

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

June 11, 2015 5:00 PM

Municipal Building - Assembly Chambers
Meeting No. 2015-18

Submitted by: _____

Kimberly A. Kiefer
City and Borough Manager

I. CALL TO ORDER / ROLL CALL

II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

III. AGENDA TOPICS

- A. Rezone Process
- B. Planning Commission Minutes - April 14, 2015 (DRAFT)
- C. Protest of Planning Commission's Recommendation to Deny a Request to Rezone Tract B1 of USS 1568, Located at 7400 Glacier Highway.
- D. Protest of Planning Commission's Recommendation to Deny a Request to Rezone Lot 5 Block B Alaska Juneau IV-11; Lot 10 – 15 Block B Alaska Juneau V; and Lot 2 Block A Alaska Juneau IV-11, Located on Mill Street and Eastaugh Way.
- E. Protest of Planning Commission's Recommendation to deny a Request to Rezone ATS 556 TR A, Located at 1540 Thane Road

IV. ASSEMBLY COMMENTS AND QUESTIONS

V. ADJOURNMENT

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

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

Rezone Process

ATTACHMENTS:

	Description	Upload Date	Type
☐	May 28, 2015 Memo from Law Dept. regarding Rezone Process	6/3/2015	Cover Memo
☐	Ordinance 2014-14(c)am - Final Rezoning Procedures	6/3/2015	Ordinance



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: CBJ Assembly
FROM: Amy Gurton Mead, Municipal Attorney
DATE: May 28, 2015
SUBJECT: Rezone Process

At the meeting on June 11, 2015, you will have before you three draft, incomplete ordinances, one for each of the three rezone protests. At the hearing, you must decide whether or not to amend the ordinances for introduction. In order to move any of the ordinances forward, you must make a specific finding that the proposed new zoning designation meets the criteria required by CBJ 49.75.120.

CBJ 49.75.120 provides:

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

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

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

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

Presented by: The Manager
Introduced: 05/19/2014
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(c)am

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

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

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

Section 2. Amendment to Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

(1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

(2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

with the municipal clerk within 20 days of the commission's written notice of recommendation.

- (3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

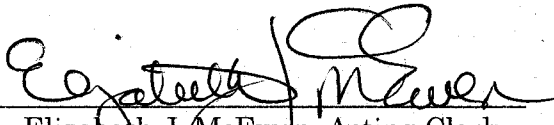
(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

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

Adopted this 6th day of April, 2015.


Merrill Sanford, Mayor

Attest:


Elizabeth J. McEwen, Acting Clerk

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

Planning Commission Minutes - April 14, 2015 (DRAFT)

ATTACHMENTS:

	Description	Upload Date	Type
☐	April 14, 2015 Planning Commission Minutes (DRAFT)	6/3/2015	Minutes

MINUTES

Regular Planning Commission Meeting CITY AND BOROUGH OF JUNEAU Mike Satre, Chairman

April 14, 2015

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; Bill Peters, Michael LeVine, Ben Haight, Nicole Grewe, Gordon Jackson, Paul Voelckers, Dan Miller

Commissioners absent:

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Laura Boyce, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner II; Chrissy McNally, Planner I; Tim Felstead, Planner I; Allison Eddins, Planner I; Rob Steedle, Deputy City Manager; Greg Chaney, Lands and Resource Manager; Amy Mead, City Attorney; Robert Palmer, Assistant City Attorney; Rorie Watt, Engineering and Public Works Department Director

II. APPROVAL OF MINUTES

- March 10, 2015 – Special Joint Assembly and Planning Commission Meeting
- March 10, 2015 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the March 10, 2015, Special Joint Assembly and Planning Commission meeting minutes and the March 10, 2015, Regular Planning Commission 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

Assembly Liaison Loren Jones reported that the Assembly heard the Haven House appeal, with a decision from the Assembly due within the next 45 days. At the last meeting the Assembly approved the reorganization and subsequent creation of an Engineering and Public Works department, said Mr. Jones. The Assembly also granted authority to the City Manager to extend the Memorandum of Agreement with Goldbelt on the West Douglas road for another five years, said Mr. Jones. The zoning change on North Douglas was approved; this was rezoning the properties from D3 to D5, said Mr. Jones. The Hidden Valley zoning map change was also approved, said Mr. Jones. A tweak in the Subdivision Ordinance may be required for that, which was on the Commission's agenda for this evening, he said.

V. RECONSIDERATION OF THE FOLLOWING ITEMS – None

VI. CONSENT AGENDA

CSP2015 0004: Land trade of 0.9 acres of land between Christ Evangelical Lutheran Church and the City and Borough of Juneau to provide right-of-way access for Pederson Hill Subdivision.
Applicant: CBJ Lands and Resources
Location: 10300 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

CSP2015 0005: A City Consistency permit for a short telecommunication tower on Mendenhall Peninsula, north of Engineer's Cutoff.
Applicant: CBJ
Location: North half of Mendenhall Peninsula

Staff Recommendation

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

PDF2015 0001: Final plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.
Applicant: Corvus Design
Location: 5405 North Douglas Highway

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Final Plan for the Sunset Heights Planned Unit Development. The permit would allow the development of a 12 unit Planned Unit Development in accordance with the plans

submitted in this application. Approval of the final plan would also allow for the recording of the plat for Lot 7A1 & Lot 7B1 of USS 2950. Approval is subject to the following conditions:

1. Prior to final plat recording note #9 shall be amended to read “there shall be no disturbance or development within 25 feet of the exterior boundary of the Planned Unit Development on Lot 7B1 of this survey”.
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons.

SMP2015 0002/

SMF2015 0002:

A combined Preliminary and Final plat review for a major subdivision involving the consolidation of 6 lots into 2 along Jordan Avenue near Nugget Mall.

Applicant:

R & S Construction, LLC.

Location:

2035 and 2037 Jordan Avenue

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary and Final Plat review. The permit would allow the consolidation of six lots into two.

VAR2015 0004:

Variance request to side yard setback to allow a garage to be rebuilt.

Applicant:

Barbara Craver and Mark Kirchhoff

Location:

506 West Ninth Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2015 0004. The Variance permit would allow for the construction of a new garage in the same footprint as the existing garage, which is one foot from the street side property line with the following condition:

1. Provide an as-built survey to confirm the 1 foot setback prior to the issuance of a certificate of occupancy.

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with staff's findings, analysis and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS – None

IX. REGULAR AGENDA

AME2015 0001: A rezone request to change 5.13 acres from Industrial to Mixed Use.
Applicant: Errol Champion
Location: Mill Street and Eastaugh Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change 5.13 acres from Industrial to Mixed-Use.

Ms. McKibben stated that this a rezone request for 5.13 acres in the area of the large rock dump. The application was received in January, one of the two months when rezone requests can be received, the other month being July. Each piece of the land is over two acres, said Ms. McKibben. The lots in question are surrounded by industrial land, she said.

The land is identified as Heavy Industrial on the Comprehensive Plan future land use designation, noted Ms. McKibben. In this zoning residential, office, retail and personal service uses are not allowed, with the exception that a residential caretaker facility is permitted, she said.

In Development Guideline One, said Ms. McKibben, "Land designated for heavy industrial use of the Comprehensive Plan land use maps should not be converted to use. It is not allowed in the Heavy Industrial land use definition of Chapter 11, unless it is an essential public purpose as is deemed by the Planning Commission and the Assembly warrants such a conversion."

The long range Waterfront Plan calls for this area to continue on as an important economic engine and logistics point for the community, by preserving and encouraging a continuation of waterfront dependent and industrial uses, said Ms. McKibben. The Plan also calls for the removal of tourist related retail as a permissible use, with the exception of the uses that are necessary and located on the same lot as the cruise ship docks, she said.

The Waterfront Plan also calls for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant, reported Ms. McKibben. Mixed-Use zoning has no setbacks, said Ms. McKibben, in contrast to the Waterfront and Industrial zone designations, which require 10 foot side yard setbacks on all four sides. The biggest difference is that for Industrial zoned land only one caretaker residence is allowed per lot, said Ms. McKibben, in contrast to the Mixed-Use zoning district, where no maximum density is set.

Ms. McKibben reviewed the relevant portion of the Table of Permissible Uses for the Commission. She said that the City Assessor has concerns about the rezone request. In a portion of her assessment the CBJ Assessor stated that, "...a precedent of rezoning Industrial land to Mixed-Use is a disservice to the industrial base for which it is believed that Juneau needs to provide viable, useful space at attractive land rates...." The City Assessor expressed concern over the possible impact a rezone of this type would have on neighboring land and

values, said Ms. McKibben. The Director of Engineering and Public Works also expressed concern, said Ms. McKibben, particularly regarding its proximity to the Wastewater Treatment Plant.

There were quite a few public comments received, noted Ms. McKibben, a number of them expressing concern over the incompatibility of residential use with surrounding industrial uses. She said this includes comments from the Utilities Advisory Board for the City and Borough. There are also some comments in support of the project, said Ms. McKibben, primarily citing the need for additional housing.

The land is identified as Heavy Industrial on the Comprehensive Plan maps.

The staff recommends denial of the rezone request, said Ms. McKibben, because it is not in substantial conformance with the maps of the Comprehensive Plan.

Commission Comments And Questions

Mr. Watson asked if Ms. McKibben knew how many uses were designated for the land in the rock dump area.

Ms. McKibben said she did not know the exact number of uses.

Mr. Watson asked if the Assessor's Office comments were in response to the routine request for input from all of the various departments.

Ms. McKibben responded that this is true, and that it was part of the agency review.

Applicant

Mr. Errol Champion said that he represents North Pacific Erectors, which is developing Lot 2, and has plans to develop the remaining lots.

Mr. Champion said they began discussing the rezone of the seven lots last spring, and that they met with Community Development Department (CDD) staff in July. They had initially thought that a zone change of General Commercial was the right approach. However, said Mr. Champion, the CDD staff counseled them that it would be better if they requested Mixed-Use zoning.

Mr. Champion said housing development was part of the reason for the rezone request, but that this would also be for storage units, and that there is a dire need in the downtown Juneau area for storage.

Mr. Champion outlined the need for housing in Juneau by citing housing sales and prices over the past few years. For example in 2012 there were 197 single family housing sales, said Mr. Champion. The average sales price was \$353,000, he noted. In 2013 there were 219 single-family homes sold with the average price of \$373,000, he said. Prices continue to climb, said Mr. Champion, and so does the demand, with the exception of single-family housing sales in 2014.

The real demand in the community is for units that sell for less than the \$200,000 price range, said Mr. Champion. The demand for housing is so high that many housing units are not even listed with the Multiple Listing Service, said Mr. Champion, and therefore do not show up in these numbers.

Today there are 41 single family housing units on the market, with the average asking price of \$439,000, said Mr. Champion. There are currently eight attached homes on the market with the average list price of \$281,000, he said. There are 23 condos on the market at \$176,434, he added.

The rock dump area is not fully developed, said Mr. Champion. Most of the uses in the area are not Industrial, he said, they are Commercial. The rezone has a lot of support, said Mr. Champion, mostly from business owners in the area who lack storage. He said all of them would like the capability for residential use for the upper story of the buildings, he said.

Mr. Champion said in all of his experience both on the Planning Commission and as a realtor he has never experienced the Assessor commenting on a rezone request before. Mr. Champion read comments in favor of the rezone from the President of the Alaska Appraisal Association, which cited the need to provide housing in the area in order to attract a workforce. Housing within Industrial zoning is consistent with green growth goals, read Mr. Champion.

Mr. Champion said they understand that Alaska Marine Lines (AML) is opposed to the rezone request. He added that it is not uncommon to see residential areas behind waterfront commercial zones.

Heavy industrial development is not in Juneau's future, said Mr. Champion. He said there is not industrial development in Juneau's future as is defined in the code. He said as an Industrial zone, the property has sat idle for 65 years. The land will not be used and developed as long as it is Industrial, said Mr. Champion. He said that uses need to be created for land within the existing infrastructure so that funds are not needed for the provision of additional services.

Granting the rezone would enable them to add to the housing inventory of Juneau, said Mr. Champion. It would also increase the assessed role, said Mr. Champion, because the buildings would not be assessed only as a storage unit but also as a residential dwelling.

Commission Comments And Questions

Mr. Voelckers asked if Mr. Champion has run into any storage limitations for the property with the current zoning.

Mr. Champion replied that the current zoning would allow for the storage units but that would be all; no mezzanines would be allowed.

Public Comments

Joan Cahill, who owns a rock dump storage condominium, spoke in favor of the rezone, stating that they had hoped that they could develop an apartment for the second floor of their

property. She said she is frequently in the area and that her impression of the area has never been that of heavy industrial use.

Jake Mampa, Terminal Manager for AML, said that AML is opposed to the rezone request. He said they have safety concerns if residents lived in the area. In the summer there are two bus businesses, and 90% of the Juneau fuel and commodities come through that area, he said. The area is already full of people off of the cruise ships walking the area in the summer, said Mr. Mampa.

He said they are constantly getting complaints from Douglas over the existing noise level created by AML, and that if there were residential dwellings in the area those complaints would increase, he said.

Commission Comments and Questions

Mr. Haight asked if AML has had the opportunity to measure its existing noise levels.

Those levels have been measured, but he did not have that information with him, responded Mr. Mampa.

Mr. Watson commented that since Northland used AML barges in the winter that there really was not a change in the traffic flow for the area. He said that AML is protected by interstate commerce regarding noise levels.

Ms. Grewe asked Mr. Champion how he would respond to AML's concern that there would be complaints about the noise level if there were residences in the area.

Mr. Champion responded that Juneau has a noise ordinance in effect. The barge traffic is not constant and is periodic activity, said Mr. Champion. These would not be starter homes with families with children, said Mr. Champion. People would like to be able to be absent from Juneau in the winter, while using the storage units to store their possessions, said Mr. Champion.

Mr. Levine asked Mr. Champion to relate the reasons given to him by the CDD staff to seek Mixed-Use rather than Commercial zoning for their property.

The staff felt it was a more fitting zone for the downtown general area, said Mr. Champion. He said he yielded to the expertise of the staff.

Mr. Jackson said that he disagreed with the assessment that there are no children living in the more recent condominiums. He said he notices plenty of children outside in the Jordan Creek Condominium area, and that there is no place for them to play.

Mr. Watson asked how many feet the property in question is from AML.

Mr. Champion responded that it varies, but that their property is located probably 500 feet from the AML area with the most activity.

MOTION: *by Mr. Voelckers, that the Commission adopt the Director's analysis and findings, and deny the proposed rezone request to rezone 5.13 acres from Industrial to Mixed-Use.*

In support of his motion, Mr. Voelckers stated that although he is highly sympathetic to the arguments raised about the need for housing and the values of Mixed-Use zoning, that he felt very firmly this was the wrong place to enact this zoning. He said he felt the staff did a good job outlining the issues, and that there is a very good reason that Heavy Industrial zoned land is valuable in its own right, and that there is a reason why there is that type of zoning separation. He said the property under consideration is surrounded by a tank farm on one side, an active barge company on the other, with the sewage treatment plant on the third side.

Mr. Miller spoke against the motion, citing the dire housing situation in Juneau, and stating that the need for housing is so great that these condominium projects with housing attached to them are very popular. He said that the Costco area where land in the Industrial area was mostly commercial, was similar in this area. People need to be able to develop commercial uses, said Mr. Miller. Mr. Miller said that he did not perceive noise being an issue for future residents in the area. Most industrial areas get extremely quiet at the end of the workday, noted Mr. Miller. Mr. Miller said he feels that the rezone request does comply with the policies and guidelines of the Comprehensive Plan. The Comprehensive Plan is in support of the location and growth of locally-based basic sector industry that provides year-round full-time employment and provides tax revenues that support public services, said Mr. Miller.

The Development Guideline for 5.11 does provide for this type of rezone if an essential public purpose as deemed by the Planning Commission and the Assembly warrants such a conversion, said Mr. Miller. Mr. Miller said he did not think there is any use more essential than housing for the people that live and work in the community.

Ms. Grewe asked where else in the Borough approximately five acres of industrial land is available.

Ms. McKibben responded that she believes there is a similar parcel on Sherwood Lane.

Ms. Grewe commented that these potential units would be placed between a tank farm, shipping business and a wastewater treatment plant. She said when she is in other cities and sees the condo residential mix that they are typically located within warehouse districts that are being redeveloped.

She asked the staff if they had given any thought to the trend for these types of developments.

Ms. McKibben said that she has not given a lot of thought to the issue currently but that it is potentially an issue that can be addressed once the industrial land inventory is completed.

Mr. Hart noted that this is a trend that is taking place up and down the West Coast. They have also noted the trend of more office use in industrial areas because the nature of manufacturing has changed, he said.

