect local municipal permitting of Wireless Telecommunication projects. The changes affect the recently adopted WCF Ordinance (No. 2014-32). See changes below.

- 1) Creates a new 60-day decision deadline for streamlined projects (Building permits only). This results in three different WCF permitting deadlines for CBJ staff to act on:
 - 1) 60 days (mostly collocations; Building permit),
 - 2) 90 days (everything else listed in Table 1; Building permit), and
 - 3) 150 days (Special Use permits).

Reducing the time to review and approve a Building permit from three months to two is not expected to burden staff.

- 2) Replaces and adds definitions (see below);
 - a. New Definitions
 - i. Eligible Facilities Request
 - ii. Transmission Facility
 - iii. Wireless Tower
 - b. Revised Definitions
 - i. Base Station
 - ii. Collocation

Planning Commission
File No.: AME2014 0011
January 20, 2015
Page 2 of 2

- iii. Tower
- iv. Attached WCF

- 3) Minor change to the title of the streamline process and adds two minor criteria within the Substantial Change list; and
- 4) Substantial Change – Not a defined term in the ordinance but does act like a term as it relates to *Eligible Facilities Requests* (streamlined process – 60 day approval).

None of the proposed changes affect public notice or the process notifying the public. Further, there is no change to the permits required.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The purpose of the proposed amendment is to ensure the CBJ WCF ordinance stays consistent with federal laws governing local land use control of wireless telecommunication development. The following policies are germane to the issue.

POLICY 12.11. TO PLAN FOR AND TO ESTABLISH LAND USE CONTROLS ON WIRELESS COMMUNICATIONS FACILITIES IN A MANNER THAT IS APPROPRIATE FOR THE COMMUNITY AND WITHIN THE PARAMETERS ESTABLISHED BY FEDERAL LAW. (Emphasis added)

12.11 – IA5 Ensure that any new local regulation or restriction on WCFs responds to the policies embodied in federal law.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

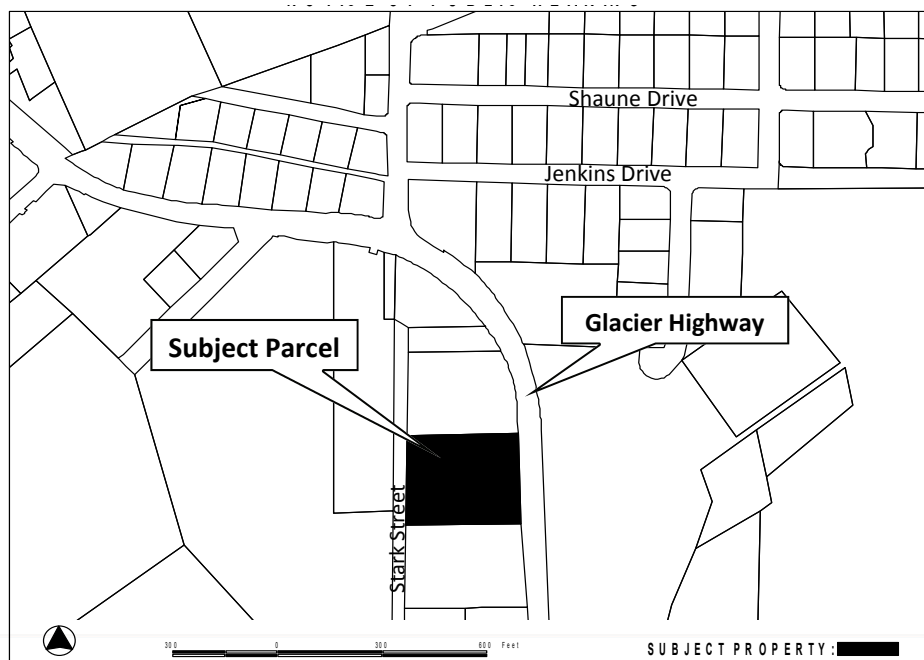
This proposal amends the recently-adopted WCF ordinance (No. 2014-32) but does not change the purpose of this ordinance, public notice or processes of public notices. Further, it does not change the types of required permits.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends that the Assembly approve this ordinance amendment.



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

** A Variance request could include the elimination of all dimensional standards.

File No:	VAR2014 0027	Applicant:	Tyler Rental, Inc.
To:	Adjacent Property Owners	Property PCN:	5-B12-0-100-007-0
Hearing Date:	January 27, 2015	Owner:	Tyler Rental, Inc.
Hearing Time:	7:00 PM	Size:	1.87 Acres
Place:	Assembly Chambers	Zoned:	Industrial
	Municipal Building	Site Address:	5275 Glacier Highway
	155 South Seward Street	Accessed Via:	Glacier Highway
	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 Jonathan Lange at jonathan.lange@juneau.org or at 586-0218.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 22, 2014



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: January 12, 2015

TO: Board of Adjustment

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: VAR2014 0027

PROPOSAL: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

GENERAL INFORMATION

Applicant: Tyler Rental, Inc.

Property Owner: Tyler Rental, Inc.

Property Address: 5275 Glacier Highway

Legal Description: Midway Tract D

Parcel Code Number: 5-B12-0-100-007-0

Site Size: 81,366 square feet or 1.87 acres

Comprehensive Plan Future Land Use Designation: HI – Heavy Industrial (Map H)

Zoning: Industrial

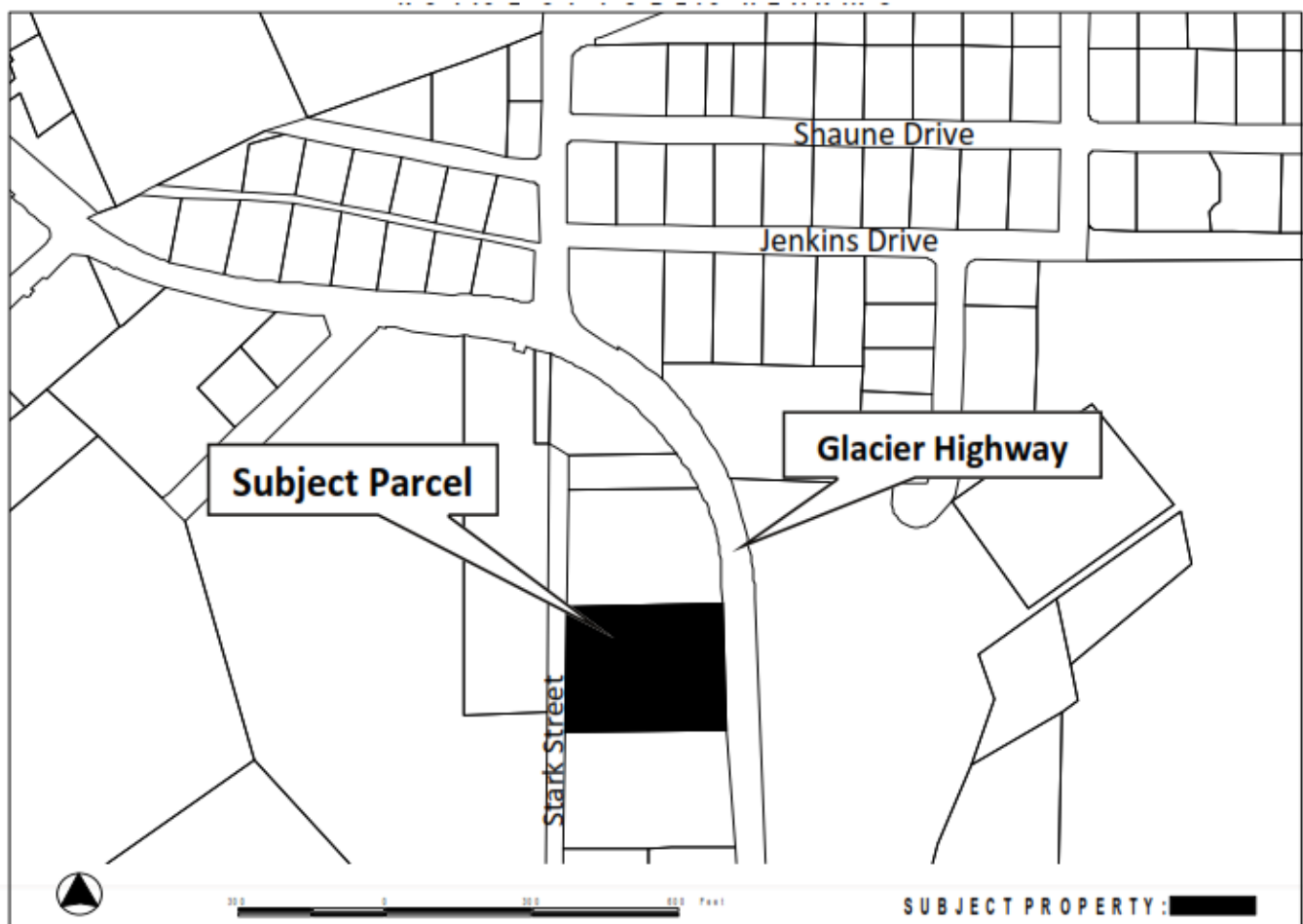
Utilities: City water and sewer

Access: Glacier Highway

Existing Land Use: Commercial Miscellaneous – Tyler Rental, Inc.