Thousands of cruise ship passengers each season walk up the street in this area, said Mr. Watson. He added that eventually the sea walk will run up against this area. There is also a gentleman planning a marina for the area, said Mr. Watson. He added that this is one of the slowest growth areas in Juneau. Mr. Watson said that he feels Mr. Champion made an excellent presentation, and that he would vote against the motion.

Speaking in the in favor of the motion, Mr. LeVine said that while he agreed with Mr. Miller that the need for housing is an essential purpose which could lead the Planning Commission to rezone this property, just because the Commission has the ability to approve the rezone request, it did not mean that this land was the right choice for a rezone. Mr. LeVine said he felt this was the wrong location for a residential development, and that if the area were rezoned it could lead to the development of other projects such as a hotel.

Mr. Haight said he saw the merit of both arguments, for both the need for housing in the community and also the merits of the integration of housing into a Mixed-Use zoning district. Mr. Haight said the Commission has received complaints in the past about the Mendenhall Sewage Treatment Plant and its odor impact on neighboring residents. They have also received complaints about the noise in the industrial Costco Lemon Creek environment, said Mr. Haight. Mr. Haight said because of the number of conflicts in the area, that he would vote in favor of the motion.

Speaking in support of the motion, Ms. Grewe said the request is not in compliance with the Comprehensive Plan land use map and associated policies. She said that Industrial land composed of five acres is very difficult to acquire in this community, and she did not think enough thought had been given to the future of this area. The surrounding land use activities are not compatible with residential development, said Ms. Grewe.

Mr. Jackson said he was in favor of the motion, and that this Industrial area would be needed for future industrial use.

Mr. Peters said he saw merit to both sides of the argument for the rezone request, but that having observed similar developments in Anchorage, that he spoke against the motion and was in favor of rezoning the area to enable residential use.

Chairman Satre said that while he is very open to housing in Industrial land, that he did not feel that rezones were up the way to accomplish this. He said that he would be voting in support of this motion, and that perhaps it was time to open up the code to enable the construction of housing units in Industrial areas.

Roll Call Vote:

Yeas: Voelckers, Jackson, Grewe, Haight, LeVine, Satre

Nays: Miller, Peters, Watson

Motion Passes.

AME2015 0002: A rezone request to change 4.5 acres from Waterfront Industrial to Industrial.
Applicant: CBJ
Location: Juneau Douglas Wastewater Treatment Plant on Thane Road

Staff Recommendation

Based upon the proposed project (Attachments 1-3) and the findings and conclusions stated above, staff recommends the Planning Commission adopt the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for the rezone of the subject 4.5 acres of the parcel from Waterfront Industrial to Industrial.

This land is owned by the City and Borough of Juneau and the rezone request comes through the Department of Engineering and Public Works, said Ms. McKibben. The land is adjacent to Industrial land, she noted. The rezone request is for more than two acres and it is adjacent to an existing zoning district, said Ms. McKibben. In the Comprehensive Plan maps the land is designated for Institutional and Public Uses (IPU). Rezones must substantially conform to the maps of the Comprehensive Plan, she noted. Land of this type would include the University of Alaska, community gardens, along with schools, libraries and fire stations, said Ms. McKibben.

The public use of these lands would vary widely, and IPU designated lands can be under any zoning district with uses that are appropriate to the zone as dictated by the Table of Permissible Uses, said Ms. McKibben. A Public Use must be in the same district as the surrounding or abutting lands, she added.

Policy 5.10 is, "To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program", cited Ms. McKibben. She cited policy 5.11, which states, "To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services."

Lands designated for heavy industrial use would not be converted unless the Planning Commission or the Assembly found a central public purpose, noted Ms. McKibben. Deepwater ports and navigable waters are valued assets and are critical to the sustainability of the economy and livability of Juneau, said Ms. McKibben, reading Development Guideline One.

The difference between Waterfront Industrial and Industrial zoning is the fact that Waterfront Industrial zoning must have water-focused uses, explained Ms. McKibben. The rezoning request has come forward in order to allow a wider variety of uses in the area, said Ms. McKibben.

Mr. Watson asked why amending the Table of Permissible Uses was not the approach taken for this piece of property. He added that he is apprehensive about taking away rare, waterfront

property with the rezone. Mr. Watson said he did not recall the removal of waterfront land through a rezone being done in the community before.

Ms. McKibben responded that she found an ordinance from the nineties that did amend the Comprehensive Plan maps from Waterfront Industrial to Industrial. She admitted it is unusual. She said it was her understanding that there is no Waterfront Industrial or Commercial land that is not zoned Waterfront Industrial or Commercial.

Mr. Voelckers asked for verification that some of the wastewater treatment functions that occur are now allowed within Waterfront Industrial zoning.

Mr. Watt said he is fine pursuing any option that would provide the City flexibility in its use of the land. He added that as the community grows, the City needs the use of all of the available Industrial land that it can access. If the Waterfront Industrial zone is left on the periphery of the property, Mr. Watt said he feared a ribbon of Waterfront Industrial zoned land which would never get used for any purpose. It could be a possible potential site of the future biosolids plant, noted Mr. Watt.

Commission Comments and Questions

Mr. Voelckers asked if the City would own the Waterfront Industrial strip of property in perpetuity.

Mr. Watt responded in the affirmative.

Public Comment

Howard Lockwood said his primary business has always been Juneau contracting and land development, and that he was appearing before the Commission as the owner of Alaska Metal Extraction Mining company. He said that this business holds the current operating agreement on state mining claims in this area. He said they have an agreement with the City to build a harbor in the area and that they have title to the mineral estate.

Speaking in opposition to the rezone request, Mr. Lockwood said zoning this particular piece of property from Waterfront Industrial to Industrial would nearly destroy all of the years of work that have gone into planning construction of a harbor in the area. The harbor is designed to accommodate the larger private vessels that come to the area that are too large to use the other harbors, said Mr. Lockwood. The rezone request did not follow due process, and they were not given a chance to comment on it, said Mr. Lockwood.

Commission Comments and Questions

Mr. Voelckers asked Mr. Watt for his understanding of how the mining claims overlap with the City's legal interest in the property.

This is a legal question, said Mr. Watt, adding that the City attorneys disagreed with Mr. Lockwood's assessment of property rights.

Mr. LeVine asked Mr. Watt if the change that they are requesting would affect a legal lease held by Mr. Lockwood for the property.

Mr. Watt said his answer was no, and that Mr. Lockwood's lease was complicated. There were a number of steps Mr. Lockwood was required to take under the initial lease which has been extended several times, noted Mr. Watt. One of those steps involves surveying the property to determine the actual location of the lease boundary, said Mr. Watt. The survey has not taken place, he added. There is a lease, and Mr. Lockwood has some rights to pursue his project, said Mr. Watt. He said their request did not affect the lease.

MOTION: *by Mr. Watson, that the rezone request be denied.*

In support of his motion, Mr. Watson said that this is waterfront property and there is precious little of that type of property available in the community. He added that he felt a rezone would further compound the problems of two entities which seem to disagree.

Mr. Haight said that he was in support of the motion. He said that it appears the rezone may enter the City into a conflict. He said he felt the existing treatment facility could continue to operate in the area without the rezone, and that the Table of Permissible Uses could be amended if needed, such as for a biosolids facility.

Mr. Miller also spoke in favor of the motion, stating that a rezone is not the right approach.

Mr. Levine said he also supported the motion. He said they did not appear to be an imminent need for the rezone at this time, which gives the City time to come up with a better solution.

Ms. McKibben reminded the Commission that to pass the motion denying the rezone request that the findings would need to be amended.

The motion passed with no objection.

Chairman Satre said to amend the findings he felt they should recognize the existing findings, while adding; "Waterfront Industrial zoned land is in very short supply, and the Commission does not see the need to change the zoning at this time."

AME2015 0003:	Text amendment to CBJ 49.45.410, increasing the sign enforcement fee.
Applicant:	CBJ
Location:	Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

This is a text change to Title 49 and to Title 3, said Ms. Boyce. This request comes from the Historic Resources Advisory Committee (HRAC) of the City, she explained. One of their tasks is giving advice on historical resources, including development in the Historic District of Juneau, said Ms. Boyce. Signs are a type of development, she added.

The Advisory Committee has been concerned about the image of the Downtown Historic District over the years, and they have noticed that signage is becoming more of an issue, especially in the Downtown Historic District, said Ms. Boyce. They formed a signage subcommittee to address this issue, said Ms. Boyce. The proposed change would be Borough-wide, said Ms. Boyce, not just for the Downtown Historic District.

The existing code calls for a \$25 fine for the first offense, a \$50 fine for the second offense, and a \$100 fine with a mandatory court appearance for the third offense, said Ms. Boyce. The change would change the criminal infraction piece of this enforcement to a civil fine, said Ms. Boyce.

The proposed change calls for 15 days for the owner to come into compliance after being cited. On a first offense the fine would be eliminated if the business owners came into compliance within 15 days, noted Ms. Boyce. The proposed change for a sign violation would be \$500 a day per sign until compliance with the code, said Ms. Boyce.

Because of the current fine structure, it is currently cheaper to put up a sign without a permit than it is to pay for the permit, said Ms. Boyce.

The Title 49 Subcommittee is in support of the proposal, said Ms. Boyce. This request is in support of the goals and policies of the Comprehensive Plan, she said.

Commission Comments and Questions

Mr. Watson asked if the fines collected would go into the general fund or into the CDD's fund.

The collected fines would not go into the CDD fund, answered Ms. Boyce.

Mr. Watson asked how this would be enforced.

The staff would enforce this, said Ms. Boyce.

Mr. Watson asked if sign infractions could not be enforced before, then how would they be enforced now.

Currently they send a certified letter notifying the business that a sign has been erected without a permit, and to contact the CDD office, said Ms. Boyce. They include an application with the letter, she said. If they received no response the offender would receive another letter notifying them that they had 15 days to come into compliance before they were fined.

With the proposed change a letter can still be sent initially, but they could also be issued a citation giving them 15 days to rectify the situation, said Ms. Boyce. There were at least 22 businesses in the Downtown Historic District last summer that did not apply for a signage permit, noted Ms. Boyce.

Mr. Miller asked what the signage requirements entailed.

To be compliant the business would need to contact the CDD office and submit their application, said Ms. Boyce.

Mr. Miller asked if a realtor for-sale sign required a permit.

While they are considered signs, they are exempt from the signage requirements, said Ms. Boyce.

Mr. Levine asked how the 15 day compliance time frame was selected, and if a business began the application process if that brought the business into compliance, even if it left up a noncompliant sign over that time frame.

Code dictates that a sign be approved within three days of the application, said Ms. Boyce. Approving the application for a sign in the Historic District takes a little more time, she added. Ms. Boyce said the 15 day time period offers enough time for the application process.

Mr. Watson said he would feel more comfortable with this change if it were directed just at the Downtown Historic District.

Mr. Voelckers asked how long the signage compliance requirements have been in effect.

The Downtown Historic District standards were approved at the end of 2009, and they have been in effect since 2010, said Ms. Boyce.

Mr. Miller asked if a sign could remain standing while it was determined if the sign was in compliance or not. He also asked if the 15 day deadline was enforced while the business was getting its sign fabricated to be in compliance.

Ms. Boyce replied that it is a 15 day window with noncompliant signs being taken down at the end of that period, or the sign was approved during that period.

Public Comment

Zane Jones, Chair of the HRAC Committee, spoke in support of the enforcement change. He said with the current fee structure it was cheaper not to apply for a permit. They plan on the process being self-regulating to a major extent, said Mr. Jones. He said notice of receiving a \$500 fine would encourage the business to want to comply with the code.

Downtown business owner Michael Tripp spoke in favor of the enforcement change. He said preparing a sign application for the District is not overly demanding or laborious. Once his application for signage within the Historic District was complete, said Mr. Tripp, it only took a few days for it to be approved. He said the current \$25 enforcement fee is absolutely powerless. The staff needs a tool that it can use to bring businesses into compliance quickly, said Mr. Tripp.

Commission Comments and Questions

Mr. Watson asked Mr. Tripp if he knew what the fines were for hocking.

Mr. Tripp said he did not know what the fines were for hocking.

Ms. Mead said the hocking findings were \$150 for the first offense and \$300 for the second offense. The third offense within two years requires a mandatory court appearance, said Ms. Mead.

Public Comment

Daryl Miller, owner of Commercial Signs and Printing, spoke against the fine change. He said that he believes requesting permits from the CDD in Juneau on behalf of his clients has made him very familiar with the process. He said he has reservations about the level of the fee structure. The \$500 a day proposed fee for noncompliance would require all sign products for the downtown area to use methods and materials that are not contemporary. The proposed materials are not as durable and would not last as long in the Juneau environment, said Mr. Miller. He said he was a proponent of current vinyl materials for sign construction. As the owner of his business he said it felt it put him at huge risk if the business that he fabricated a sign for was issued a \$20,000 fine because the sign was not in compliance. He suggested changing the code to a civil infraction as was discussed, and then to have a fee for noncompliance, but not to go "crazy" with the fee.

Commission Comments and Questions

Mr. LeVine asked if the signage rules were changed to Mr. (Daryl) Miller's satisfaction, if he would still object to the fine structure as it is currently proposed.

Mr. (Daryl) Miller said under those circumstances he would not object because the City and Borough of Juneau would have made every effort to allow improvements in the Historic District.

Mr. LeVine clarified with Mr. (Daryl) Miller that one of his concerns was ultimately being held liable for noncompliant signs.

Having his clients receive a \$500 a day fine for having a matte surface or vinyl letters on their signs is what concerned him, said Mr. (Daryl) Miller.

Mr. (Commissioner) Miller asked if there was a fine amount for a sign deemed in danger of falling and potentially hurting a citizen.

Ms. Boyce said she did not know the answer to that question.

MOTION: *by Ms. Grewe, that the Commission adopt AME2015 2003 with staff's findings, analysis and recommendations, and that the amendment as written in the staff report be forwarded to the Assembly with a recommendation for approval.*

In support of the motion Ms. Grewe said sign standards, policies and guidelines were fully vetted in 2009, and if there are problems that remain in that section of the code that it be dealt with as a separate issue. The issue is enforcement of what is currently within the ordinance, said Ms. Grewe.

Mr. Voelckers said he was in support of the motion, and that he recognized that parts of town have become an "anarchistic mess". Mr. Voelckers said he felt it was appropriate to begin the process by tightening the fine structure within the ordinance.

Mr. (Commissioner) Miller said he felt that raising the fees was a good first step in sign enforcement, but that he did have issues with the \$500 a day fine for every day a business was without compliance. He said he felt this was true especially in light of testimony that there is still a requirement for painted signs in the Juneau climate, said Mr. Miller. People hardly put paint on houses anymore, let alone on signs, said Mr. Miller.

Mr. (Commissioner) Miller said he would like to submit a friendly amendment removing the \$500 fine for each day of noncompliance and instead have a flat \$500 fine, with the knowledge that the Commission has work to do on the code requirements in this area. This would give the fine more teeth for the coming summer, and give the Commission a year to remedy any weaknesses in the code, said Mr. Miller.

Ms. Grewe said she would not accept the friendly amendment. She said she felt that the 15 days given to businesses to come into compliance was fair.

MOTION: *by Mr. Miller, to amend Ms. Grewe's motion to a single flat offense fee of \$500.*

Roll Call Vote:

Yeas: Miller, Watson

Nays: Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

Motion fails.

Mr. Peters spoke in favor of the main motion saying he felt this was the correct first step in enforcing the code. It has teeth, and those in noncompliance have 15 days to come into compliance, he said.

Mr. Watson spoke against the main motion saying that after tonight's testimony that he has some concerns. He said he felt work needed to be done cleaning up the code before businesses were issued a daily \$500 fine for noncompliance.

Roll Call Vote: *(on main motion by Ms. Grewe):*

Yeas: Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

Nays: Miller, Watson

Motion Passes.

AME2015 0005:	A rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
Applicant:	RH Development
Location:	7400 Glacier Highway

Staff Recommendation

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcel from D-5 to D-18.

However, if the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to a mix of D-18 (12.71 acres) and Light Commercial (7 acres), staff recommends the following condition be considered:

1. Adequate buffering should be considered at the time of development proposal and or subdivision, in order to buffer the multi-family residential development and commercial uses from the adjacent D-5 subdivision.

Mr. Lange described this land as a D5 parcel surrounded by D5 zoning. It is located on Old Glacier Highway located between Walmart and Fred Meyers on the uphill side. To the west of the property is land zoned D15 Light Commercial (Fred Meyers, Humane Society and doctor's office), and to the east of the property there is land zoned D 18 Light Commercial, said Mr. Lange.

It is the front portion of the property which the owner proposes be developed into Light Commercial, said Mr. Lange, with the back portion of the parcel proposed to be D 18 zoning. Mr. Lange said the applicant is requesting the Light Commercial zoning to act as a buffer between the noise from Egan and Old Glacier Highways and the residential property.

This area is Medium Density Residential in the Comprehensive Land Use plan, said Mr. Lange. Medium density residential has the characteristics of multi-family dwellings with densities of five to 20 units per acre. Light Commercial zoning carries with it a density of 30 units per acre, said Mr. Lange. Areas currently zoned Light Commercial are in land use designations that are Commercial, Traditional Town Center, and Marine Mixed-Use, said Mr. Lange. These areas allow for high density, multi-family residential developments ranging from 10 to 60 units per acre, said Mr. Lange.

With its current D5 zone, this parcel of land could have up to 99 dwelling units, said Mr. Lange. If it was rezoned to D18 it could have up to 355 dwelling units, and a mix of D18 and Light Commercial Zoning could result in up to 439 dwelling units, he added. The D5 zoning district is intended to accommodate primarily single family and duplex residences, with the D 18 definition addressing multi-family developments at 18 units per acre, said Mr. Lange. The definition for Light Commercial zoning states that it is generally located adjacent to residential areas, but with less intense development than a General Commercial zoned district, said Mr. Lange.

Hotels, day care centers and restaurants are all allowed in the Light Commercial zoned areas, said Mr. Lange. To the west of the parcel is the Vista Del Sol housing development which is zoned D5, said Mr. Lange.

Commission Comments and Questions

Mr. Voelckers asked about the extent of wetlands on property.

The wetlands maps do not indicate that there are wetlands in this area, said Mr. Lange, but the applicant has stated there are four listed wetlands which the Army Corps of Engineers would regulate.

Mr. Watson asked what the CDD would consider “adequate buffering”.

Staff needed to research the answer to that question.

Chairman Satre noted that the meeting will proceed past the 10:30 p.m. threshold when the Commission is allowed to consider additional items on the agenda. The remaining items on the agenda barring any motions from the Commission will need to be pushed to the next agenda, noted Chairman Satre. He proposed that TXT2009-00001, Proposed Title 49 and Title 4 changes regarding the subdivision of land be referred to back up to the Subdivision Review Committee to address several issues which the staff was going to present to the Commission this evening,

and that the remaining items on the agenda be moved to Unfinished Business on the next agenda.

The Commission voiced no objections to Chairman Satre's proposal.

Applicant

Applicant Richard Harris said that Light Commercial zoning can be and has in the past been allowed within Mixed Density Residential designations regardless of density. There will be a fair amount of wetlands involved with this property, said Mr. Harris. The lot location and the streets will all be dictated by the location of the wetlands, said Mr. Harris.

As they were reviewing the property, they noticed that the portion of the property along Glacier Highway is very loud, said Mr. Harris. He said that is why they changed their initial application for all D 18 zoning to Light Commercial zoning along the Highway. He said he feels that is a far better use for that portion of the land.

Mr. Harris said the Comprehensive Plan does state that there should be Light Commercial development along busy thoroughfares and high visibility areas. He quoted the newly adopted Juneau Economic Development Plan which states that an adequate supply of properly zoned land is available for commerce and industry as well as residential development. The Plan encourages support of neighborhood-based small business growth that creates jobs and provides services, said Mr. Harris, reading from the Plan.

The Juneau Economic Development Plan survey showed that lack of land for commercial and residential use was the biggest concern of the community. With the above concerns, said Mr. Harris, he said he found it difficult to believe that density would be a reason for denying a rezone request.

Commission Comments and Questions

Mr. Watson asked if Mr. Harris found that due to wetlands he could not construct as many dwellings as he had planned for the land behind the Light Commercial zone, if he would consider reducing the amount of space in the Light Commercial zone in favor of residential development, or would the Light Commercial land remain that way regardless of how many units could be constructed on the residential land abutting it.

They want to block sound coming up to the residential lots from the roads, said Mr. Harris, and he said that he believed Light Commercial zoning was the best zone selection for that property along Glacier Highway.

Public Comment

Mike Ban, Associate Broker for Exit Realty, spoke in support of the rezone request. He said the residential lots were important but that options could remain open with the Light Commercial

zoning that was proposed.

Commission Comments and Questions

Mr. Haight asked from a marketing perspective when speaking of Light Commercial zoning, what type of development would Mr. Ban consider for this particular area.

Mr. Ban said he would think of Commercial zoning that would encourage walkable neighborhoods as supported by the Juneau Economic Development Plan. He said he envisions smaller businesses and professional offices for the proposed Light Commercial portion of the land.

Public Comment

Greg Stopher, President of the Southeast Alaska Building Industry Association, said he fully supported the rezone request. He said if he lived in the area, he would like to be able to walk to a yoga studio, which is the type of development he envisioned for the Light Commercial portion of the property. He added that Juneau needed the density in zoning. Higher density results in lower cost to the buyer for their homes, he said.

Resident Doug Wesley said that higher density housing for the community may be needed, but that it was needed in a different location. He said that the area is composed of primarily single family residences, and that he hears the same argument that single-family dwellings are needed for the community. Regarding the claim by the applicant that the commercial zoning strip was needed as a buffer, Mr. Wesley stated that to him a buffer is composed of open space. He said there was no guarantee that high density housing would equal affordable housing.

Marciano Duran, developer of the adjacent Vista Del Sol housing development, spoke against the proposed rezone. He said the noise along the road is not that loud and that Commercial Light zoning was not the way to lessen its effects. Mr. Duran said the zoning should remain at its current D5 zoning.

Josette Duran, a co-developer of the adjacent Vista Del Sol housing development, also spoke against the proposed rezone. Ms. Duran said in the past the Commission had placed a least a 200 foot buffer between D15 zoning and multi-family housing on a parcel of land in the area. There are ways to mitigate noise which do not include the necessity of erecting a commercial building, said Ms. Duran. Ms. Duran questioned how the Assessor could make the assessment that the rezone would have no impact on the area when there were not yet plans to show what the development would entail.

Area resident Steve Havig spoke against the proposed rezone request. He said there do currently exist small business concerns in the area which do not negatively impact the residents by increasing traffic or noise such as a small charter operation and electrical business.

MOTION: *by Mr. Watson, to extend the meeting until 11:15 p.m.*

The motion passed with no objection.

Resident in the area Roger Sams said he has lived in the area for 40 years and that his property is adjacent to the parcel up for rezone. He said he is opposed to the project, and that he does not feel the density levels of the requested zoning are appropriate for the area. They would like to maintain a stable environment for their neighborhood, said Mr. Sams.

Dave Hannah also spoke against the proposed development, stating that he is usually in favor of development in Juneau, but that zoning changes were a different situation than when discussing particular uses in already approved the zoning districts. People buy property and homes expecting that their land will remain the zone it was when they purchased it, said Mr. Hannah. D5 zoned property is actually getting difficult to obtain, said Mr. Hannah, adding that he felt Mr. Duran has showed that successful developments can occur within D5 zoning. If higher density is desired, Mr. Hannah suggested that the Commission consider D10 single-family residential zoning.

Real estate agent Marciano Duran Jr. spoke against the rezoning request. He expressed concern about the potential “500 units” [sic] which would be allowed on the rezone property contributing to an already heavy traffic problem. He said that development should occur on land already zoned for those purposes, and that rezoning this land was not necessary.

Applicant

Mr. Harris said there is currently no proposed project, because at this juncture they are following standard procedure for assessing the viability of a parcel of land. The first step in land development is to obtain the proper zoning, said Mr. Harris. Mr. Harris said their proposal follows the guidance of both the Comprehensive Plan and the Juneau Economic Development Plan which state that Juneau should encourage, promote and provide for Commercial and Mixed-Use zoning. Mr. Harris stated that he feels the proposed rezone would fit nicely within the area.

MOTION: *by Mr. Watson, to extend the meeting until 11:30 p.m.*

The motion passed with no objection.

Commission Comments and Questions

Ms. Grewe asked Mr. Harris if he had thought of D10 or D15 zoning instead of the D18 zone request.

The D18 zone is where they want to be for creating the maximum amount of housing in relation to the cost of the land, said Mr. Harris.

Mr. Watson asked Mr. Harris if they understood there may be additional buffer requirements for the property.

Mr. Harris said he understood that buffers may be required.

Mr. Jackson said his biggest concern was an adequate buffer between the Light Commercial and D18 zones. Mr. Jackson said he was not in favor of the rezone request at this time.

Chairman Satre asked Mr. Harris if he would be comfortable if the Commission followed the staff's recommendation for zoning the entire parcel D18.

Mr. Harris said they would have to evaluate if they could proceed if the entire parcel was zoned D18 with no Light Commercial property. Zoning will dictate what they build, said Mr. Harris, and the Light Commercial and D18 zones are what he thinks are the best options for the property.

Commission Comments and Questions

Mr. Watson said Vista Del Sol had been required to put in an access road, and he asked how that abutted the applicant's property line.

Mr. Lange said it appears that the Vista Del Sol road would connect to the parcel of land in the reserve portion, not at the housing portion of the development.

Mr. Watson repeated his question earlier for the staff regarding what the Department considers an adequate buffer between either Light Commercial or D18-zoned land.

One of the requirements for adjacent zoning districts is that the abutting district have a setback where it abuts the other zone equal to the less densely zoned land that it abuts, said Mr. Lange.

Mr. LeVine asked if D18 zoning was approved for the entire parcel, if additional adequate buffers potentially in addition to the setback requirements could be recommended.

Buffers can be added as a condition on a rezone when it is approved, said Mr. Lange.

MOTION: *by Mr. Voelckers, on AME2015 0005, to rezone the 19.71 acres from D5 to D10.*

In support of his motion Mr. Voelckers stated that he agrees with a lot of the testimony against Light Commercial zoning for this particular area. He added that he feels even D18 zoning is too abrupt a change from the existing residential D5 zones. While saying that he is fully in support of walkable communities, Mr. Voelckers said those types of communities are contingent upon a more urban structure.

MOTION: *by Mr. Watson, to extend the meeting until 11:45 p.m..*

The motion passed with no objection.

Mr. Watson spoke against the motion, stating he felt the applicant has made a good argument for D18 zoning, and that it is consistent with the Comprehensive Plan. Mr. Watson said he was not in favor of the Light Commercial rezone request.

Mr. Peters also spoke against the motion, stating that he felt D18 zoning was appropriate for the area.

Ms. Grewe stated that she supported the motion in favor of rezoning the entire parcel to D10, and that D18 zoning would be too abrupt of a change for the adjacent property owners. An informed buyer when buying their home checks the zoning of the area, and they assume a certain consistency of that zone, said Ms. Grewe.

Mr. LeVine said he agreed with Ms. Grewe; that a D10 zone would be a fair compromise.

Neighborhood harmony is an important component of any rezone, said Mr. Haight. He said he feels this area is comprised of single family housing and that there are other areas defined for multi-family dwellings. Mr. Haight said he felt with D10 zoning, the harmony and balance of the neighborhood could still be maintained.

Chairman Satre said on the topic of buffers, that they do not work. He said in his 10 years on the Planning Commission that the proper way to buffer is by zoning appropriately. One should not put buffers in place to correct zoning mistakes, said Chairman Satre. Even though D18 zoning may be consistent with the land use maps of the Comprehensive Plan, when you look at the actual area it is not appropriate, said Chairman Satre. Chairman Satre said that he felt D5 zoning at this time was the correct zoning for the area. He would vote in favor of the motion if he was the deciding vote simply to let it progress for the Assembly's review, said Chairman Satre.

Roll Call Vote:

Yeas: Voelckers, Grewe, Haight

Nays: Miller, Jackson, LeVine, Peters, Watson, Satre

The motion fails.

MOTION: *by Mr. Levine, that the Commission deny the zoning request and that the Commission recommend to the Assembly that the land remain zoned D5.*

Speaking in opposition to the motion, Mr. Watson said that he maintains his position of D18 zoning for the entire parcel.

Roll Call Vote:

Yeas: Miller, Voelckers, Jackson, Grewe, Haight, LeVine, Satre

Nays: Peters, Watson

The motion passes.

TXT2009-00001: Proposed Title 49 and Title 4 changes regarding the subdivision of land.
Applicant: CBJ
Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward proposed TXT2009-00001 to the Assembly with a recommendation for adoption.

To be referred to the Subdivision Review Committee.

X. BOARD OF ADJUSTMENT *(The following two items will be taken up at the next Regular Planning Commission meeting under “Unfinished Business” on April 28, 2015.)*

VAR2015 0006: Variance request to reduce the street side yard setback from 13 feet to 4 feet.
Applicant: Northwind Architects
Location: 635 Alder Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and **deny** the requested Variance, VAR2015 0006. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until any requirements of the building inspection are complete.
2. A lot consolidation shall be required to eliminate setback encroachments by the deck and new structure.

3. Without a lot consolidation, no Certificate of Occupancy will be issued until the deck receives a Variance to the required setbacks.
4. During construction the driveway shall be realigned with the new garage four feet to the south.

VAR2015 0007: Variance request to reduce the rear side yard setback from 20 feet to 6 feet.
Applicant: Northwind Architects
Location: 635 Alder Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0007. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until all requirements of the building inspection are complete.
2. Without a lot consolidation, no Certificate of Occupancy shall be issued until the deck receives a Variance to the required setbacks.
3. During construction the driveway shall be realigned with the new garage four feet to the south.

XI. **OTHER BUSINESS** - None

XII. **DIRECTOR'S REPORT** - None

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

XIV. **PLANNING COMMISSION COMMENTS AND QUESTIONS** - None

XV. **ADJOURNMENT**

The meeting was adjourned at 11:36 p.m.

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

Protest of Planning Commission's Recommendation to Deny a Request to Rezone Tract B1 of
USS 1568, Located at 7400 Glacier Highway.

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
☐ DRAFT Ordinance AME20150005	6/3/2015	Ordinance
☐ Protest of PC Decision reAME20150005	5/12/2015	Exhibit
☐ Notice of Recommendation re AME2015-0005	5/12/2015	Exhibit
☐ Staff report AME20150005	5/12/2015	Exhibit
☐ Abutter Notice AME20150005	5/12/2015	Exhibit

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-XX

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Tract B1 of USS 1568, Located at 7400 Glacier Highway, from D-5 to a Mix of D-18 and LC (Light Commercial).

WHEREAS, the area of the proposed rezone, Tract B1 of USS 1568, located at 7400 Glacier Highway is currently zoned as D-5; and

WHEREAS,

WHEREAS,

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

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

Section 2. Amendment to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Tract B1 of USS 1568, located at 7400 Glacier Highway, from D-5, to a Mix of D-18 (approximately 12.71 acres) and LC (approximately 7 acres).

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

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

Adopted this _____ day of _____, 2015.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

RH Development LLC
Real Estate and Housing Development
PO Box 32403
Juneau, AK 99803
Phone 907-790-4146
Fax 907-790-4147

May 12, 2015

CBJ Clerks office
155 S. Seward St.
Juneau, Ak. 99801

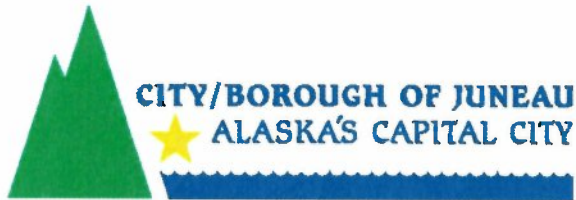
Attn: **Laurie Sica**, Municipal Clerk.

Re: 7400 Glacier Hwy rezone request, File No. AME20150005

Dear Laurie, Please accept this letter as written protest of the Planning Commissions recommendation for denial of our request for rezone. We would like to request that an ordinance amending the zoning map as set out in our application be submitted for action by the assembly.

Thank You,

Richard A. Harris



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: April 20, 2015

File No.: AME2015 0005

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

Application For: A Rezone Request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
Legal Description: USS 1568 Tract B1
Property Address: 7400 Glacier Highway
Hearing Date: April 14, 2015

The Planning Commission, at its regular public meeting on April 14, 2015, did not adopt the analysis and findings listed in the attached memorandum dated April 3, 2015, and recommended denial of the request to rezone 19.71 acres of D-5 to a mixture of Light Commercial and D-18. The Commission adopted the findings below to support their decision:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. Although the requested D-18 zoning does not violate the land use maps of the Comprehensive Plan and is consistent with Map G the proposed zoning is not in harmony with the existing neighborhood and zoning of the area. LC zoning does not substantially conform with the Land Use maps of the Comprehensive Plan in that it allows densities greater than 20 dwelling units per acre.
3. The rezoning constitutes an area greater than two acres.

Attachments: April 3, 2015 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding AME2015 0005.