Surrounding Land Use: North I – Heritage Coffee Stand and storage
South I – Harri Plumbing and Heating
East GC/D-18 – Single-family Residence
West I – J. D. Phone Co.

Vicinity Map



ATTACHMENTS

Attachment A – Variance and Development Permit Applications
Attachment B – Site and Building Plans
Attachment C – Narrative
Attachment D - Notice of Public Hearing
Attachment E – Photos
Attachment F - Comments

PROJECT DESCRIPTION

The applicant seeks a variance to reduce the street-side yard setback from the required 10 feet to 9 feet along the undeveloped right-of-way of Stark Street. The applicant proposes to build a new 9,840 square foot mechanical bay addition to the Tyler Rental, Inc. business. The mechanical bay addition will include a repair bay, a fabrication bay, a hydraulic repair bay, and a wash bay (please see Attachment B for building plans). This building will be attached at the west of the existing Tyler Rental, Inc. building located at 5275 Glacier Highway. A 6 square foot portion of the northwest corner of the proposed addition would encroach into the 10 foot street-side yard setback.

BACKGROUND

The subject parcel is west of Glacier Highway, east of the undeveloped right-of-way of Stark Street, north of Short Street, and south of the Anka Street and Glacier Highway intersection in the Lemon Creek area. The 81,366 square foot parcel contains the current Tyler Rental building, built in 1992, two Quonset huts, and storage of Tyler Rental equipment. Access to the parcel is from Glacier Highway.

ANALYSIS

The subject parcel is located in an I - Industrial zoning district. The setbacks in the Industrial zone are as follows: 10 feet for the front and rear yard setbacks; 10 feet for the street-side yard setback; and 0 feet for the side yard setback. The applicant is asking to reduce their street-side yard setback by 1 foot, from 10 feet to 9 feet. The subject parcel is a lot with two frontages, one on Glacier and one on the undeveloped right-of-way of Stark Street. The subject addition is proposed for the west side of the parcel and existing building. The purpose of the street-side yard setback is to allow for adequate sight distance for vehicular traffic at an intersection. The proposed project would not affect sight distance, as Stark Street is undeveloped.

The subject parcel exceeds the minimum lot size for permissible uses in the Industrial zoning district. The proposed addition would meet the requirement for minor development in the Land Use Code, as the proposed addition is less than 15,000 square feet of “non-residential building” – CBJ Title 49. 25.300(c)(3).

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other

Board of Adjustment
 File No.: VAR2014 0027
 January 12, 2015
 Page 4 of 7

design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

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

The applicants could build an addition to their business and meet the required setbacks, but by granting the requested Variance substantial relief would be given to the owners of the property in that they would be able to build an addition that would meet the specific size of building required for the maintenance and wash bays and for the equipment that they operate and maintain. A smaller building would not be able to service their equipment. The actual encroachment of the proposed addition would only constitute 6 square feet of the concrete stem wall and siding of the northwest corner of the proposed addition (please see Attachment B).

Yes. The criterion is met.

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

The intent of Title 49 is established in Section 49.05.100 Purpose and Intent. Those sections, which are applicable to the requested Variance, are as follows:

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

There is no evidence to suggest that the construction of the mechanical bays addition would impact public safety and welfare.

Yes. The criterion is met.

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

Staff finds no evidence that the projection into the required street-side yard setback will injure nearby properties, as the projection would be into a street-side yard setback to the undeveloped right-of-way of Stark Street.

Yes. The criterion is met.

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

The primary use of the property is an industrial and commercial business. The Variance would allow for an addition to the existing business.

Yes. The criterion is met.

5. *That compliance with the existing standards would:*

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

The Variance is for the construction of mechanical bays as an addition to the existing Tyler Rental business, which is a permitted use in the Industrial district. Denial of the Variance would not prevent the owners from using their property for a permissible principle use.

No. The sub-criterion is not met.

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

The proposed mechanical bays addition is consistent in the scale, amenities, appearance and features of existing development in the neighborhood.

Yes. The sub-criterion is met.

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

The subject lot is flat and does not have any unique physical features that would make

Board of Adjustment
 File No.: VAR2014 0027
 January 12, 2015
 Page 6 of 7

complying with the standards unreasonably expensive. The applicant in their narrative (see Attachment C) states that “the property is limited in depth related to the type of heavy machinery” that is maintained at their business, that would require the specific proposed building and building length.

No. The sub-criterion is not met.

or

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

Staff finds there to be no preexisting nonconforming conditions on the subject parcel. The granting of the Variance would result in a net decrease in the overall compliance with the Land Use Code, as the granting of the reduced street-side yard setback would put the proposed addition into the street-side yard setback.

No. The sub-criterion is not met.

Since sub-criterion 5B is met, criterion 5 is met.

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

No detriments have been identified to the neighborhood if the Variance was granted. If the Variance was granted, the Variance would allow for an addition to the existing business, which would help support the growth of a local business and thereby be a benefit for the property owner and the neighborhood and community.

Yes. The criterion is met.

FINDINGS

1. *Is the application for the requested Variance 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.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal

Board of Adjustment
File No.: VAR2014 0027
January 12, 2015
Page 7 of 7

Management Program consistency determination:

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

Not Applicable.

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

Yes. Based on the evaluation above, the variance, as requested, meets the criteria of Section 49.25.250, Grounds of Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0027. The Variance permit would allow for a reduction to the street-side yard setback from 10 feet to 9 feet for an addition to the Tyler Rental, Inc. business in the Lemon Creek area.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number VAR20140027	Date Received 12/11/14																				
TYPE OF VARIANCE REQUESTED:																							
☐ Variance to the Sign Standard (VSG)		☐ Variance to Dimensional Standards (VDS)																					
☐ Variance to Habitat Setbacks (VHB)		☐ Variance to Parking Requirements (VPK)																					
☒ Variance to Setback Requirements (VSB)																							
DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:																							
10' Rearyard setback reduction by .43' to allow for the angle of a corner, (less that 6 Sf of area.)																							
Previous Variance Applications?																							
☐ YES		☒ NO																					
Date of Filing: _____																							
Previous Case Number(s): _____																							
Was the Variance Granted?																							
☐ YES		☐ NO																					
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):																							
Rear-yard setback faces an undeveloped city right of way. The business expansion which is pushing this variance has dimensional challenges based on their proposed operations that requires this slight encroachment.																							
UTILITIES AVAILABLE:																							
WATER: ☒ Public ☐ On Site		SEWER: ☒ Public ☐ On Site																					
WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?																							
The area is part of a select zone which allows for industrial development, i.e. flat land that has an existing industrial application. Accommodation for this type of use to function seems important to the continued operation of business in our community.																							
WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?																							
This is a specific growth for the current business. The size of maintenance bays is specific. The encroachment is determined by the minimal dimensional requirements for this business to operate and meet their successful business plan.																							
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.	VARIANCE FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%;">Fees</th> <th style="width: 15%;">Check No.</th> <th style="width: 15%;">Receipt</th> <th style="width: 15%;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>400.00</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ <u>400.00</u></td> <td><u>CDD0036</u></td> <td><u>-</u></td> <td><u>12/11/14</u></td> </tr> </tbody> </table>				Fees	Check No.	Receipt	Date	Application Fees	\$ <u>400.00</u>	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Total Fee	\$ <u>400.00</u>	<u>CDD0036</u>	<u>-</u>	<u>12/11/14</u>
	Fees	Check No.	Receipt	Date																			
Application Fees	\$ <u>400.00</u>	_____	_____	_____																			
Adjustment	\$ _____	_____	_____	_____																			
Total Fee	\$ <u>400.00</u>	<u>CDD0036</u>	<u>-</u>	<u>12/11/14</u>																			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

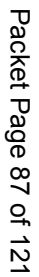
DEVELOPMENT PERMIT APPLICATION

Project Number		CITY and BOROUGH of JUNEAU		Date Received: <u>12/11/14</u>	
Project Name (City Staff to Assign Name)					