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

City and Borough of Juneau

File No.: AME2015 0005

April 20, 20

Page 2 of 2

Project Planner: Jonathan Lange

Jonathan Lange, Planner
Community Development Department

Michael Satre

Michael Satre, Chair
Planning Commission

Jamie J. Stein

Filed With City Clerk

4/22/15

Date

cc: Plan Review

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

Presented by: The Manager
Introduced: 05/19/2014
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(c)am

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

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

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

Section 2. Amendment to Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

- (1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.
- (2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

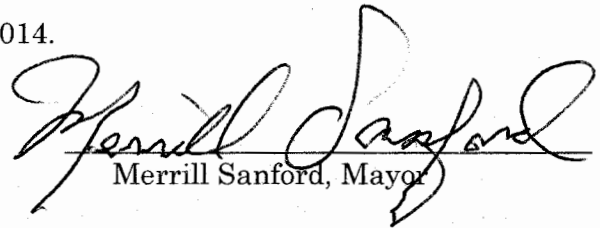
with the municipal clerk within 20 days of the commission's written notice of recommendation.

- (3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

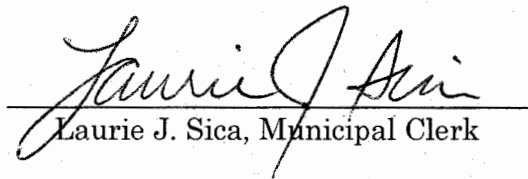
(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 3. Effective Date. This ordinance shall be effective 30 days after current, outstanding appeals are resolved.

Adopted this 29th day of September, 2014.


Merrill Sanford, Mayor

Attest:


Laurie J. Sica, Municipal Clerk



Community Development

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

DATE: April 3, 2015

TO: Planning Commission

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

FILE NO.: AME2015 0005

PROPOSAL: A Rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).

Applicant: RH Development

Property Owner: Honsinger Family Limited Partnership

Property Address: 7400 Glacier Highway

Legal Description: USS 1568 Tract B1

Parcel Code No.: 5-B14-0-101-001-0

Site Size: 19.71 Acres

Zoning: D-5

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

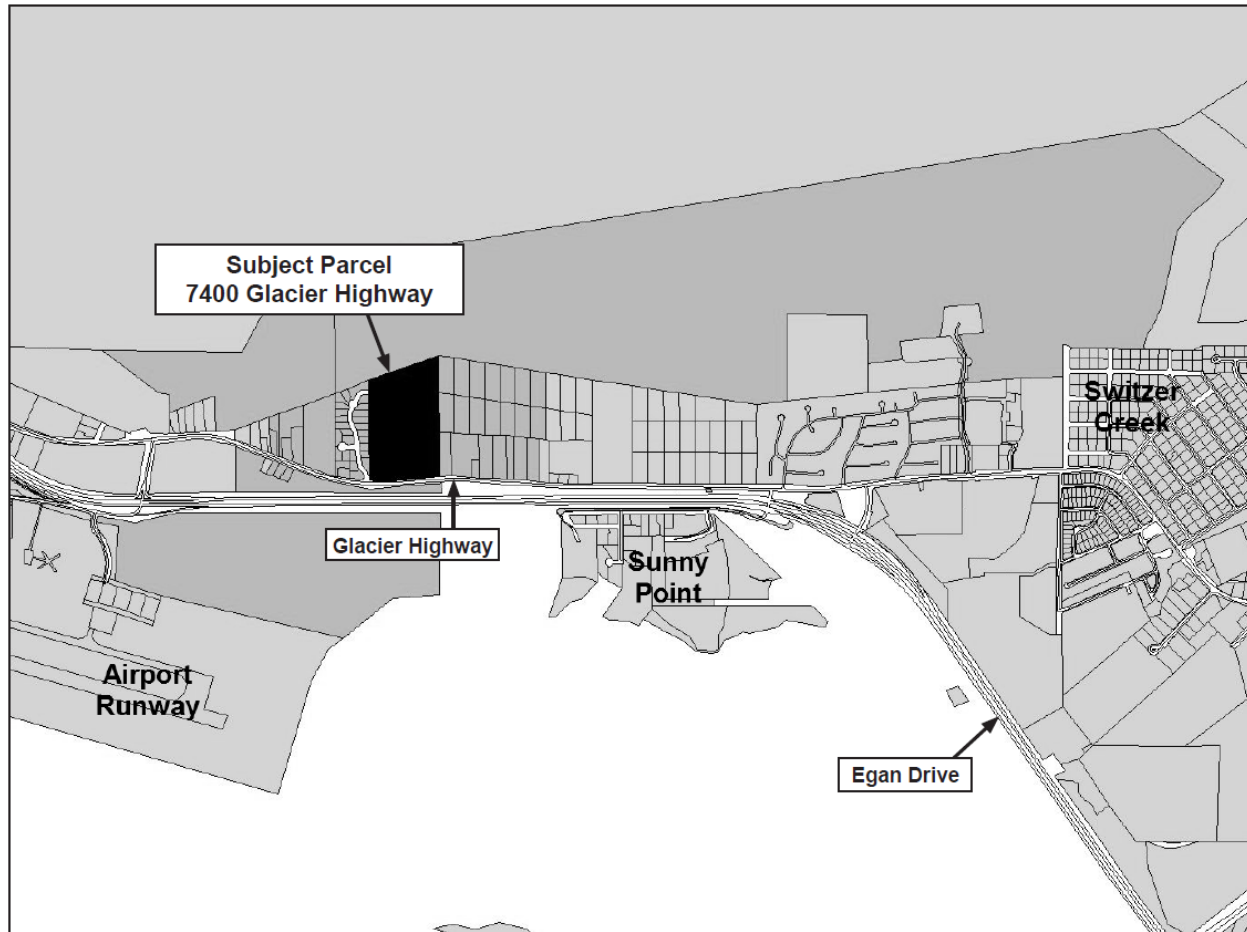
Utilities: Public Water and Sewer

Access: Glacier Highway

Existing Land Use: Vacant

Surrounding Land Use: North – D-5; Vacant portion of CBJ land
South – D-5; Vacant land across Glacier Highway and Egan Drive
East – D-5; Vacant land and single-family homes down Glacier Hwy
West – D-5; Vista Del Sol single-family subdivision, under development

Vicinity Map



ATTACHMENTS

- Attachment A – Development Permit, Zone Change Applications, Narrative and Sketch Plan
- Attachment B – Neighborhood Meeting Material – Including Zoning Map, Comprehensive Land Use Designation Map
- Attachment C – Public Notice
- Attachment D – Comments
- Attachment E – CBJ Wetlands Map
- Attachment F – AK DOT&PF Lemon Creek Traffic Map
- Attachment G – Site Pictures

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

PROPOSAL

The applicant has applied to rezone their vacant 19.71 acre lot, Tract B1 of U.S. Survey 1568, from D-5 to a mix of D-18 and LC (Light Commercial). The applicant has not stated a specific development proposal at this time. The applicant envisions a mix of Light Commercial and mixed-use development on approximately 7 acres at the front of the parcel that is adjacent to Glacier Highway. Multi-family residential development at a D-18 density would be developed behind the Light Commercial zoning on the remaining 12.71 acres of the subject parcel. See Attachment A for "Sketch Plan".

The applicant's lot is located north of Glacier Highway at approximately mile 7 of Glacier Highway. The subject lot is just east of the Vista Del Sol single-family residential subdivision (D-5), and is surrounded on the north and east sides by vacant D-5 zoned lots, with single-family homes east along Glacier Highway. Located to the West of the Vista Del Sol subdivision is Glacier Gardens, a commercial garden and tourist destination. A doctor's office and the Gastineau Humane Society are located one quarter of a mile west on Glacier Highway. South of the subject parcel is Glacier Highway and Egan Drive, a four lane highway.

BACKGROUND

The area was zoned as an R-7 Residential district in the 1969 Greater Juneau Borough Zoning Ordinance zoning maps. The R-7 zoning district required parcels to be created at a minimum lot size of 7,000 square feet. The R-7 description states: "The purpose of the R-7 District is to provide and protect residential land for families who desire to live in an environment of single and tow family dwellings. These Districts may be established to protect the character of existing residentially developed areas."

PUBLIC INPUT

On February 26, 2015 Community Development Department (CDD) staff held a neighborhood meeting in the library of Dzantik'I Heeni Middle School to discuss the applicant's original proposal to rezone the lot from D-5 to D-18. Five members of the public and the applicant attended the meeting. Staff described the application and rezone process and spoke about the Table of Permissible Uses and the Table of Dimensional Standards found in City and Borough of Juneau Land Use Code Title 49. Staff gave time for the applicant to speak about the property's history and the plans for the subject parcel. Members of the public in attendance had procedural questions about rezones.

On March 9, 2015 the applicant revised their proposal to rezone the parcel from D-5 to D-18, to a mix of D-18 and Light Commercial.

Staff has received concerns from neighboring property owners that the proposed rezone would allow for higher density, increased traffic, and a decrease in property values in the area (see Attachment D for public comments).

ANALYSIS

REZONE PROCEDURE

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

CBJ 49.75.110 - Initiation.

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

The rezone proposal was filed on January 26, 2015, and public notices were mailed to property owners within 1,000 feet of the subject property and properties in the area that are designated as MDR – Medium Density Residential in the 2013 Comprehensive Plan. Staff chose to expand the mailing area to see if those property owners with land designated as MDR would be interested in rezoning their land to D-18. The rezone proposal was then revised March 9, 2015 and additional public notices were mailed to inform property owners of the revised proposal and the new public hearing date.

CBJ 49.75.120 - Restrictions on rezonings.

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

The parcel proposed for rezone is 19.71 acres as shown in Attachment B. Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

All zoning districts are established in the Title 49 Land Use Code. Attachment B indicates that the subject lot and neighboring lots are in the D-5 zoning district. The definitions of the D-5, D-18, and LC zoning districts are shown below.

CBJ 49.25.210 Residential Districts

D-5 District:

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

D-18 District:

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

CBJ 49.25.230 Commercial Districts

LC (Light Commercial) District:

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

The LC District allows up to 30 dwelling units per acre.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

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

2013 Comprehensive Plan

The introduction of the Comprehensive Plan states that the Plan should be “considered regularly and used by residents, the Planning Commission, and the Assembly to guide its’ decisions and resource allocations and it must be kept current to reflect community values, resources, constraints and opportunities. Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date.”

The subject parcel is located in the Medium Density Residential (MDR) land use designation of the Comprehensive Plan, as shown in Attachment B.

MDR Definition:

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

The definition of MDR indicates multi-family density residential uses. Both the D-5 and D-18 zoning districts fit within the “5 to 20 units per acre” density description in the MDR definition. The LC zoning district allows up to 30 units per acre.

The D-5 zoning district would permit the subject 19.71 acre parcel to be developed up to 99 dwelling units; the D-18 zoning district would permit the subject 19.71 acre parcel to be developed up to 355 dwelling units. A mix of approximately 7 acres of LC zoning and 12.71 acres of D-18 zoning would allow for the development of approximately 439 dwelling units. This is a total calculation for the land without the development of streets. The addition of streets will cause the approximate maximum dwelling units to decrease. The requested LC zoning district allows for higher residential density than MDR recommends.

Table of Dimensional Standards	D-5 (5 du/acre)	D-18 (18 du/acre)	LC (30 du/acre)	Mix of D-18 (7 acres) and LC (12.71 acres)
Existing site 19.71 acres				
Number Units	99	355	N/A	439
Maximum Height Limit	35 feet	35 feet	45 feet	
Maximum Lot Coverage	50%	50%	None	
Vegetative Cover	20%	30%	15%	
Minimum Lot Size	7,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.	
Minimum Lot Size for Duplex	10,500 sq. ft.	10,000 sq. ft.	(30 units/acre)	
Minimum Lot Size for Bungalow	3,500 sq. ft.	2,500 sq. ft.	(30 units/acre)	
Minimum Lot Width	70 ft.	50 ft.	20 ft.	
Minimum Lot Depth	85 ft.	80 ft.	80 ft.	

The existing Light Commercial zoning districts throughout the Borough are located in the following Comprehensive Plan Land Use designations:

C – (Commercial) Definition:

Lands devoted to retail, office, food service or personal service uses, including neighborhood retail and community commercial centers, such as shopping centers and malls, office complexes or other large employment centers. Mixed retail/residential/office uses are allowed and encouraged. Residential and non-residential uses could be combined within a single structure, including off-street parking. Residential densities ranging from 18 – 60 units per acre are appropriate in this area, with even higher densities appropriate in mixed-use or transit-oriented developments. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

TTC – Traditional Town Center Definition:

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

M/MU – Marine Mixed Use Definition:

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

These areas are characterized by high-density, ranging from 10-60 dwelling units per acre and a mix of uses.

The following Comprehensive Plan policies are related to the rezone proposal:

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

3.1 – DG2 (Development Guideline) When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed use district; from a low-density residential district to a higher-density residential district; or from a lower building height district to a higher building height district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning. The affordable units should be dispersed throughout the development, constructed at the same time as the market-rate units, and priced or rented to households with incomes no greater than 80 percent of the City and Borough of Juneau’s Median Family Income (MFI) level by household size, as established annually by the U.S. Department of Housing and Urban Development (HUD).

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

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

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

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

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

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development (page 57). It states:

“Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy. As part of the 2008 Update of this Plan, CBJ staff conducted a survey of all business types and found that following, which are still relevant and accurate in 2013:

1. A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.”

The proposed rezone to include Light Commercial zoning along Glacier Highway takes into consideration the above discussion of developing lands for commercial development.

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

8.5 – DG (Development Guideline) 2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

POLICY 8.6. TO PROMOTE AND FACILITATE TRANSPORTATION ALTERNATIVES TO PRIVATE VEHICLES AS A MEANS OF REDUCING TRAFFIC CONGESTION, AIR POLLUTION AND THE CONSUMPTION OF FOSSIL FUELS, AND TO PROVIDE SAFE AND HEALTHY MEANS OF TRANSPORTATION TO ALL PEOPLE.

8.6 – DG3 Require sidewalks and bicycle paths along roadways where higher-density housing is to be provided as a condition of a rezoning application for higher densities.

The Land Use Chapter, Chapter 10, discusses policies related to “community form, housing, economic and community development, natural resource protection and hazards prevention”, all relating to Land Use. The second introductory paragraph ends with, “Land use policies should assist the CBJ government in its efforts to provide a variety of housing, to pursue opportunities for suitable residential and economic development and redevelopment, and to promote conservation and rational development of natural resources.”

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

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

POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

The proposed rezone would be consistent with the above policies in that the envisioned development would create additional housing opportunities. At the time of development care should be taken to buffer any commercial and multi-family development from the existing single-family development to the west of the parcel. Staff has received concerns from adjacent property owners on the effect of the proposed rezone on their property values. Staff received a review comment from the CBJ Assessor’s office stating, “The Assessor’s Office has no issues with the re-zoning, nor do we anticipate it will have any impact on the value of neighboring properties, if constructed according to the information provided.” The applicant has stated in their proposal as a reason for considering Light Commercial is to buffer the multi-family housing, behind the Light Commercial, from the noise of traffic generated from Glacier Highway and Egan Drive.

POLICY 10.7. TO DESIGNATE ON LAND USE AND ZONING MAPS, AND TO PROVIDE SERVICES TO, SUFFICIENT VACANT LAND WITHIN THE URBAN SERVICE AREA APPROPRIATELY LOCATED TO ACCOMMODATE FUTURE COMMERCIAL AND INDUSTRIAL USES.

Neighborhood Commercial Uses (page 137)

The community recognizes the need for appropriate small-scale commercial development to serve neighborhoods. The Land Use Code contains specific provisions to allow small-scale commercial retail establishments to be located in residential areas. There are a number of locations in the borough where additional such “Mom and Pop” stores would be appropriate to provide convenience goods and services for nearby residents to walk or cycle to patronize.

POLICY 10.10. TO ENCOURAGE SMALL-SCALE NEIGHBORHOOD CONVENIENCE COMMERCIAL USES IN APPROPRIATE AREAS IN NEW NEIGHBORHOODS AND WITH APPROPRIATE OPERATING MEASURES WITHIN EXISTING NEIGHBORHOODS.

10.10 – DG1 Maintain provisions in the Land Use Code for neighborhood commercial developments such as convenience grocery stores, including standards and limitations governing permitted uses, hours of operation and that mitigate potential adverse impacts such as traffic, safety, noise, litter, glare and loss of privacy to adjacent residential uses.

Chapter 11 of the Comprehensive Plan, Land Use Maps, provides guidance on “considering re-zoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.”

The subject parcel is located on Map G of the Land Use Maps of the Comprehensive Plan. Map G is located within Subarea 4, East Mendenhall Valley & Airport, and Subarea 5, Switzer Creek, Lemon Creek, & Salmon Creek.

Guidelines and Considerations for Subarea 4:

1. Maintain the density of existing neighborhoods while encouraging the in-fill development of low-to moderate-income affordable housing.

2. Provide for increased community commercial development close to existing commercial areas in the lower valley.

Guidelines and Considerations for Subarea 5:

2. Provide for additional medium- to high density residential development in areas with access to arterial roadways from collector streets. Encourage the efficient use of land by allowing non-family housing, such as for students, single-adults or seniors, in mixed use districts within shopping centers or malls. Increase building height limits and decrease or eliminate parking requirements for such residential developments where adequately served by public transit.

Discussion

As noted above, the Comprehensive Plan contains policies that encourage affordable housing, higher housing densities, and commercial/mixed-use development that preserve the character and quality of existing neighborhoods.

Chapter 18: Implementation and Administration

The Comprehensive Plan as a Guiding Planning Document

“The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process.”

“The Plan contains 123 Policies, each of which may have an associated “Standard Operating Procedure,” “Development Guideline,” and/or “Implementing Action,” which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs.”

COMPLIANCE WITH CBJ LAND USE CODE

The Table of Dimensional Standards (shown in the previous table, page 7) and the Table of Permissible Uses of the Land Use Code establish the permitted standards and uses in zoning districts (see Attachment B). The following page is a list of a few of the uses allowed within the D-5, D-18, and LC zoning districts.

Table of Permissible Uses	D-5	D-18	LC
Day animal services, grooming, walking, day care	3		3
Wild animal rehabilitation facilities without a visitor component	3		3
Stabling of farm animals	3		3
Public works facility	3		3
Funeral Home	3		1,3
Single room occupancies with private facilities		1,3	1,3
Common Wall Development with three or more dwelling units		1,3	1,3
Offices greater than 1,000 but not more than 2,500 square feet		3	1
Light Manufacturing		3	1,3
Theatres seating for 200 or fewer		3	1
Health care clinics, other medical treatment facilities providing out-patient care		3	1,3
Day care centers for children and adults		3	1,3
Small restaurants, less than 1,000 square feet without drive through service		3	1
Spring water bottling		3	3
Dry cleaner, laundromat – Drop off and pickup only, no onsite laundry or dry cleaning process		1,3	1,3
Multi-family dwellings		1,3	1,3
Hotels, motels			1,3
Sales and retail goods, Merchandise or equipment			1
Research, laboratory office uses			1,3
Offices greater than 2,500 square feet		3	1
Trade, vocational schools, commercial schools			3
Social, fraternal clubs, lodges, union halls, yacht clubs			1,3
Bowling alleys, billiard, pool halls			1,3
Theaters seating from 201 to 1,000			3
Hospital			3
Halfway houses			3
Restaurants, bars without drive through service			1,3
Restaurants, coffee stands with drive through service			1,3
Seasonal open air food service without drive through			1,3
Motor vehicle, mobile home sale or rental			1,3
Automotive fuel station			3
Car wash			3
Sand and gravel operations			3
1- Department approval only 3- Conditional Use permit required Blank box- not allowed			

The D-5 and D-18 zoning districts have similar allowed uses, though as staff has outlined above, the D-18 zoning district has more uses allowed due to its multi-family residential density characteristics. The LC zoning district allows all uses from the D-5 and D-18 zoning districts as well as a greater variety of uses due to its commercial nature. As stated in the description of the LC zoning district, these uses should be less intensive than those permitted in the general commercial district. Most uses within the LC zoning district require a Conditional Use permit prior to development as they are primarily located adjacent to existing residential areas. When the property is developed, the proposed development will need to meet all development standards in order to receive approval.

TRAFFIC

The proposed rezone request would allow the subject 19.71 acre parcel to be developed up to 439 dwelling units. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual the average apartment, in an apartment building, generates 6.72 daily weekday trips. This parcel may generate 2,948.6 average daily trips (ADT).

Per CBJ Land Use Code Title 49.40.300(a)(3):

(a) A traffic impact analysis (TIA) shall be required as follows:

(1) A development projected to generate 500 or more average daily trips (ADT) shall be required to have a traffic impact analysis.

(4) The applicant shall provide the traffic projections for the project, and the department will review and approve the final figures.

(5) A TIA must be prepared by a licensed engineer, or a transportation planner, with traffic analysis experience, approved by the director.

(b) The department shall require the applicant to contact the Alaska Department of Transportation and public facilities to determine whether a state permit or TIA will be required.

The average daily traffic for the section of Glacier Highway, in front of the subject parcel, from Fred Meyer to the DOT&PF Access Road is 12,475 trips (per the DOT&PF Lemon Creek Traffic Map 2012, see Attachment F).

However none of these trips are triggered by a rezone; only the development or subdivision of the property would prompt the analysis for trip generation based upon a proposal. At the time of a specific development permit and/or Conditional Use Permit application for the subject parcel, the applicant will be required per code to provide a Traffic Impact Analysis (TIA) for their proposed development or subdivision on this parcel.

The State of Alaska Department of Transportation and Public Facilities will require a Driveway Permit prior to development or subdivision to determine what driveway or intersection standards that may be required for the proposed development.

The subject parcel is less than one quarter of a mile from a bus stop on Glacier Highway. The parcel is also within one half of a mile of the Fred Meyer retail store. There is a sidewalk on the north side of Glacier Highway between Fred Meyer and Walmart.

HABITAT

There are no sensitive environmental habitats regulated by the Land Use Code in the project area. The applicant, in his narrative, states that "A large portion of the parcel is believed to be wetlands". Though, according to the wetlands maps of the CBJ (see Attachment E) there were no mapped wetlands in this area. The applicant will work with the Army Corps of Engineers for wetland permitting.

SUMMARY

The requested rezone to a mix of D-18 and Light Commercial is not consistent with the Land Use Maps of the Comprehensive Plan, as the Light Commercial zoning district allows up to 30 units per acre; whereas the MDR Land Use Designation speaks to residential densities ranging from 5 to 20 units per acre.

There are policies in the Comprehensive Plan that compete; many stating the need for housing and expanding commercial areas, and policies that support protecting neighborhoods from incompatible uses. The area in which the subject parcel is located is currently developed at very low densities. The Vista Del Sol subdivision is under development adjacent to the parcel, but most of the parcels along Glacier Highway are only developed with single-family homes.

Light Commercial has the potential to substantially conform to the MDR designation as long as future development proposals "are of a scale consistent with a residential neighborhood", as defined by the Comprehensive Plan. The D-18 zoning district provides for some commercial use but is very limited in relation to the LC zoning district. Many of the commercial uses in the LC zoning district may be too intense for what is normally found or considered to be of scale in a residential neighborhood. While the CBJ Land Use Code does place Light Commercial adjacent to residential areas, it states that commercial development should be compatible with the surrounding neighborhood. Commercial development in the LC zoning district would be less intensive than other commercial development and would require the approval of a Conditional Use permit by the Planning Commission in order for the light commercial use to be determined compatible with surrounding land uses.

FINDINGS

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

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. D-18 zoning does not violate the land use maps of the Comprehensive Plan and is consistent with Map G. LC zoning does not substantially conform with the Land Use maps of the Comprehensive Plan in that it allows densities greater than 20 dwelling units per acre.
3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcel from D-5 to D-18.

However, if the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to a mix of D-18 (12.71 acres) and Light Commercial (7 acres), staff recommends the following condition be considered:

1. Adequate buffering should be considered at the time of development proposal and or subdivision, in order to buffer the multi-family residential development and commercial uses from the adjacent D-5 subdivision.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION	Project Description Zone Change D-5 To D-18 , and Subsequent Subdivision		
	PROPERTY LOCATION		
	Street Address 7400 Glacier Hwy.		City/Zip Juneau
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 1568 TR-B1 Juneau Recording Dist.		
	Assessor's Parcel Number(s) 5B1401010010		
	LANDOWNER/ LESSEE		
	Property Owner's Name Honsinger Family Limited Partnership & TKP L.L.C		Contact Person: <i>Penney Miller</i>
	Mailing Address <i>PO Box 20490 JUNEAU AK 99802</i>		Home Phone: <i>790-6311</i>
	E-mail Address <i>N/A</i>		Work Phone: <i>790-1225</i>
			Fax Number: <i>321-4037</i>
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.		
	☒ <i>Penney Miller, General Partner</i>		Date <i>1/23/15</i>
	☐ _____		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 Richard Harris		Contact Person: Rich
	Mailing Address P.O. Box 32403 Juneau Ak, 99803		Home Phone: _____
	E-mail Address rhdevelopment@gei.net		Work Phone: 907-723-4791
			Fax Number: 907-790-4147
PROJECT / APPLICANT	☒ _____		Other Contact Phone Number(s): _____
	Applicant's Signature		Date of Application

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	☒	Permit Type	APPROVAL SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	☒ Zone Change Application		<i>1/26/15</i>	<i>AME 15-005</i>	
	Other (Describe)				
Comments: ***Public Notice Sign Form filled out and in the file.					
				Permit Intake Initials <i>CM</i>	

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number AME 15-005	Date Received 1/26/15
----------------	------------------------------	---------------------------	--------------------------

LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:

USS 1568 TR-B1 Juneau Recording Dist.

IS THIS AN EXPANSION OF AN EXISTING ZONE?

☐ Yes ☐ No

Total Land Area of Proposed Change 19 acres

Comp Plan Designation MDR

Current Zone(s) D-5

Comp Plan Map Map G

New Zone Requested D-18

TYPE OF ZONE CHANGE REQUESTED:

☒ Regular

☐ Transition

HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?

☐ Yes

☒ No

UTILITIES AVAILABLE:

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

PURPOSE OF THE REQUESTED ZONE CHANGE:

To enable the development of much needed housing within the Borough. To maximize the highest and best use of the land as stated in the CBJ Comprehensive plan. minimize impacts of forested lands, minimizing Urban Sprawl.

IS THERE A PROPOSED USE OF THE LAND?

☒ Yes ☐ No

PROPOSED BUFFERS TO ADJACENT ZONES?

☐ Yes ☒ No

DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):

construction of medium density residential Housing units, and Apartments, Condominiums.

DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:

STREETS: There are no negative impacts known

WATER: There are no negative impacts known

SEWER: There are no negative impacts known

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

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

ZONE CHANGE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>600</u>			
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>750</u>	<u>013266</u>	<u>013266</u>	<u>1/26/15</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

1/23/2015

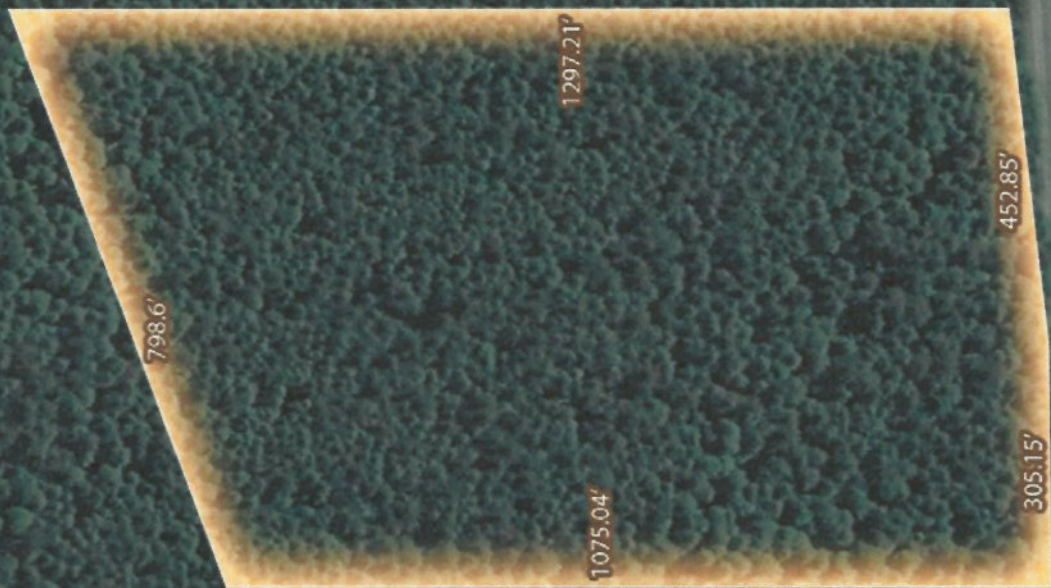
Narrative for rezone Application: 7400 Glacier Hwy. Juneau

The subject Parcel is an Ideal location for multifamily housing. The property has great southern exposure, with slow rising terrain, making a great location for housing. A large portion of the parcel is believed to be wetlands and much of this will be preserved through the wetland permitting process, the process will limit the usable land within this parcel, requiring that the usable portions of the land be at higher density to accommodate a quality housing project. The Comprehensive plan and the MDR designation support, and encourage the rezone request. The Applicants overall objective is to provide a mix of Medium density residential housing, in a location that is conveniently located within the community, and near commercial development.

The South side of the subject property fronts on Old Glacier Hwy. A residential subdivision is currently under construction to the West; further to the west are a few older homes, multifamily housing, commercial and mixed use properties. To the North is a large undeveloped CBJ land parcel. Directly to the East is undeveloped mental health trust land further to the east are a few older homes, multifamily and commercial properties this area is mostly undeveloped at this time.







Alaska



SE Alaska



Waters of the United States 7400 Glacier Highway



POA-2013-582, Gastineau Channel
Robert Lafavour
Residential Development

RECEIVED

JAN 26 2015

PERMIT CENTER/CDD

Jonathan Lange

From: RICHARD HARRIS <RHDevelopment@gci.net>
Sent: Tuesday, March 24, 2015 3:50 PM
To: Jonathan Lange
Subject: RE: Crude sketch

Approximately but the road way will eliminate over a half acre (.60 acre) at a minimum. If more road access is required within the two larger parcel that will cut it down even further. Access will eat up a fair amount of ground.

Rich

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
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To: 'RICHARD HARRIS'
Subject: RE: Crude sketch

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Would that make it about 7 acres then?

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
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The public notice sign needs to be posted on Tuesday, March 31st. We will have it ready for pick up Friday, March 27th, we are closed Monday, March 30th for Seward's Day.

I hope this helps and let me know if you have any further questions.

Have a good evening.

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Sent from my iPhone

On Mar 9, 2015, at 3:04 PM, Jonathan Lange <Jonathan.Lange@juneau.org> wrote:

<image002.gif>

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So if you want to stick with the current proposal I would need to know by the end of the day today. If you would like to go for the revised proposal to LC and D-18, we can review your proposal and take it before the Planning Commission in April.

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Thanks,

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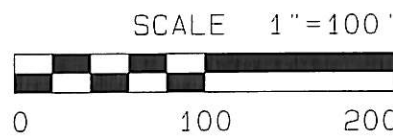
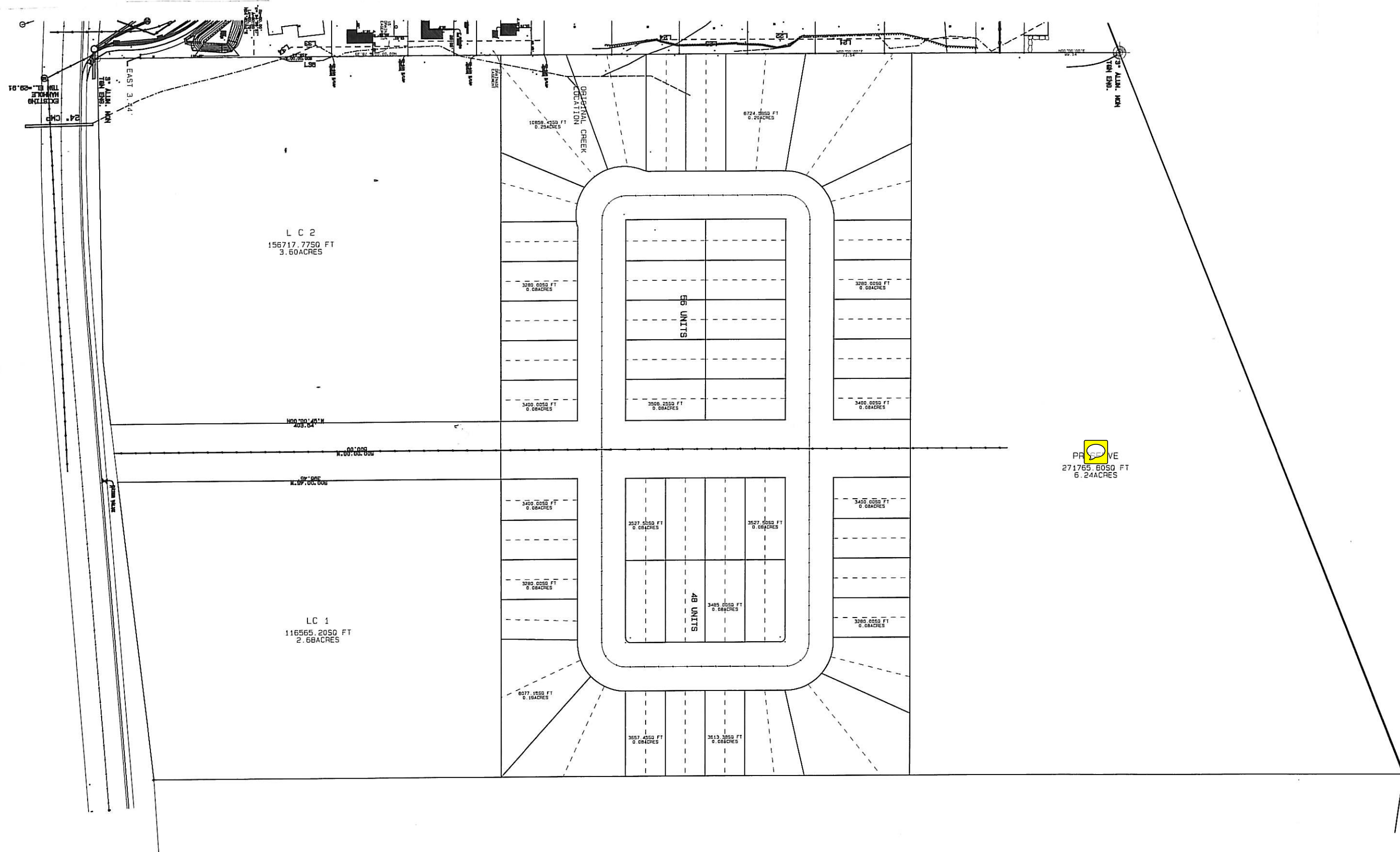
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Thanks,

Richard Harris

ATTACHMENT A



RH Development LLC

PO Box 32403 Juneau, AK 99803

Phone 907-790-4146

Fax 907-790-4147

March 31, 2015

Mr. Michael Satre, Chair
Members of the CBJ Planning Commission
City and Borough of Juneau
155 South Seward Street
Juneau, Ak 99801

RE: 7400 Glacier Hwy. Rezone request

Dear Mr. Satre':

Thank you for your consideration and review of our rezone request.