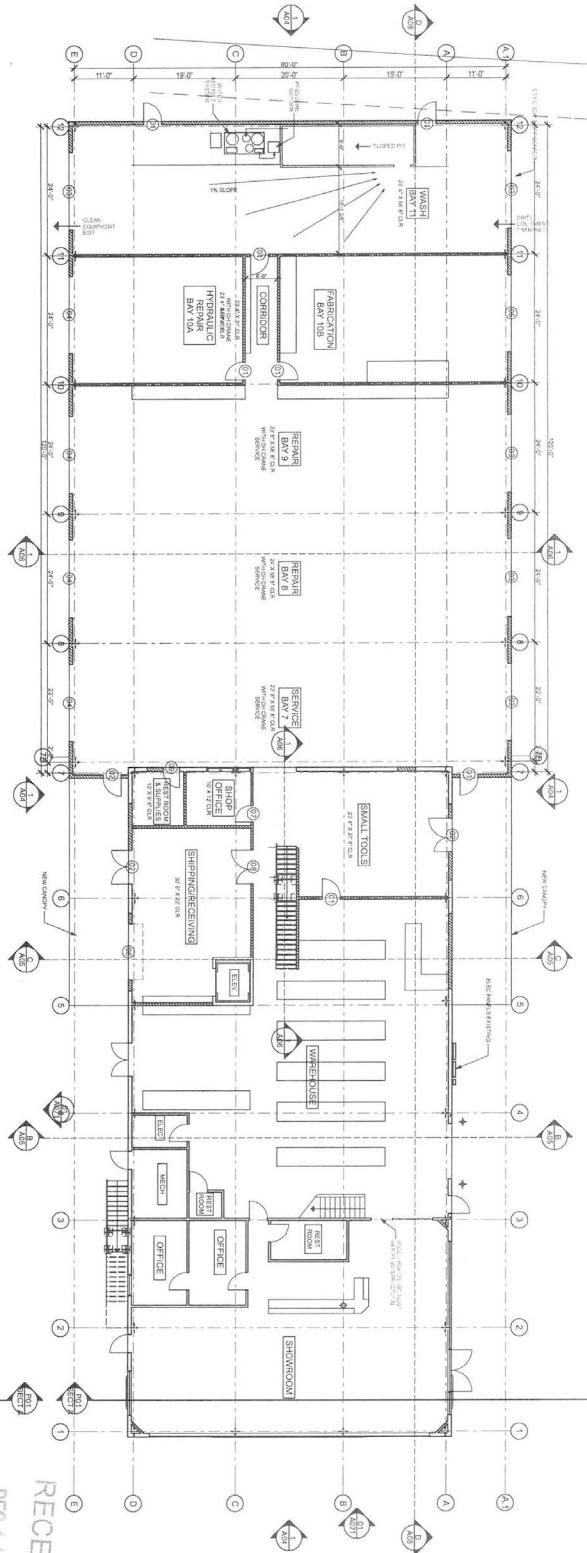
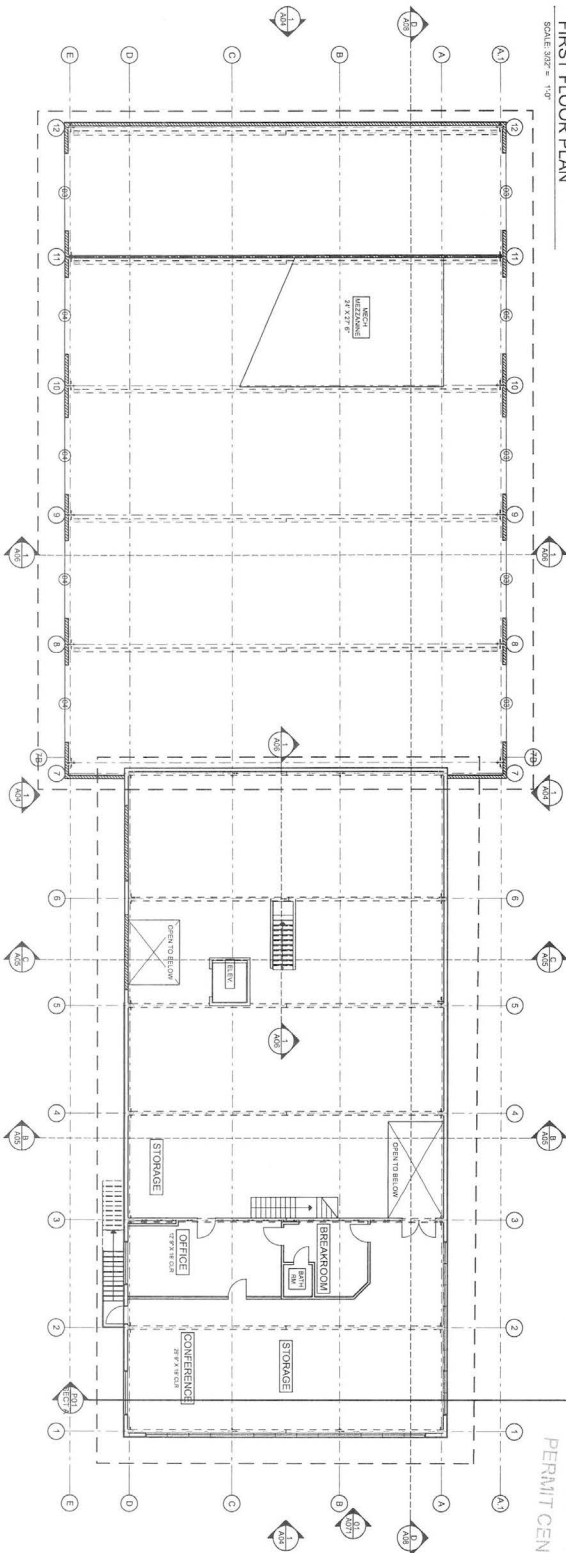
INFORMATION	Project Description 102' x 82" Maintenance Warehouse expansion to an existing Business				
	PROPERTY LOCATION				
	Street Address 5295 Glacier Highway			City/Zip Juneau, AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)				
	Assessor's Parcel Number(s)				
	LANDOWNER/ LESSEE				
	Property Owner's Name Tyler Rental, Inc.			Contact Person: Steve Kikendahl	Work Phone: 907-780-2210
	Mailing Address 5295 Glacier Hwy			Home Phone: 321-5532	Fax Number: 907-780-2216
	E-mail Address Steve.K@tyler-rental.com			Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****				
PROJECT / APPLICANT	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>[Signature]</u>			<u>12/11/14</u>	
	Landowner/Lessee Signature			Date	
	X _____			_____	
	Landowner/Lessee Signature			Date	
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.				
	APPLICANT If the same as OWNER, write "SAME" 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 <u>[Signature]</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)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	X	Variance Case (De Minimis and all other Variance case types)		<u>12/11/14</u>	<u>VAR20140025</u>
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
 I:\FORMS\2010 Applications Revised November 2009



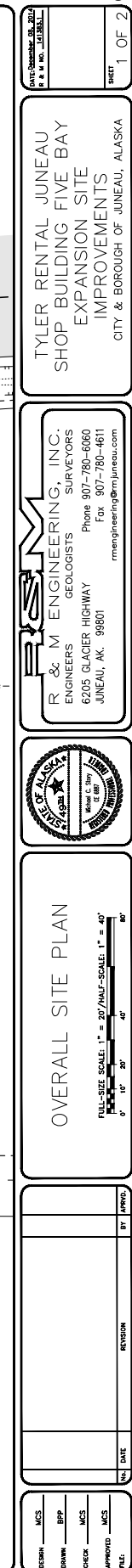
SECOND FLOOR



DATE: 12/11/14
PROJECT: A03
SHEET: 12/11/14

Tyler Rental Mechanical Bays Addition
NWA-1422
5295 Glacier Hwy
Juneau, Alaska

North Wind Architects LLC
126 Seward St
Juneau, AK 99801
Phone: 907.586.6130
Fax: 907.586.6131
www.northwindarchitects.com





Memo

December 15, 2014



Eric Feldt, Planner
 CBJ Community Development Department
 230 South Franklin Street
 Juneau, Alaska 99801

Re: Variance Criteria Response

Erik,

The request of variance for a .43' rear-yard easement encroachment, which in its size in actual area is limited to under 6 sf of surface area is request to allow for operational expansion of Tyler Rentals Maintenance warehouse allowing for continued growth and expansion to meet the needs of a vital local business.

The site in which this request is offered is located that have minimal impact to the local neighborhood and is located along an existing CBJ right of way. The request is minimal in terms of dimensional distance and impact area.

This request supports a current successful business where growth is desired to expand current operations.

I offer the following statements towards the Variance Approval Criteria for your review:

Criteria No. 1: Regarding a "relaxation applied for": would give substantial relief to the owner allowing the owner to expand current successful operations to meet a proposed growth in this business sector. This proposed expansion is program specific, meaning that the required expansion are reflect specific maintenance bays, sized specifically to work with proposed operations.

Criteria No. 2: Regarding a public safety and welfare: the setback encroachment is located at the rear-yard setback away from any "public-use" portion of the site. The easement is along a non-used public right-of-way which fronts the back or side portions of other industrial use properties. The encroachment of no more than .43' and/or 3 sf of area will have no public safety impact.

Criteria No. 3: Injury to nearby property: The easement is along a non-used public right-of-way and does not front an adjacent shared private property line. The encroachment will offer no injury to nearby property.

Criteria No. 4: The variance will not authorize use not allowed in the district: The use is consistent with the allowable use.