As might be expected; we the applicant; disagree whole heartedly with staff's determination and recommendation for denial of the light commercial portion of our request. Staff has determined the Comprehensive Plan and maps to be construed as definitive and absolute in nature. The Comprehensive Plan does not support a decision-making process where the actual numeric density designation of the districts at issue is the deciding factor to the exclusion of all other considerations. Land use decisions should be made considering the policies and guidance given in the Plan and translated in the maps, aiming to promote the highest and best use of the land under consideration. We believe staff's strict reliance upon the actual numeric density designation in finding that the LC district density of 30 units per acre is inconsistent with the 20 unit per acre MDR, to be inconsistent with the guiding policies and considerations contained in the Comprehensive Plan.

We have attached a previous zone change determination that explains our position very well, and supports our request. For your convenience we have highlighted the portions that best describe our position.

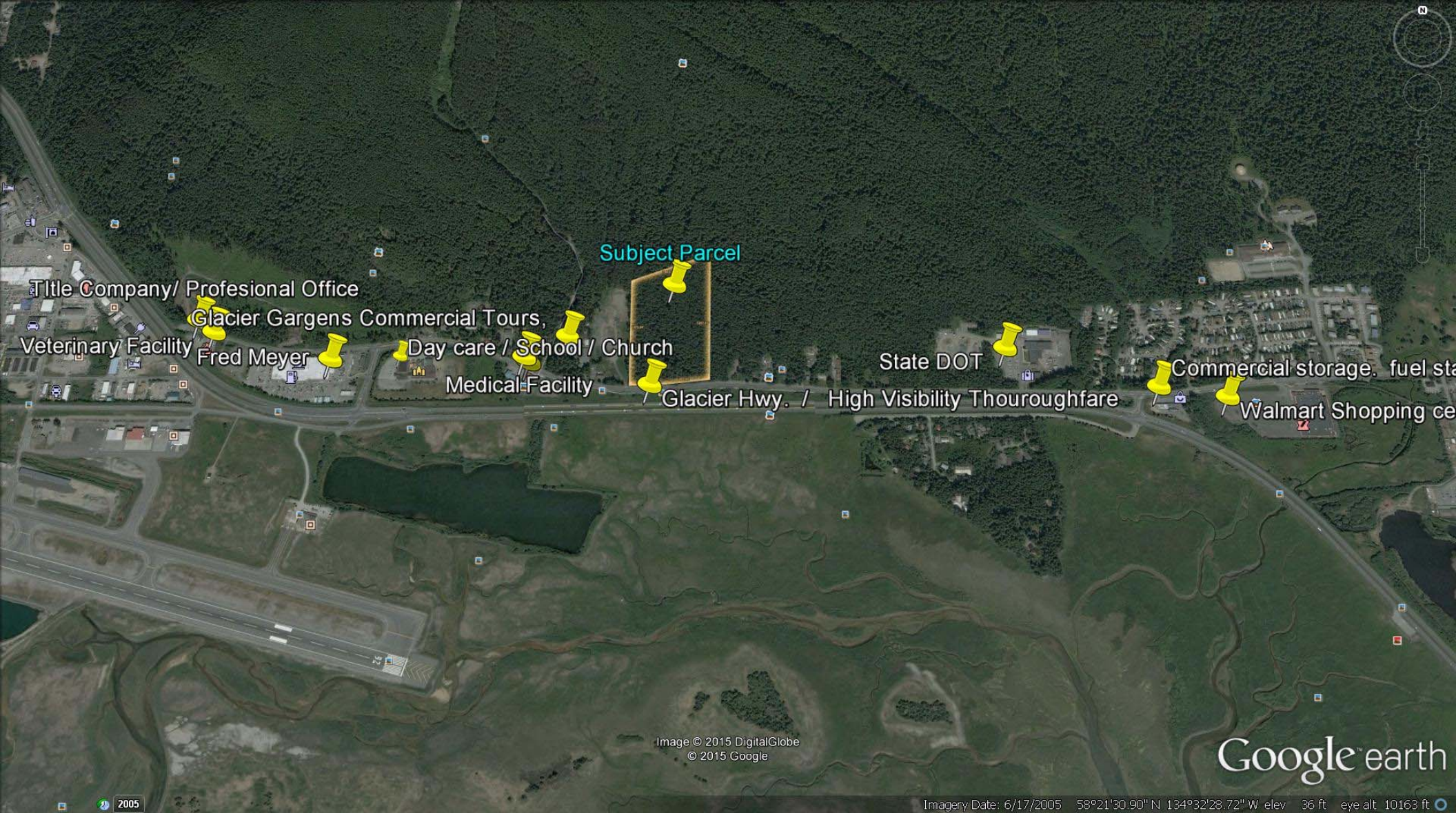
We feel our request for Light Commercial is proper and reasonable and that the neighborhood will be protected by the allowable use process. The light Commercial request is the highest and best use of this portion of the property; the highway is very visible and loud from Egan Drive express way, making the property much better suited for Light Commercial use. The light commercial use would create a buffer between the highway and residential development, our request is in harmony with the neighborhood since there are many light commercial businesses within the neighborhood.

With the community in such need of mixed types of affordable housing; density should not be a reason to deny zone change requests. This is an opportunity to provide much needed higher density and light commercial, mixed use land, as described and encouraged throughout the Comprehensive plan, and more recently encouraged by the Juneau Economic Development Plan. (See pg's .94-104 Juneau economic Development Plan) The plan states Juneau needs more Commercial and high density land, it also states the CBJ should help provide and encourage this type of development. The lack of commercial land is what drives prices up beyond what entrepreneurs can afford to create new businesses.

We hope you will agree with our request and recommend a positive approval to the CBJ Assembly.

Again thank you for your time,

Richard A. Harris



ATTACHMENT A

Alaska



SE Alaska



Waters of the United States 7400 Glacier Highway

POA-2013-582, Gastineau Channel
Robert Lafavour
Residential Development

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

RICHARD HARRIS,

Appellant,

v.

CBJ PLANNING COMMISSION,

Appellee.

Appeal of:

Notice of Decision

CDD File No. AME2013 0006

DECISION ON APPEAL

Appellant Richard Harris filed a timely appeal of the City and Borough Planning Commission decision denying his request to rezone his property, located at 9050 Atlin Drive, from D-10 to Light Commercial (“LC”).

After the record was prepared, Mr. Harris filed a non-opposed motion to supplement, which was granted. The parties filed comprehensive briefs on the issue on appeal. On January 6, 2014, the Assembly held a hearing at which it heard oral argument by each of the parties. The Assembly then deliberated in closed session and directed the Municipal Attorney to prepare a draft decision. As required by the CBJ 01.50.140, the draft decision was circulated to the parties and an opportunity to comment on the draft was provided.

For the reasons stated below, the appeal is granted. The Municipal Attorney shall draft an ordinance providing for the requested rezone and forward it to the Assembly for introduction.

<<<

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I. FACTUAL BACKGROUND

Appellant's parcel at 9050 Atlin Drive is approximately 2.68 acres. It is currently in a D-10 zone and abuts the LC zone encompassing the Mendenhall Mall.¹ Appellant's parcel is categorized as "MDR" or Medium Density Residential in the land use maps to the comprehensive plan.²

In 2011, the Appellant applied to change the zoning from D-10 to LC. The Planning Commission recommended against the zoning change asserting it was inconsistent with the maps of the comprehensive plan. CBJ 49.75.120 (2010) (requiring conformance with the land use maps of the comprehensive plan). Despite the Planning Commission's denial, the Assembly initially approved the rezone request, but on the advice of counsel, the Assembly reversed.

In 2012, the Appellant received a Conditional Use Permit (USE2012-0010) for 22 residential units.

Also in 2012, CBJ 49.75.120 was amended to only require rezone requests to be in "substantial conformance" with the land use maps of the comprehensive plan. Ord. No 2012-31(b) § 2.

In 2013, Appellant submitted applications for a comprehensive plan map amendment and simultaneous rezone request. AME2013-0006. Due to procedural concerns, the map amendment has been continued by the Planning Commission pending the outcome of this rezone request.³

1 Parcel # 6B1601370010. Attachment 1 (2013 Zoning Map).

2 Attachment 2 (2008 Land Use Map G); Attachment 3 (2013 Land Use Map G).

3 CDD Staff Report at p3-4.

II. BURDEN OF PROOF AND STANDARD OF REVIEW

A Planning Commission decision to deny a rezoning request constitutes a final agency decision, appealable to the Assembly pursuant to CBJ 49.20.120, which provides that appeals shall be conducted in accordance with the Administrative Appeal Procedures outlined in CBJ 01.50.

CBJ 01.50.070 states that the Assembly may set aside the decision being appealed if “the appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing.”⁴ “Substantial evidence” is defined to mean “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”⁵

III. THE REQUESTED REZONE CONFORMS TO THE LAND USE MAPS AND THE POLICIES AND GOALS OF THE CBJ COMPREHENSIVE PLAN.

The purpose of a comprehensive plan is to “guide and direct public and private land use activities” within the municipality. CBJ 49.05.200(b); A.S. 29.40.030 (“The comprehensive plan is a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public...”).

The 2008 CBJ Comprehensive Plan⁶ provides the following policies and guidance with respect to implementation and administration of the plan:

- That the failure of a “proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other

4 CBJ 01.50.070 also allows the Assembly to set aside decisions where the decision is not supported by adequate written findings or where it is unclear upon what basis the decision was made, or when the agency fails to follow its own procedures or otherwise denies a party procedural due process.

5 CBJ 01.50.010.

6 The 2013 Comprehensive Plan was adopted by Ordinance 2013-26, with an effective date of December 4, 2013. The 2008 and 2013 plans are consistent with respect to the policies and guidelines cited herein.

policies of the Plan.” The Plan directs that the analysis to be done is one of “balancing the many relevant policies and looking holistically at the particular situation, site and environs;”

- That the CBJ should “revise, as necessary, zoning, subdivision and other land development ordinances to ensure consistency with the Plan’s provisions,” and “[a]mend the Land Use Code Maps (zoning designation maps), considering them to be the official application of the Comprehensive Plan Maps, to ensure that the zoning delegations of specific sites within the CBJ are consistent with the Land Use Map designations of th[e] Plan;”
- That “[e]ach land use decision, from the most minor variance to the development of a New Growth Area, [should] be evaluated for its compliance with the policies, guidelines, standards and criteria established in the plan;” and
- That in implementing the Comprehensive Plan policies, the CBJ must assure the Plan is “responsive to public needs and changing conditions.”

The purpose of the land use map is to manifest the policies articulated in the Plan into specific land use designations.⁷ A land use map is aspirational in nature, “and not intended to reflect current land use, but the vision of future land use.”⁸

With respect to rezoning requests, CBJ 49.75.120 provides that “a rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.”⁹ “Substantial conformance” requires a fact-specific determination. It does not require that the requested rezone be in specific conformance with only the land use maps. It is, by definition, less absolute. When a term is not specifically defined, CBJ Code 01.15.020(6) provides that the word “shall be construed according to the context and customary usage of the language.” As

7 2008 Comprehensive Plan at p. 159; 2013 CBJ Comprehensive Plan at p. 143.

8 Appellee’s Brief at p. 6.

9 The 2008 Comprehensive Plan states that all rezones are required to be “consistent” with the land use maps of the plan. *Id.* at 159. The 2013 Comprehensive Plan states that rezones are required to be “substantially consistent with both the comprehensive plan and associated land use maps.” *Id.* at 143. We consider both plans to be synonymous with the “substantial conformance” language used in the CBJ Code.

commonly defined, “substantial” means essentially or materially, thus “substantial conformance” should be understood to mean conform in material ways without being exact.¹⁰

Atlin Drive is found in Land Use Map G of the Comprehensive Plan, representing the East Mendenhall Valley.¹¹ The parcel at 9050 Atlin Drive is categorized as “MDR” or Medium Density Residential. The Comprehensive Plan describes MDR as “characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre,” with any commercial development being of a scale consistent with a residential neighborhood.¹²

According to the plain language of the Comprehensive Plan, land use categories, like MDR, “are intended to describe the overall character of development...and are not intended to be firm or restrictive definitions, such as with zoning district permitted and conditional uses.”¹³ There are no specific zoning districts identified in the Comprehensive Plan maps. Thus to determine whether a zoning district, like LC, is consistent with the identified land use category for any given parcel, it is necessary to consider the policies and guidelines stated in the Comprehensive Plan itself to determine if the use is consistent with the overall character of development specified for that parcel.

The Planning Commission’s position seems to be that the MDR designation allowing for up to 20 units per acre should be construed as an absolute limit. Thus, according to the Planning Commission’s interpretation, the LC zoning designation requested by Mr. Harris,

10 See August 27, 2012 Assembly Meeting No. 2012-24 for discussion of Ordinance 2012-31(b).

11 2008 Comprehensive Plan at 175; 2013 Comprehensive Plan at 157.

12 2008 Comprehensive Plan at 164; see 2013 Comprehensive Plan at 147.

13 2008 Comprehensive Plan at 161; 2013 Comprehensive Plan at 144.

which allows for a density of up to 30 units per acre, cannot by definition, be allowed in an MDR area.

The Comprehensive Plan does not support a decision-making process where the actual numeric density designation of the districts at issue is the deciding factor, to the exclusion of all other considerations. Land use decisions should be made considering the policies and guidance given in the Plan and translated in the maps, aiming to promote the highest and best use of the land under consideration. We believe the Planning Commission's strict reliance upon the actual numeric density designation in finding that the LC district density of 30 units per acre is inconsistent with the 20 unit per acre MDR, to be inconsistent with the guiding policies and considerations contained in the Plan.¹⁴

The Comprehensive Plan identifies a number of guidelines and considerations relevant to making land use decisions in Subarea 4, the area at issue.¹⁵ According to the Plan, decisions should be made that:

- Provide for increased community commercial development close to existing commercial areas on the lower valley;
- Expand the Mixed Use district in the Mendenhall Mall vicinity that would incorporate general commercial uses, high density residential use and public transit services; and
- Maintain the density of existing neighborhoods while encouraging in-fill development of low-to moderate-income affordable housing.

With respect to the zoning designation sought by Mr. Harris, the CBJ Code defines Light Commercial (LC) districts as:

Intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily

¹⁴ Additionally, although the maximum density in LC is 30 units per acre, a landowner could comply with both the LC and MDR designations by only building up to 20 units per acre.

¹⁵ 2008 Comprehensive Plan 202-04; 2013 Comprehensive Plan 180-82.

located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed and single-use developments in the light commercial district.¹⁶

Light Commercial allows for a maximum of 30 units per acre.¹⁷

According to 49.25.230(a), the LC district should be adjacent to existing residential areas, is intended to accommodate less intensive commercial development, provides for a lower level of intensity of development (achieved by “stringent height and setback restrictions”) and encourages residential development. We find that the LC district substantially conforms with the MDR land use category of the Plan and the Subarea 4 guidelines and considerations, namely: encouraging increased community commercial development close to existing commercial areas; expanding the medium density residential and light commercial uses in the Mendenhall Mall vicinity so as to incorporate light commercial uses; encouraging moderate density residential use; and maintaining the density of existing neighborhoods while encouraging in-fill development of low-to moderate-income affordable housing.¹⁸

In addition to relying upon the numeric density designation, the Planning Commission also denied Mr. Harris’s request based upon a refusal to extend commercial uses across the Mendenhall Loop Road “hard boundary.”¹⁹ Reliance upon this concept was in error because the highest and best use of the property is as LC, which complies with: the

16 CBJ 49.25.230(a).

17 CBJ 49.25.500.

18 At the September 24, 2013 hearing before the Planning Commission, Mr. Harris stated it was his intention is to provide “housing over garages with retail shops below.”

19 Appellee’s Brief at p. 4.

MDR designation, the Subarea guidelines and considerations, and the broader

Comprehensive Plan Policies (like Housing). Also, roads are not hard boundaries within the

CBJ. For example, immediately southwest of Appellant's property, the LC zone crosses Glacier Highway/Mendenhall Loop Road, and non-road parcel boundaries define the LC zone instead of roads.²⁰ Appellant seeks the same zoning boundary arrangement that exists just across Egan Drive: extend the LC boundary one parcel width over and use the non-road parcel boundary as the zoning boundary.²¹ Thus, while roads provide convenient locations for zoning boundaries, roads are not hard boundaries within the CBJ, especially when considering the highest and best use of the property and where the abutting LC boundary does not consistently follow the roads.

Finally, the Comprehensive Plan directs that

In considering rezone requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land...²²

The Planning Commission's decision fails to consider the highest and best use of the 9050 Atlin Drive parcel by failing to place any weight on the CBJ's long-standing commitment towards increasing affordable housing.²³

The Comprehensive Plan's directive with respect to evaluating rezone requests specifically envisions something less than absolute reliance upon bright line rules or specific numerical density designations. For the reasons stated above, the Planning Commission's

20 Attachment 1 (2013 Zoning Map).

21 Also, this rezone does not create an enclave or donut hole of an LC zone, which do exist in the CBJ. Attachment 1 (2013 Zoning Map).

22 2008 Comprehensive Plan, p. 159.

23 See 2008 Comprehensive Plan, p. 28, and Policies 4.1 – 4.8.

refusal to permit Light Commercial use within a Medium Density Residential land use category is not supported by the plain language of the Comprehensive Plan or by substantial evidence, and the Assembly grants Mr. Harris's appeal.

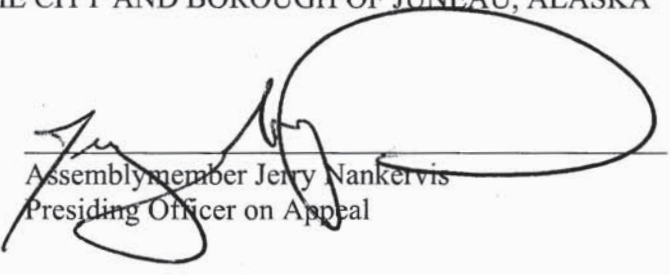
This is a final administrative decision of the Assembly of the City and Borough of Juneau, Alaska. It may be appealed to the Juneau Superior Court, pursuant to the Alaska Rules of Court, if such appeal is filed within 30 days of the date of distribution of this decision.

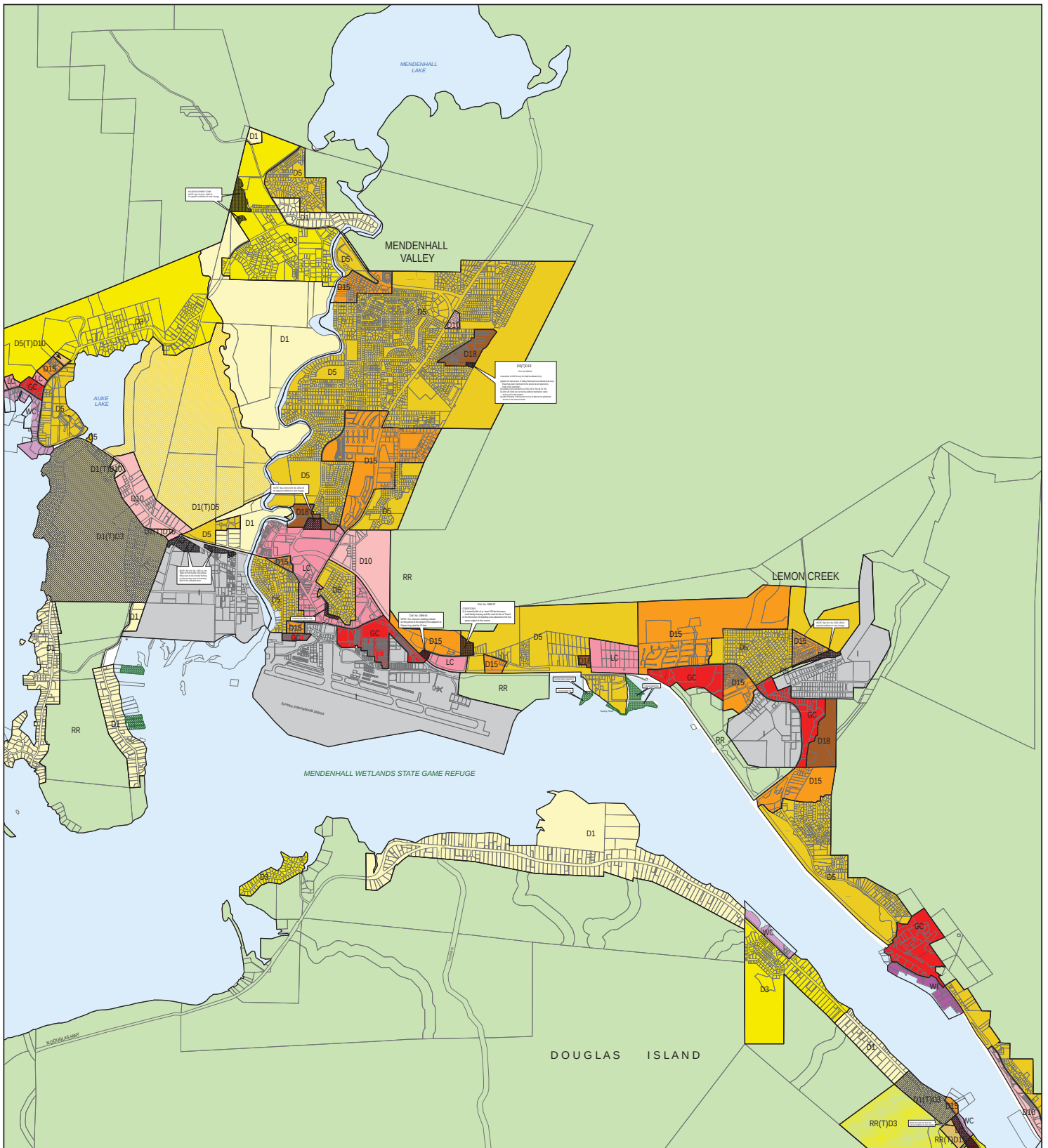
IT IS SO ORDERED.

DATED this 19 day of March, 2014.

ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By:


Assemblymember Jerry Nankervis
Presiding Officer on Appeal



Map current as of January 30th, 2013

Mendenhall Valley & Lemon Creek ZONING MAP

ZONING DISTRICTS

- | | | | | |
|-----|------------------------|----------|-----------------------|-----------|
| D1 | Single Family & Duplex | I | Industrial | D1(T)D3 |
| D3 | Single Family & Duplex | MU | Mixed Use | D1(T)D10 |
| D5 | Single Family & Duplex | MU2 | Mixed Use | D1(T)D5 |
| D10 | Multi Family | WC | Waterfront Commercial | D10(T)D15 |
| D15 | Multi Family | WI | Waterfront Industrial | D3(T)D18 |
| D18 | Multi Family | RR | Rural Reserve | D3(T)D5 |
| LC | Light Commercial | RR(T)D15 | Transition Zones | D5(T)D10 |
| GC | General Commercial | RR(T)D3 | | D5(T)D18 |

Disclaimer:

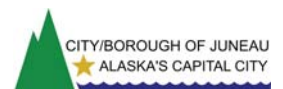
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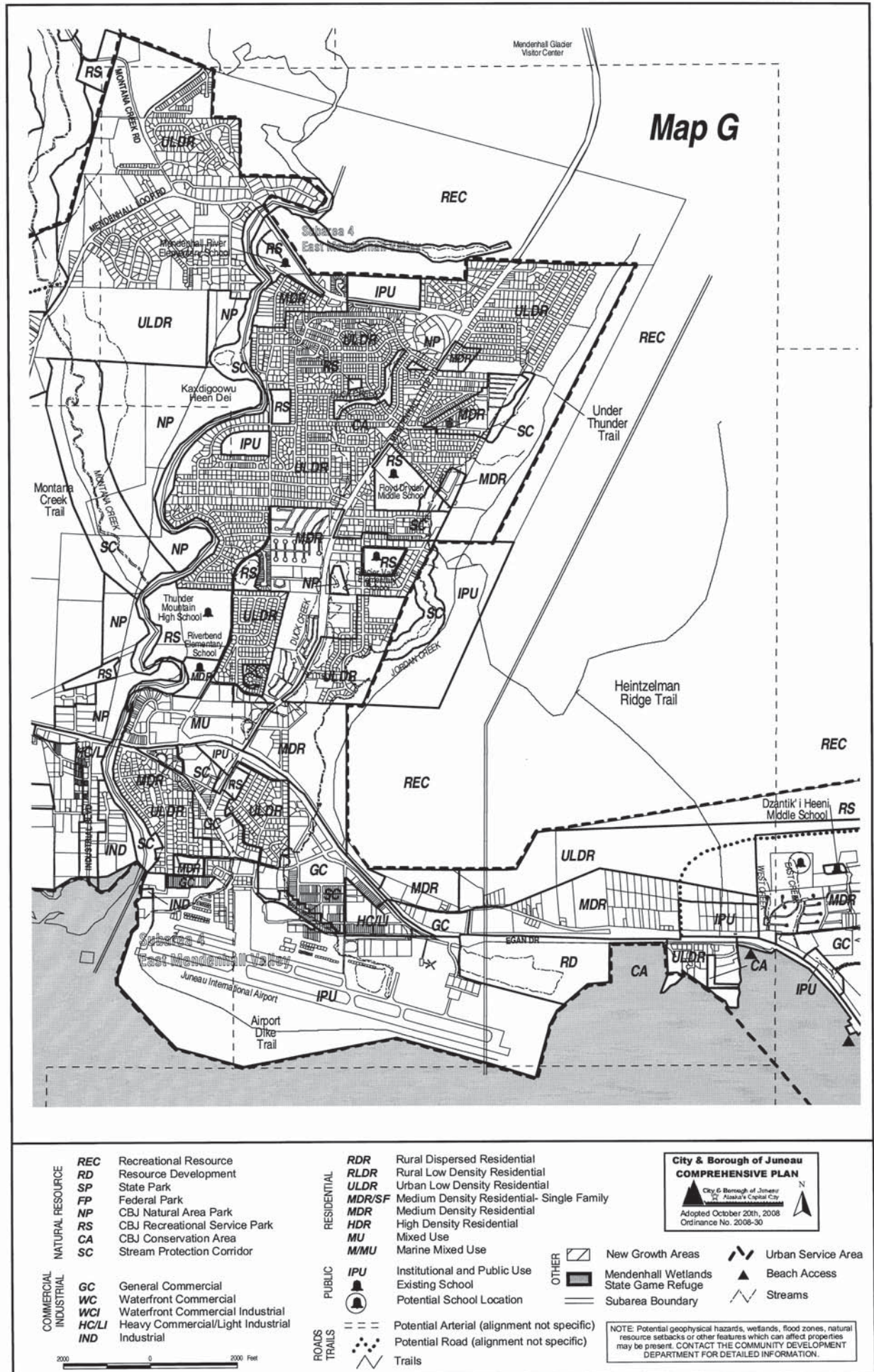
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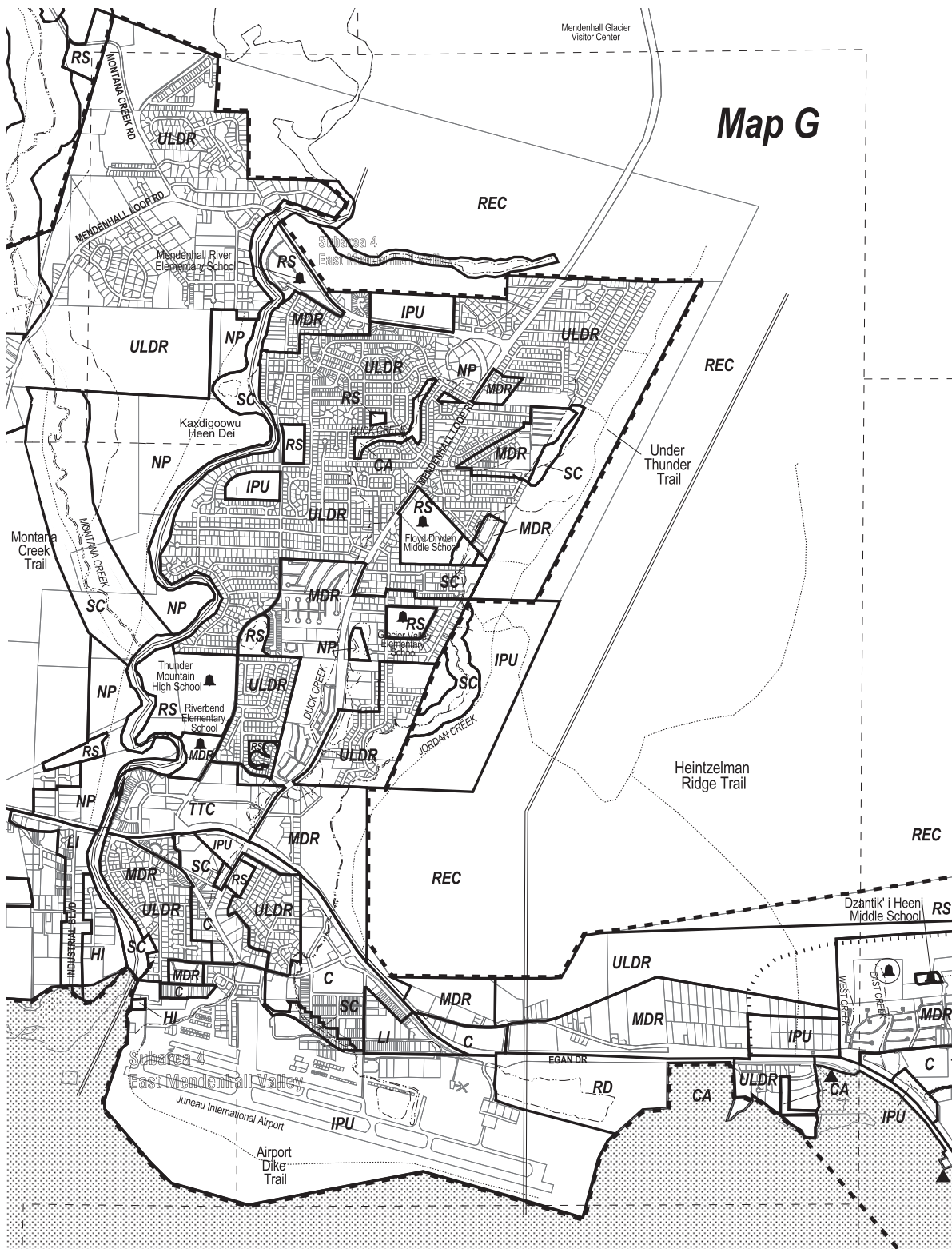
Suggestions for corrections and improvements to the CBJ zoning maps should be directed to:

Geographic Information Systems
gis@ci.juneau.ak.us
(907) 586-0762





Map G



NATURAL RESOURCE	REC	Recreational Resource
	RD	Resource Development
	SP	State Park
	NP	CBJ Natural Area Park
	RS	CBJ Recreational Service Park
	CA	CBJ Conservation Area
COMMERCIAL INDUSTRIAL	SC	Stream Protection Corridor
	C	Commercial
	MC	Marine Commercial
	WCI	Waterfront Commercial Industrial
	LI	Light Industrial
	HI	Heavy Industrial

RESIDENTIAL	RDR	Rural Dispersed Residential
	RLDR	Rural Low Density Residential
	ULDR	Urban Low Density Residential
	MDR/SF	Medium Density Residential- Single Family
	MDR	Medium Density Residential
	HDR	High Density Residential
PUBLIC	TTC	Traditional Town Center
	M/MU	Marine Mixed Use
	IPU	Institutional and Public Use
		Existing School
		Potential School Location
		Potential Arterial (alignment not specific)
ROADS TRAILS		Potential Road (alignment not specific)
		Trails

City & Borough of Juneau COMPREHENSIVE PLAN

City & Borough of Juneau
22 Alaska's Capital City
Adopted October 20th, 2008
Ordinance No. 2008-30



OTHER		New Growth Areas
		Mendenhall Wetlands
		Subarea Boundary
		Urban Service Area
		Beach Access
		Streams

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

Dissenting Opinion in the appeal of:

Notice of Decision

CDD File No. AME2013 0006

Richard Harris,)
Appellant,)
v.)
CBJ Planning Commission,)
Appellee)

On appeal Richard Harris seeks to have the Assembly overturn a denial of re-zone by the Juneau Planning and Zoning Commission. The Appellant has challenged the commission's decision solely on the basis that it "is not supported by substantial evidence in light of the whole record, as supplemented at the hearing". CBJ 01.50.070 (a) (1). As here, where agency expertise is involved, the Assembly is expected to defer to the Commission's interpretation of our zoning laws.