Criteria No. 5: Compliance with the existing standards would:

- A. "Unreasonably prevent the owner from using the property for permissible Use": **No.**
- B. "Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or

Sean M Boily AIA
 Principal Architect

Evelyn F Rouso AIA LEED
 Principal Architect

Gerald R Gotschall AIA
 Principal Architect

James Bibb AIA
 Principal Architect

David Hurley AIA
 Principal Architect

126 Seward Street
 Juneau, AK 99801

p.907.586.6150
 f.907.586.6181



*features, with existing development in the neighborhood of the subject property”: **Yes as this allowable industrial use faces the burden of limited local flat land, centrally located with this exposure.***

- C. “Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive”: **The Property is limited in depth related to the type of heavy machinery maintenance size requirements to move, maintain, and store machinery. There are only so many lots available, central to our community that allows both this main street frontage and allowable use for this type of business operation.***
- D. Because of preexisting nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both; and”: **This will not result in a net decrease in the over-all compliance of the land use code, title 49 and...***

Criteria No. 6: In granting this variance, the variance contribute to more benefits than detriments as it will allow an existing business to expand current operations to meet proposed growth. This district in the Lemon Creek area has evolved into a recognized local for this community that houses and supports support industrial uses such as this business. Strengthening this use will allow for the continued success of this business, therefore contributing this community overall. Contrary, not supporting this expansion will hamper further growth potential. Business such as this in our community provides direct and meaningful support to our region-wide construction industry. It’s location, it’s asset to our community as a desired business and it continued success is important to our communities development which is a direct general benefit.

Thank you,

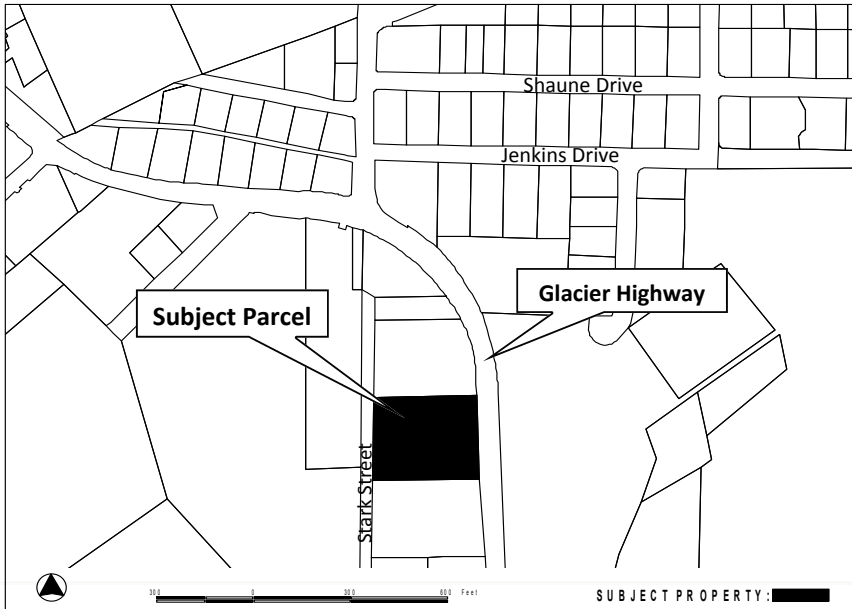
James Bibb
NorthWind Architects LLC

126 Seward Street
Juneau, AK 99801

p.907.586.6150
f.907.586.6181



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

** A Variance request could include the elimination of all dimensional standards.

File No:	VAR2014 0027	Applicant:	Tyler Rental, Inc.
To:	Adjacent Property Owners	Property PCN:	5-B12-0-100-007-0
Hearing Date:	January 27, 2015	Owner:	Tyler Rental, Inc.
Hearing Time:	7:00 PM	Size:	1.87 Acres
Place:	Assembly Chambers	Zoned:	Industrial
	Municipal Building	Site Address:	5275 Glacier Highway
	155 South Seward Street	Accessed Via:	Glacier Highway
	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 Jonathan Lange at jonathan.lange@juneau.org or at 586-0218.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 22, 2014



ATTACHMENT D

Board of Adjustment
File No.: VAR2014 0027

Attachment E-1



ATTACHMENT D

Board of Adjustment
File No.: VAR2014 0027

Attachment E-2



ATTACHMENT D

Board of Adjustment
File No.: VAR2014 0027

Attachment E-3



ATTACHMENT D

Board of Adjustment
File No.: VAR2014 0027

Attachment E-4

From: Ed Mercer
Sent: Monday, December 29, 2014 9:32 AM
To: Jonathan Lange
Cc: Bryce Johnson
Subject: RE: Review Comments - VAR20140027 Tyler Rental setback variance

Hi Jonathan,

JPD does not have any issues with this request.

Thanks, Ed

From: Jonathan Lange
Sent: Friday, December 19, 2014 2:14 PM
To: Charlie Ford; Ron King; Ed Foster; Ed Mercer; Dan Jager
Subject: Review Comments - VAR20140027 Tyler Rental setback variance

Subject: Please review attached documents related to the Variance requests for 5275 Glacier Highway
File: VAR2014 0027
Parcel: 5-B12-0-100-007-0

The request is for a Variance to reduce the street side yard setback from the undeveloped CBJ right-of-way of Stark Street from 10 feet to 9 feet for the construction of a new building at 5275 Glacier Highway. The subject parcel is located in the Lemon Creek area, on the west side of Glacier Highway and to the north of Short Street. The application states 0.43' reduction, but the applicant has asked for 1'.

Please see the attached application, and a site plan showing the proposed addition and setbacks; and the attached aerial photo of the subject parcel with a red star; and the attached narrative.

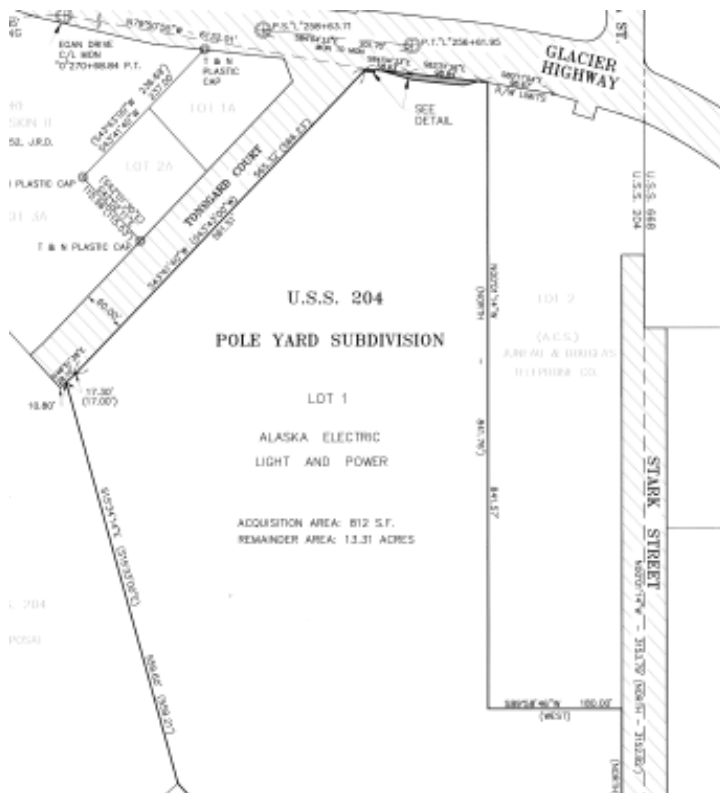
I look forward to receiving your comments. Please send any comments for this proposal by January 2nd, 2015.

Let me know if you require any additional information for the Variance requests or have any questions.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org



Stark Street would remain undeveloped. There is no platted access to Glacier Hwy.



Ron King PLS

General Engineering
907-586-0881

From: Jonathan Lange
Sent: Monday, January 05, 2015 12:49 PM
To: Ed Foster; Ron King
Subject: FW: Review Comments - VAR20140027 Tyler Rental setback variance

Hello,

I'm just doing a follow up on the request for comments for the proposed Tyler Rental variance to the street-side yard setback from 10 feet to 9 feet from the undeveloped right-of-way of Stark Street.

I just checking in and seeing if you have any comments. Are there any plans for developing Stark Street in the future? Thanks for your help.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529

PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org



From: Jonathan Lange
Sent: Friday, December 19, 2014 2:14 PM
To: Charlie Ford; Ron King; Ed Foster; Ed Mercer; Dan Jager
Subject: Review Comments - VAR20140027 Tyler Rental setback variance

Subject: Please review attached documents related to the Variance requests for 5275 Glacier Highway
File: VAR2014 0027
Parcel: 5-B12-0-100-007-0

The request is for a Variance to reduce the street side yard setback from the undeveloped CBJ right-of-way of Stark Street from 10 feet to 9 feet for the construction of a new building at 5275 Glacier Highway. The subject parcel is located in the Lemon Creek area, on the west side of Glacier Highway and to the north of Short Street. The application states 0.43' reduction, but the applicant has asked for 1'.

Please see the attached application, and a site plan showing the proposed addition and setbacks; and the attached aerial photo of the subject parcel with a red star; and the attached narrative.

I look forward to receiving your comments. Please send any comments for this proposal by January 2nd, 2015.

Let me know if you require any additional information for the Variance requests or have any questions.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801

From: Ron King
Sent: Monday, January 05, 2015 1:20 PM
To: Jonathan Lange
Cc: Ed Foster
Subject: RE: Review Comments - VAR20140027 Tyler Rental setback variance

General Engineering has no issues. Road is a dead-end. No reason to keep off the tax-roles, I say VACATE cause we are never going to build a CBJ road.

Ron King PLS

General Engineering
907-586-0881

From: Jonathan Lange
Sent: Monday, January 05, 2015 12:49 PM
To: Ed Foster; Ron King
Subject: FW: Review Comments - VAR20140027 Tyler Rental setback variance

Hello,

I'm just doing a follow up on the request for comments for the proposed Tyler Rental variance to the street-side yard setback from 10 feet to 9 feet from the undeveloped right-of-way of Stark Street.

I just checking in and seeing if you have any comments. Are there any plans for developing Stark Street in the future? Thanks for your help.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529

PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org



From: Jonathan Lange
Sent: Friday, December 19, 2014 2:14 PM
To: Charlie Ford; Ron King; Ed Foster; Ed Mercer; Dan Jager
Subject: Review Comments - VAR20140027 Tyler Rental setback variance

Subject: Please review attached documents related to the Variance requests for 5275 Glacier Highway
File: VAR2014 0027
Parcel: 5-B12-0-100-007-0

The request is for a Variance to reduce the street side yard setback from the undeveloped CBJ right-of-way of Stark Street from 10 feet to 9 feet for the construction of a new building at 5275 Glacier Highway. The subject parcel is

From: Ed Foster
Sent: Monday, January 05, 2015 2:19 PM
To: Jonathan Lange; Ron King
Subject: RE: Review Comments - VAR20140027 Tyler Rental setback variance

Jonathan,
Streets and Fleet Maintenance Division has no issues with this request.
Ed

From: Jonathan Lange
Sent: Monday, January 05, 2015 12:49 PM
To: Ed Foster; Ron King
Subject: FW: Review Comments - VAR20140027 Tyler Rental setback variance

Hello,
I'm just doing a follow up on the request for comments for the proposed Tyler Rental variance to the street-side yard setback from 10 feet to 9 feet from the undeveloped right-of-way of Stark Street.
I just checking in and seeing if you have any comments. Are there any plans for developing Stark Street in the future?
Thanks for your help.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

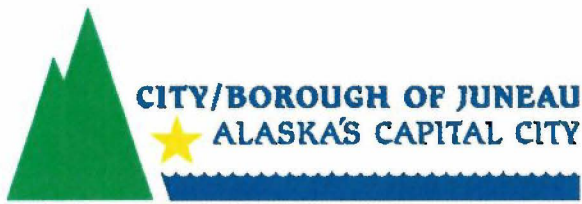


From: Jonathan Lange
Sent: Friday, December 19, 2014 2:14 PM
To: Charlie Ford; Ron King; Ed Foster; Ed Mercer; Dan Jager
Subject: Review Comments - VAR20140027 Tyler Rental setback variance

Subject: Please review attached documents related to the Variance requests for 5275 Glacier Highway
File: VAR2014 0027
Parcel: 5-B12-0-100-007-0

The request is for a Variance to reduce the street side yard setback from the undeveloped CBJ right-of-way of Stark Street from 10 feet to 9 feet for the construction of a new building at 5275 Glacier Highway. The subject parcel is located in the Lemon Creek area, on the west side of Glacier Highway and to the north of Short Street. The application states 0.43' reduction, but the applicant has asked for 1'.

Please see the attached application, and a site plan showing the proposed addition and setbacks; and the attached aerial photo of the subject parcel with a red star; and the attached narrative.



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: January 28, 2015
File No.: VAR2014 0027

Tyler Rental, Inc.
5295 Glacier Highway
Juneau, Alaska 99801

Application For: A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 Glacier Highway.

Legal Description: Midway Tract D

Property Address: 5275 Glacier Highway

Parcel Code No.: 5-B12-0-100-007-0

Hearing Date: January 27, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 12, 2015, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: January 12, 2014, memorandum from Jonathan Lange, Community Development, to the CBJ Board of Adjustment regarding VAR2014 0027.

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.

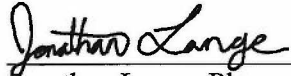
This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (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, January 27, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or July 27, 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.

Tyler Rental, Inc.
File No: VAR2014 0027
January 28, 2015
Page 2 of 2

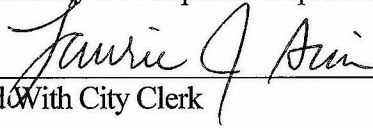
Project Planner:



Jonathan Lange, Planner
Community Development Department



Michael Satre, Chair
Planning Commission



Filed With City Clerk

1/30/15

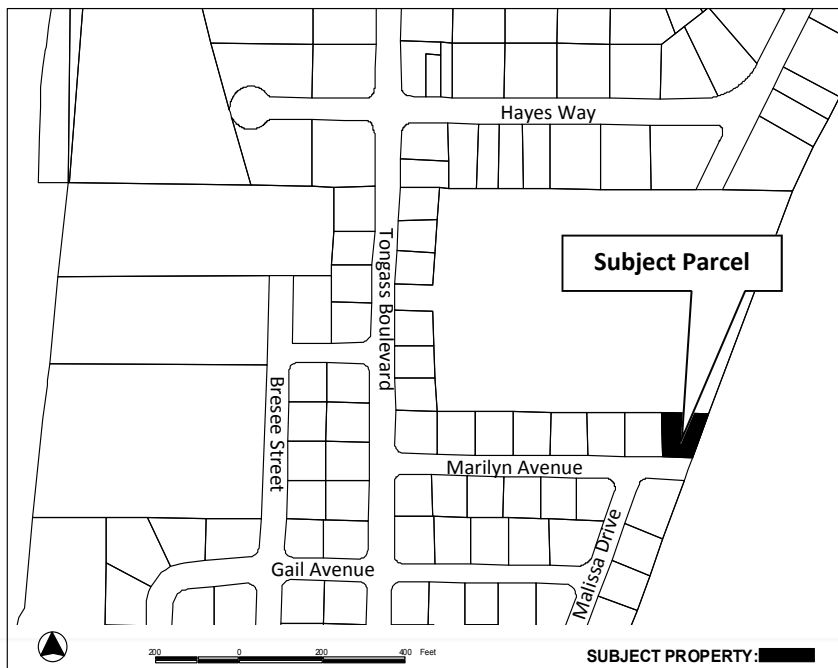
Date

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 Street • Juneau, Alaska 99801

SHIP TO:



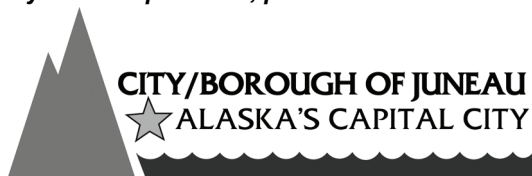
PROPOSAL: Conditional Use Permit to increase an existing childcare from 8 to 12.

File No:	USE2014 0018	Applicant:	Brandon & Carolina Hoff
To:	Adjacent Property Owners	Property PCN:	5-B21-0-144-009-0
Hearing Date:	January 27, 2015	Owner:	Brandon & Carolina Hoff
Hearing Time:	7:00 PM	Size:	0.22 Acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	8595 Marilyn Avenue
	155 South Seward Street	Accessed Via:	Marilyn Avenue
	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 at 586-0758.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 24, 2014



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: January 12, 2015

TO: Planning Commission

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

FILE NO.: USE2014 0018

PROPOSAL: Conditional Use Permit for child care to have up to 12 children in a residence in a D5 zoning district.

GENERAL INFORMATION

Applicant: Brandon & Carolina Hoff

Property Owner: Brandon & Carolina Hoff

Property Address: 8595 Marilyn Avenue

Legal Description: Tall Timbers 1 Block D Lot 9

Parcel Code Number: 5-B21-0-144-009-0

Site Size: 9,601 Square Feet or 0.22 Acres

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

Zoning: D-5

Utilities: City water & sewer

Access: Marilyn Avenue

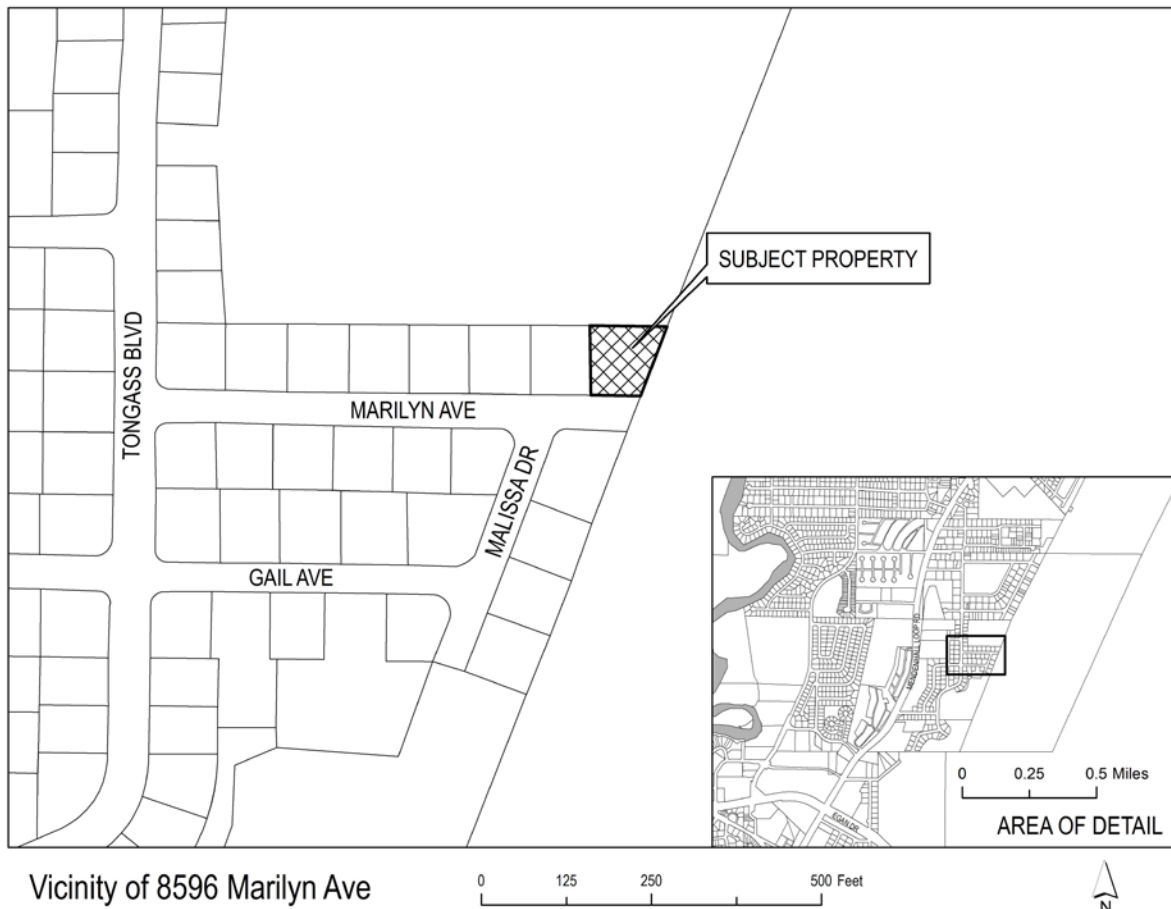
Existing Land Use: Single family residence and 8 child daycare

Surrounding Land Use:

North	-	D5/ Single Family
South	-	D5/ Single Family
East	-	Rural Reserve/Vacant
West	-	D5/ Single Family

Planning Commission
 File No.: USE2014 0018
 January 12, 2015
 Page 2 of 7

VICINITY MAP



ATTACHMENTS

- Attachment A: Development Permit Application/Conditional Use Permit Application
- Attachment B: Applicant Narrative
- Attachment C: Floor Plan
- Attachment D: Site Plan
- Attachment E: Plat Map
- Attachment F: Public Notice

Planning Commission
File No.: USE2014 0018
January 12, 2015
Page 3 of 7

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the expansion of an existing in-home daycare. The applicant wants to increase the maximum allowed number of children from eight to twelve under the age of 12. According to CBJ 49.15.300 *Table of Permissible Uses*, an in-home day care for nine to twelve children under the age of twelve is allowed in the D5 zoning district with an approved Conditional Use permit.

BACKGROUND

The applicant has been a licensed daycare provider for the past 3 years and in that time has been operating a child care facility out of her home. Her current permit allows for a maximum of eight children. Although a daycare with 8 or fewer children does not require a Conditional Use permit, it does require a building permit in order for a fire inspection to be conducted in accordance with state law. A similar building permit and fire inspection will be required upon approval of this Conditional Use permit.

Upon approval of this Conditional Use permit, the applicant will hire an employee, per state law. Alaska State Law allows a maximum of 8 children per caregiver. The applicant currently has a license that allows her to care for a maximum of 8 children and she has no employees. Since the applicant is seeking to increase her child care capacity to a maximum of 12 children, the State of Alaska requires her to hire an employee to help care for the children.

ANALYSIS

Project Site – The single family two story residence at 8595 Marilyn Avenue was built in 1979. The lot was platted in 1973 (see Attachment E). The property is in the D5 zoning district and abuts a Rural Reserve zoning district. The minimum lot size in the D5 zoning district is 7,000 square feet. The subject lot is 9,601 square feet.

The D5 zoning district extends to the North, West and South of the subject lot. Directly to the East of the lot is a Rural Reserve zoning district.

Project Design – The 2,498 square foot, two story residence at 8595 Marilyn Avenue has 4 bedrooms and 2 bathrooms on the upper floor. The applicant has converted the half bath, kitchen, dining room and family room on the first floor into a child care area. This provides approximately 960 square feet of child care space. In addition, the applicant has a 240 square foot deck on the back of the residence (See Attachment C). Currently there is partial fencing around the children's outdoor play area (See Attachment D). The applicant has plans to install a metal fence around the entire lot in the spring of 2015.

Traffic – The hours of operation for the daycare are Monday through Friday 7:30 am to 5:30 pm.

Planning Commission
File No.: USE2014 0018
January 12, 2015
Page 4 of 7

According to the applicant, parents arrive to drop-off and pick-up children at different times throughout the day. Also according to the applicant, she cares for siblings so multiple children are dropped off and picked up in the same vehicle.

However, assuming each child is dropped-off and picked-up independently, and there is one drop-off and one pick-up per child per day, 24 vehicle trips are expected in a day plus two more for the non-resident employee. This would bring the average number of daily vehicle trips to 26.

The applicant's lot is located at the end of Marilyn Avenue and is the last lot on the street, with no neighbors directly to the East or the South. This should minimize the potential traffic disturbance to neighbors. The location of the lot at a dead end will allow room for parents to turnaround and exit the property.

Parking and Circulation – Title 49 does not provide a parking requirement for in-home day care facilities. The parking requirement for a single family residence is two parking spaces. The subject site has a garage that is currently used for storage only. The site has five parking spaces in front of the garage – one for the owner/operator; four for parents to drop-off/pick-up children (See Attachment D). In addition to the four marked parking spaces, parents can park at the end of the street and walk to the day care entrance.

Upon approval of the Conditional Use permit to increase the child care capacity to a maximum of 12 children the applicant will hire an employee. This potential employee is a neighbor of the applicant and will walk to the in-home child care facility most days. In cases when the employee will not be walking the residence has ample parking space for the employee's vehicle.

To provide ample lighting in the winter months the applicant has installed a motion light on the overhang of the garage to illuminate the parking area and walkway leading to the day care entrance. The applicant does own a snow blower and regularly uses it to ensure the parking area and walkways are clear of snow.

Noise – Potential noise from the increase in the day care's capacity may result from additional vehicle traffic during drop-off/pick-up times, as well as the children playing outside. The children's outdoor play area is located in the applicant's backyard and side yard. The side yard used for play is on the East side of the residence which abuts a Rural Reserve zoning area.

Public Health or Safety – There is no evidence to suggest that the increase from 8 children to 12 children will negatively affect public health or safety. Capital City Fire and Rescue and the CBJ Building Official were solicited for comments on the proposed use and did not have any concerns. Further, the state licensing agency will require a fire inspection upon approval of this Conditional Use permit.

Planning Commission
 File No.: USE2014 0018
 January 12, 2015
 Page 5 of 7

Habitat – No habitat regulated by Title 49 will be affected by the applicant’s proposal. Furthermore, there are no anadromous fish streams or eagles’ nests in the vicinity, and the subject property is located just west of a designated wetlands area.

Property Value or Neighborhood Harmony – There is no evidence to suggest that an increase in the capacity of an in-home day care, from 8 children to 12 children, will have an impact on property values or neighborhood harmony. According to the Alaska Department of Health and Social Services there are two other child care facilities within half a mile from the applicant’s in-home day care facility. This increase in capacity will provide much needed quality day care services for Juneau families.

Conformity with Adopted Plans – The proposed development is located in Subarea 4 of the 2013 Comprehensive Plan maps and has a land use designation of Urban Low Density Residential (ULDR). The plan describes ULDR as:

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

Families with children are likely to live within this style of neighborhood. Therefore, the use proposed is consistent with the needs of such a neighborhood. The 2013 Comprehensive Plan specifically addresses the need for quality child care in the City and Borough of Juneau. Chapter 14 of the plan states:

“There is a critical child care shortage in Juneau, and that lack of quality child care makes Juneau a less than attractive place – and even an untenable – for young families.”

Chapter 14 goes on to state policies and procedures to encourage an adequate supply of child care in the City and Borough of Juneau;

POLICY 14.3 TO SUPPORT THE PROVISION OF QUALITY CHILD CARE IN A SAFE LEARNING ENVIRONMENT BY WELL-TRAINED EDUCATORS AND CHILD CARE PROVIDERS.

14.3 SOP1 Work with child care providers, advocates, and other stakeholders to ensure that regulatory or permitting requirements do not unduly restrict the availability of affordable, quality child care in Juneau

14.4 SOP2 Provide support of child care providers as needed to ensure an adequate supply of available affordable, quality child care opportunities

Planning Commission
 File No.: USE2014 0018
 January 12, 2015
 Page 6 of 7

In 2013, there were 24 child care facilities in the Mendenhall Valley with a total capacity of 287 children. According to the 2010 US Census data, there were 1,024 children under the age of 5 living in Mendenhall Valley. An increased capacity of four children at this in-home day care will assist to alleviate this need and support the goals of the 2013 Comprehensive Plan.

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;
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, including the appropriate fees, conforms to the requirements of CBJ Chapter 49.15.

Planning Commission
 File No.: USE2014 0018
 January 12, 2015
 Page 7 of 7

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.520 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 January 16, 2015 and January 26, 2015 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 previously stated analysis, the proposed development will not endanger the public health and/or safety.

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

No. Based on the previously stated analysis, the proposed development will not substantially decrease the value of or be out of harmony with 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. As stated previously, the proposed development is in general conformity with the land use plan and 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. This proposed use will not impact habitat regulated by the Alaska Coastal Management Program.

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 child care facility for up to 12 children in a residence in the D5 zoning district.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Packet Page 111 of 121

Project Number	Project Name (15 characters) <u>Group Home</u>	Case Number <u>USE20140018</u>	Date Received <u>12/04/12</u>
----------------	---	-----------------------------------	----------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment*** (AAP)
 ☐ Driveway in Right-of-Way (ADW)
 ☒ Use Listed in §49.25.300 (USE) (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: CRS 49.25.300 1.520

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

8595 manlyw Ave conditional use for a group home (expand existing approved conditional use permit for 8 child daycare facility to 12 person facility).

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☐ NO ☒ YES - Case # BLD 20110027

CURRENT USE OF LAND OR BUILDING(S): Child care facility up to 8 children

PROPOSED USE OF LAND OR BUILDING(S): child care Group Home up to 12 children

UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 6,000 square feet Total Area of Existing Structure(s) 1552 square feet
Total Area of Proposed Structure(s) 0 square feet

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 | ☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| ☒ Floor Plan of proposed buildings | ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
| ☐ Elevation view of existing and proposed buildings | |
| ☐ Proposed Vegetative Cover | |

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.

ALLOWABLE/CONDITIONAL USE FEES

Fees	Check No.	Receipt	Date
Application Fees \$ <u>350</u>			
Admin. of Guarantee \$			
Adjustment \$			
Pub. Not. Sign Fee \$ <u>50</u>			
Pub. Not. Sign Deposit \$ <u>100</u>			
Total Fee \$ <u>500</u>	<u>005230</u>		

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION	Project Description <u>convert current septic capacity from 8 children to 12.</u>		
	PROPERTY LOCATION		
	Street Address <u>8595 marilyn Ave</u>	City/Zip <u>Juneau, AK 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>Single Family Home</u>		
	Assessor's Parcel Number(s) <u>5B2101440090</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>Brandon Hoff, Carolina Hoff</u>	Contact Person: <u>907-229-7684</u>	Work Phone:
	Mailing Address <u>8595 marilyn Ave</u>	Home Phone: <u>907-789-0080</u>	Fax Number:
	E-mail Address <u>BPHOFF@mac.com</u>	Other Contact Phone Number(s): <u>907-209-4041</u>	
	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>[Signature]</u> Landowner/Lessee Signature <u>12/2/14</u> Date X <u>[Signature]</u> Landowner/Lessee Signature <u>12/02/14</u> 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 <u>Same.</u>		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Fax Number:	
		Other Contact Phone Number(s):	
X <u>[Signature]</u> Applicant's Signature		Date of Application	

STAFF APPROVALS	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)			
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	<u>HP</u>	<u>12/4/14</u>	<u>USE 2014 0018</u>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	Comments: _____ ***Public Notice Sign Form filled out and in the file.				
					Permit Intake Initials <u>THP</u>

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

FORMS 2010 Applications

ATTACHMENT A

DEC 04 2014

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child care
8595 Marilyn ave conditional use permit for a group home.

I have been running a licensed daycare at 8595 Marilyn Ave for the last 3 years.

I'm wanting to expand so I am able to care for more children (4)

My licensed currently allows me to care for 8 children.

Building:

To be able to have enough space for the extra children, I have turned what was my dining room area into another Child care room (this will make 2 large rooms)

This two rooms are completely separated from my living area.

Both room are used for childcare purposes only, and its equipped property for children.

In the pass while I care for the 8 children I had enough space for them but now I thought me by

Bringing more children I will need the extra space just to be more comfortable.

The entrance to the daycare will remain the same parents will arrived thru the daycare door located on the right side of the home which is used for business only.

In summer days because of the amount of bears that we get here in this area I am planning to build a metal fence all around the home.

Currently there is one but is plastic and it is not all around the home, it's partial by the children playground area.

Parking: Parents arriving to childcare will have 4 available spaces by the garage door.

If more parents are arriving at the same time I have additional parking to the side of the street.

This will not block anyone's way since I the last home on this street.

During snow days, the hour or day for the street plowing by the city is unknown, so here at the facility we are prepared and have a snowplow that we use before parents arrived to daycare.

We want them to have a safe and fast drop off of the children.

If continues to snow thru out the day one of us will plow again before parents arrive to pick up their children if the city has not come yet.

Lighting:

Our facility has plenty lights inside & two lights by the daycare entrance.

On the winter days when dark I have two lights that come on automatically once parents pull in by the driveway. Parents will have to walk around the garage door to get to daycare entrance currently there is not lights in that turn but I'm planning to place one as soon as possible.

DEC 04 2014

PERMIT CENTER/CDD

Traffic:

I have never had an issue with traffic since parents arrived at different for drop-off & pickups at times thru out the day.

I care for siblings before, and that is often the case ,(two children one car)

I had six parents coming in & out of the facility this 2014.

I am planning on having 4 extra cars this time and believe that it won't be a problem.

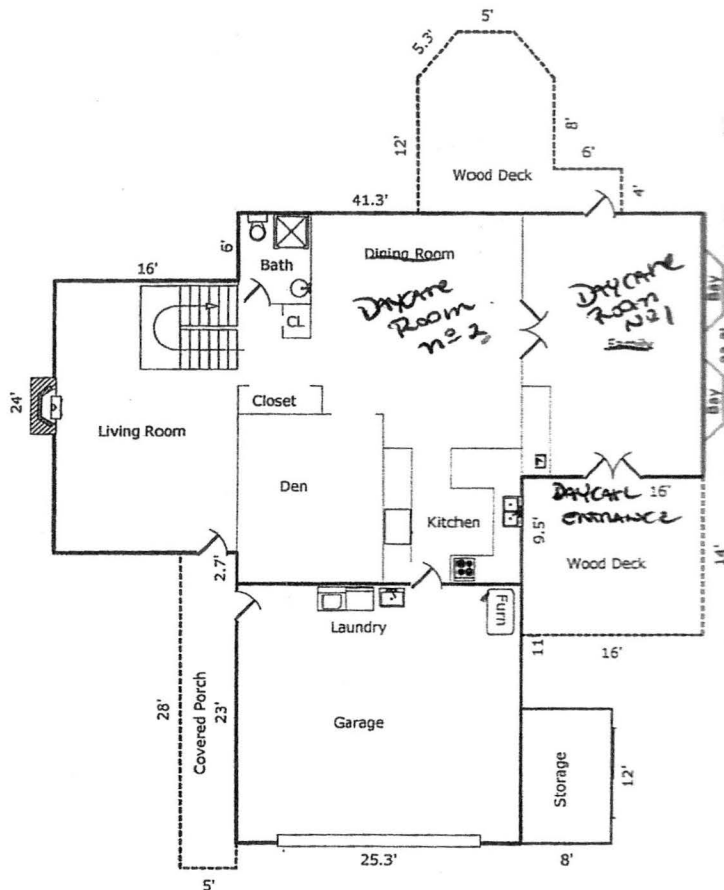
Hours of operation are Monday –Friday from 7:30 am – 5:30 pm.

Closed on Saturday & Sundays and also state holidays.

STAFF:

I Have one childcare worker working along with me Monday - Friday 8 hours shift.
In the event she is not able to work I do have a backup caregiver.

At the childcare group home there will be ALWAYS 2 providers at the facility during hours of operation.



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DEC 04 2014
PERMIT CENTER/CDD

Sketch by Apex Sketch v5 Standard™

Comments: All calculations are approximate. Layout is estimated

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1582.94	1582.94
GLA2	Second Floor	915.31	915.31
GR	Garage	580.75	580.75
P/P	Wood Deck	202.00	
	Wood Deck	224.00	

LIVING AREA BREAKDOWN				
Breakdown				Subtotals
First Floor				
0.5 x	0.0	x	16.0	0.00
	6.8	x	41.2	278.44
0.5 x	0.0	x	2.7	0.00
	25.2	--	2.2	--

8595 Marilyn Ave ~
Conditional Use For Group Home

PARKING / DRAINAGE / LIGHTING
MAP

(NTS)

Drawn by: 12-3-14
W.T. Holbrook
C.E. 6265

Key: wetlands ---
fence x-x-x
drainage flow arrow ~>
Existing Lighting (○)
Proposed Lighting (○)

RECEIVED

DEC 04 2014

PERMIT CENTER/CDD



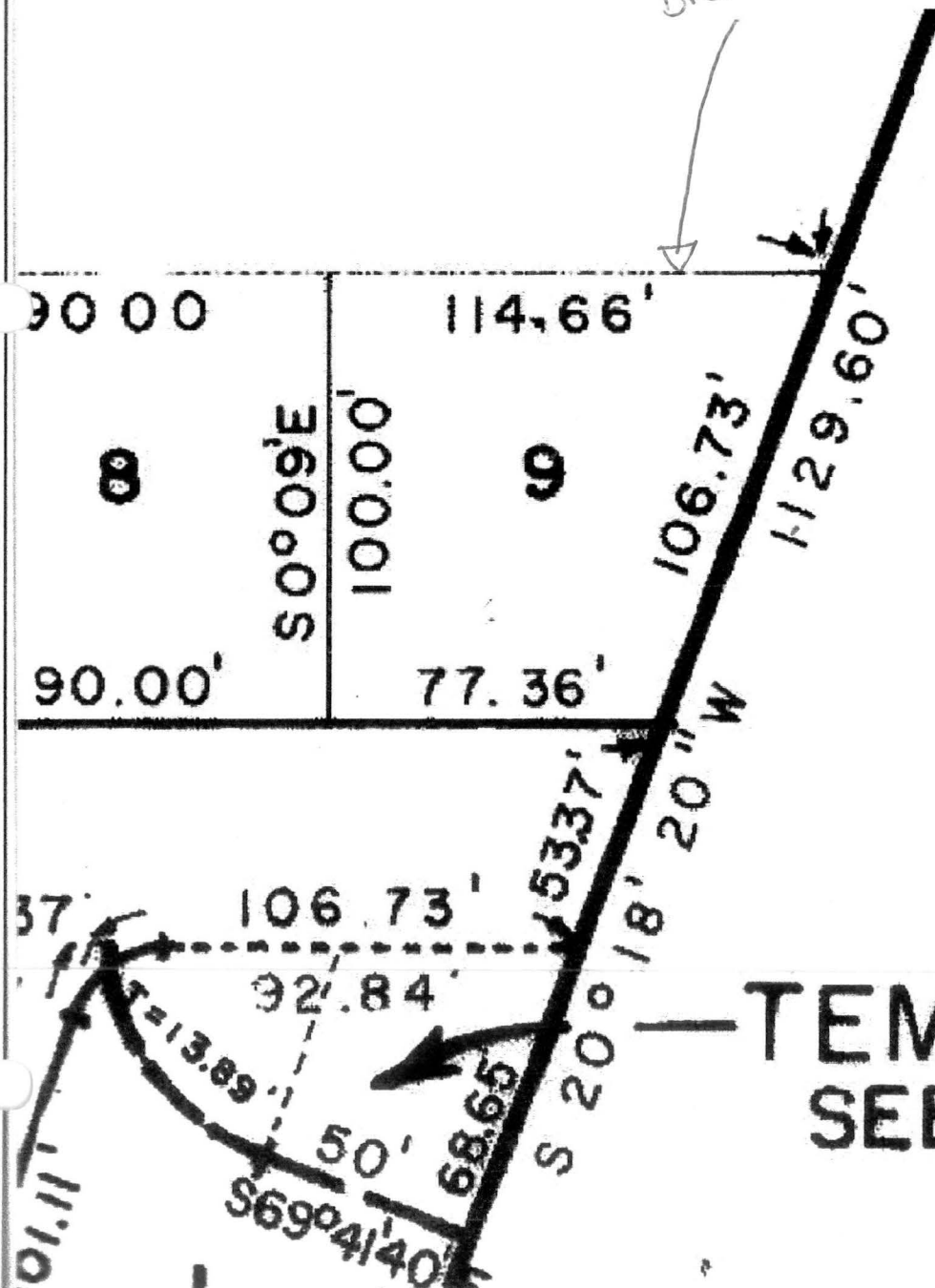
HOFF BRANDON P					
Property Address 8595 Marilyn Ave					
Juneau	County	City & Borough of Juneau	State	AK	Zip Code 99801
Lender/Client Alaska Pacific Bank			Address 2094 Jordan Ave, Juneau, AK 99801		

RECEIVED

DEC 04 2014

PERMIT CENTER/CDD

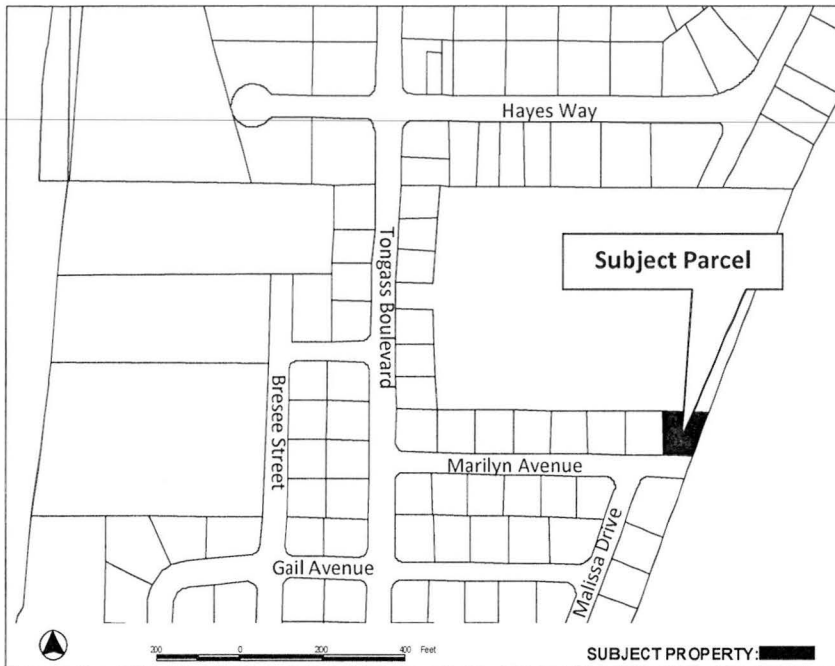
Brandon/CAROLINA Hoff lot



TEMPORARY
SEE DETAIL

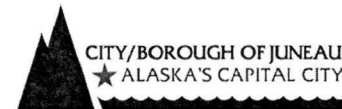


NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



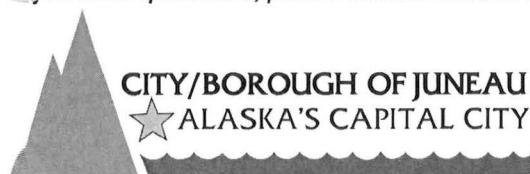
PROPOSAL: Conditional Use Permit to increase an existing childcare from 8 to 12.

File No:	USE2014 0018	Applicant:	Brandon & Carolina Hoff
To:	Adjacent Property Owners	Property PCN:	5-B21-0-144-009-0
Hearing Date:	January 27, 2015	Owner:	Brandon & Carolina Hoff
Hearing Time:	7:00 PM	Size:	0.22 Acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	8595 Marilyn Avenue
	155 South Seward Street	Accessed Via:	Marilyn Avenue
	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.

You have questions, please contact Allison Eddins at allison.eddins@juneau.org or at 586-0758.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 24, 2014

ATTACHMENT F



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: January 29, 2015

File No.: USE2014 0018

Brandon & Carolina Hoff
8595 Marilyn Avenue
Juneau, Alaska 99801

Application For: Conditional Use Permit for child care to have up to 12 children in a residence in a D5 zoning district.
Legal Description: Tall Timbers 1 Block D Lot 9
Property Address: 8595 Marilyn Avenue
Parcel Code No.: 5-B21-0-144-009-0
Hearing Date: January 27, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 12, 2015, and approved the Conditional Use permit to be conducted as described in the project description and project drawings submitted with the application.

Attachments: January 12, 2015 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2014 0018.

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, January 27, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or July 27, 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.

Hoff

File No.: USE2014 0018

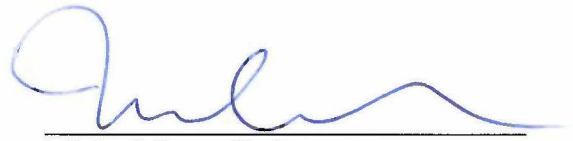
January 29, 2015

Page 2 of 2

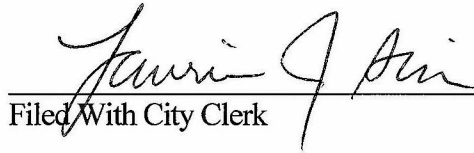
Project Planner:



Allison Eddins, Planner
Community Development Department



Michael Satre, Chair
Planning Commission



Filed With City Clerk

1/30/15

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.