However, in voting to overturn the commission's decision, the majority ignored both the overwhelming evidence used by commissioners to cast a strong majority vote to uphold the Comprehensive Plan and deny the zone request based "upon staff's analysis and findings"¹ and the Commission's expertise.

The record shows that the planning commissioners examined aerial photos of the area, revealing that the commercial uses reasonably conceivable within the mixed use area across Mendenhall Loop Road from the proposed rezone do not and will not abut the road itself. Undevelopable wetland and anadromous stream parcels that cannot be developed lie on both sides of Mall Road. These undevelopable areas serve as an area of transition between the incompatible uses of the mixed use and medium density residential areas.

The minutes of the Planning Commission make clear that the decision came down to how the property is defined in the Comprehensive Plan - Medium Density Residential. One planning commissioner "contrasted Medium Density Residential at 5-20 dwelling units per acre to Light Commercial at 30 dwelling units per acre. Light Commercial use means a bar or restaurant of any size, or a vehicle sales or repair lot of any size." Another planning commissioner noted, "Based upon the analysis in the staff report, the rezone request does not substantially conform to the maps of the Comprehensive Plan."

¹ Record, at pages T68-70.

Far from relying on the number of units per acre as “an absolute limit,”² it was the judgment of the planning commission that many of the land uses allowed under light commercial zoning were inconsistent with the land uses allowed in medium density residential zones. This judgment is precisely what the Assembly charges the commission with doing. And, in so doing, the record makes clear the commission had substantial basis in the Comprehensive Plan and in the staff’s analysis to deny the re-zone request.

The opinion of the majority to overturn the Planning Commission turns on an isolated phrase used by the chair of the planning commission: “hard boundary” which it employs to describe the five-lane roadway separating an area the land use maps of the comprehensive plan designate for mixed uses from the area in this rezone, which the comprehensive plan designates for residential uses. However, the verbatim minutes in the record make clear the commission’s chair did not use the phrase “hard boundary” in the same sense. Instead, he intended it to reflect the separation of incompatible uses both on the ground and in the plan that the commission is charged with maintaining as a means to avoid conflicts.³

In arguing that the Planning Commission failed to consider the highest and best use of the parcel, the Majority suggests that light commercial zoning would enable increased affordable housing.⁴ This notion ignores the appellant’s own statements at oral argument that he would build far fewer housing units as part of a commercial development than as part of a strictly residential development.

The majority’s decision suggests the question of whether a rezone substantially complies with the land use maps of the comprehensive plan has little to do with the uses that can and cannot be permitted under the zones in question. This standard makes the plan a meaningless document, and CBJ 49.75.120’s requirement of substantial compliance a legal nullity.⁵

In our view, the Planning Commission’s decision is supported by substantial evidence and the appellant did not meet the burden of proof to show otherwise. We would therefore uphold the Planning Commission’s decision. For that reason we dissent from the order in this case.

² Majority opinion, at page 5.

³ If only the asphalt of Mendenhall Loop Road separated the potential uses, the appellant might reasonably have argued that extending a zone just over the line is “substantially” compliant. The appellant did not do so.

⁴ Majority opinion, at page 8.

⁵ The majority is correct in asserting that the comprehensive plan is aspirational and not a legally binding document. However, it should not lose sight of the fact that the comprehensive plan is implemented through its zoning and land use designations and the table of permissible uses. Uses allowed in a given zone are where the rubber of the plan meets the road of neighborhood harmony and conflict. Far from being clearly in error, the Planning Commission was entirely right to consider those uses.

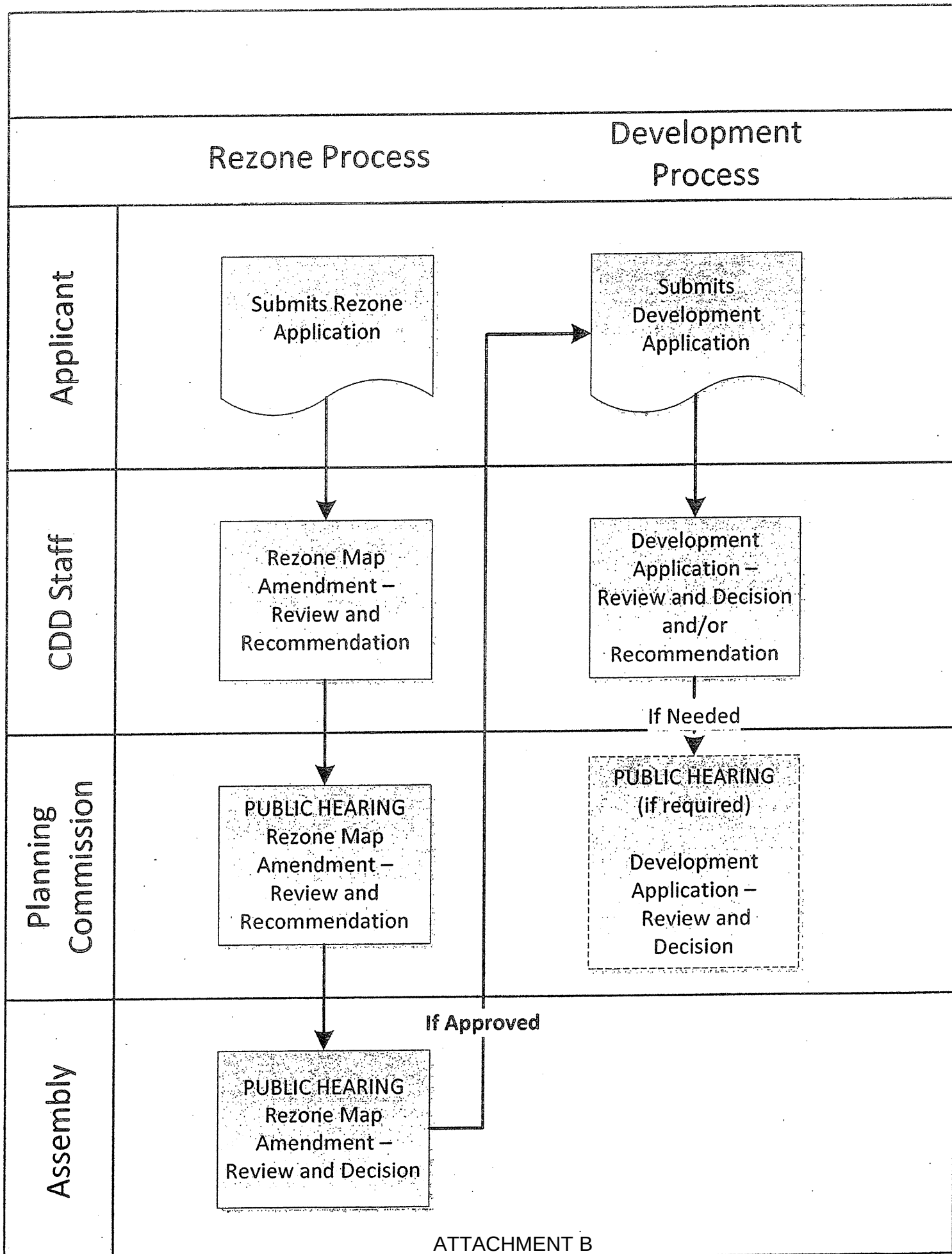


TABLE 49.25.400

Supp. No. 53

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500						2,500					
Common Wall Dwelling				7,000	3,600 ¹⁰	5,000	3,500	2,500							
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{6,8}	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷					

Notes:

- Minimum lot size is existing lot or area shown on chart in square feet.
- Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
- Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
- (Height Bonus) Reserved.
- (Pedestrian Amenities Bonus) Reserved.
- Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.
- Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.
- On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
- Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

CBJ 49.25.15

ZONING DISTRICTS

49.25.400

TABLE OF PERMISSIBLE USES

The uses allowed in each zoning district are determined and arranged in the Table of Permissible Uses (attached).

First, look through the "Use Description" in the left column of the Table to find which category your project fits in. Then find the zone where the property is located.

Use Description	Zones									
	RR	D-1	D-3	D-5	D-10	D-15	D-18	LC	GC	MU MU2 WC
10.220 Storage inside or outside enclosed structures										3
10.300 Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot										

Once you have the intersection of the "Zoning District" and the "Use Description", you can then determine the approval procedure of the proposed project:

- **No number** at the intersection of the use row and the zone column means that the identified use is not permitted in the identified zone.
- The **number "1"** indicates that the use requires department approval, in conjunction with the issuance of a Building Permit. The use is allowed in the district but limited conditions may be attached to the approval.
- The **number "2"** indicates the use requires an Allowable Use Permit from the Planning Commission. Such uses are allowed in the district, but specified conditions may be attached to the Allowable Use Permit by the Commission.
- The **number "3"** indicates the use requires a Conditional Use Permit from the Planning Commission. The use may or may not be allowed at a particular location depending on a determination of its compatibility with surrounding or proposed land uses. The Planning Commission may attach any condition to ensure the compatibility of the proposed use.
- A **combination of numbers** such as "1,2" or "2,3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.

If the project is a minor development, the first number of the combination shall indicate the applicable procedure. If the project is a major development, the second number shall indicate the applicable procedure. To determine whether or not the project is major or minor development, use the following criteria:

- For residential uses, minor development is four or fewer dwelling units. Major development is more than four dwelling units.
- For nonresidential uses, minor development is 5,000 square feet or less of new or significantly changed primary land use. Major development is more than 5,000 square feet of new or significantly changed primary land use.

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

		Zones																								
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I										
1.000	RESIDENTIAL																									
1.100	Single-family dwellings																									
1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A										
1.120	Single-family detached, two dwellings per lot	1	1	1																						
1.130	Single-family detached, accessory apartments	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x												
1.135	Single-family detached, one or two accessory apartments		3	3																						
1.200	Duplex	1	1	1	1																					
1.300	Multifamily dwellings																									
1.400	Group homes	1	1	1	1	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1										
1.450	Halfway houses	3				1	1	1	1	1	1	1	1	1	1											
1.500	Day care homes																									
	Child; 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	1												
1.520	Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3	3												
1.530	Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1	1												
1.540	Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3	3												
1.550	Child care residence, 6 to 9 children under 18 years of age	3	3	3	3	3	3	3	3	3	3	3	3	3												
1.600	Miscellaneous, rooms for rent situations																									
1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3 ^N												
1.620	Hotels, motels	3																								
1.630	Single room occupancies with private facilities					1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N											
1.700	Home occupations	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1										
1.800	Mobile homes																									
1.810	Residential mobile homes one individual lots ^B	3	3	3																						
1.815	Caretakers mobile homes one individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3										
1.820	Mobile home parks ^E																									
1.830	Mobile home subdivision ^F					3	3	3	3	3	3															
1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F																						

Zones															
Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.900 Common wall development															
1.910 Two dwelling units				1	1	1	1	1							
1.911 Accessory apartments	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x		
1.920 Three or more dwelling units					3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
1.930 Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3			
2.000 SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT ^G															
2.100 With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods															
2.110 Reserved															
2.120 Miscellaneous									1	1	1	1	3 ^N	3 ^N	3
2.130 Marine merchandise and equipment	3 ^T								1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3
2.200 Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods									1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	3
3.000 PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G															
3.050 Offices of not more than 1,000 square feet		3	3	3	3	3	3	3	1	1	1	1	1 ^N		
3.100 Offices greater than 1,000 but not more than 2,500 square feet						3	3	3	1	1	1	1	3 ^N		
3.200 Reserved															
3.300 Research, laboratory uses															
3.400 Offices greater than 2,500 square feet	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
4.000 MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G									1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	3 ^S
4.050 Light manufacturing	3 ^T						3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
4.070 Medium manufacturing	3 ^T									3	3	3	3 ^N	1 ^N , 3 ^N	1, 3
4.100 Heavy manufacturing	3 ^T	3 ^Q											3 ^N	3 ^N	3
4.150 Rock crusher	3 ^T	1 ^Q	1 ^Q										3 ^N	3 ^N	3
4.200 Storage of explosives and ammunition	3												3 ^N	3 ^N	3
4.210 Seafood processing	3 ^T												3	1, 3	1, 3
5.000 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES															
5.100 Schools															
5.110 Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3			
5.120 Trade, vocational schools, commercial schools	3 ^T								3	3	3	3	3 ^N	3 ^N	3
5.130 Colleges, universities	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3
5.200 Churches, synagogues, temples	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3
5.300 Libraries, museums, art galleries	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3
5.400 Social, fraternal clubs, lodges, union halls, yacht clubs	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT															
6.100	Indoor activity conducted entirely within building or substantial structure															
	6.110 Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120 Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
	6.130 Theaters seating for 200 or fewer	3 ^r						3	3	1	1	1	1	3 ^N		3
	6.135 Theaters seating from 201 to 1,000									3	1	1	1	3 ^N		3
	6.140 Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3 ^N		
	6.150 Indoor shooting range	1, 3														
6.200	Outdoor activity conducted outside enclosed buildings or structures										3					3
	6.210 Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3 ^N		3
	6.220 Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3 ^N		3
	6.240 Automobile, motorcycle racing tracks, off-highway vehicle parks	3									3					3
	6.250 Reserved															
	6.260 Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262 Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264 Capacity for up to 20 people ^w	1 ^r	1	1	1	1	1	1	1	1	1	1	1	1	1	3 ^N
	6.266 Capacity for more than 20 people ^w	3 ^r	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	
	6.270 Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3
	6.280 Shooting ranges	3														3
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
7.100	Hospital									3	3	3	3			
7.150	Health care clinics, other medical treatment facilities providing out-patient care							3	3	1, 3	1, 3	1, 3	1, 3			

		Zones																			
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I					
7.200	Nursing care, assisted living, sheltered care		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3								
7.300	Day care centers for children and adults						3	3	3	1, 3	1, 3	1, 3	1, 3								
7.400	Halfway houses									3	3	3	3								
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3								
8.000	RESTAURANTS, BARS, NIGHTCLUBS																				
8.050	Small restaurants, less than 1,000 ft ² without drive through service	3 ^T					3	3	3	1	1	1	1	1 ^N							
8.100	Restaurants, bars without drive through service	3 ^T								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	3					
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1 ^N , 3 ^N	3 ^N	3					
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N						
9.000	BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS																				
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3					
9.100	Motor vehicle repair and maintenance, including body work										3					1					
9.200	Automotive fuel station	3 ^T								3	1					1					
9.300	Car wash									3	1					1					
9.400	Boat sales or rental	3 ^T								3	1					1					
9.450	Boat repairs and maintenance	3 ^T								3	1			1	1	1					
9.500	Marine fuel, water sanitation	3 ^T									3			1	1	1					
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												1, 3	1, 3	1, 3					
10.000	STORAGE, PARKING, MOORAGE													3	3						
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1					
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored																				
	10.210 All storage within completely enclosed structures	1, 3	3							3	1	1 ^U , 3 ^U	1 ^U , 3 ^U	1 ^N , 3 ^N	1 ^N	1					
	10.220 General storage inside or outside enclosed structures	1, 3	3								1, 3			1 ^N , 3 ^N	1 ^N	1					
	10.230 Snow storage basin																				
	10.232 Neighborhood, less than 1/2 acre	3	3	3 ²	3 ²	3 ²	3 ²	3 ²	3 ²	3 ²	1			3 ²	1	1					
	10.235 Regional, 1/2 to 1 acre	3	3	3 ²						3 ²	3			3 ²	1	1					
	10.237 Area wide, over 1 acre	3	3 ²	3 ²						3 ²					3	3					
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3							1, 3				1 ^N , 3 ^N	1 ^N , 3 ^N	1					

		Zones																
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I		
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1		
10.500	Moorage																	
	Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3		
10.520	Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
10.600	Floating structures supporting seasonal, commercial recreation	3	3	3										3	3			
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT																	
11.100	Recycling operations																	
11.110	Enclosed collection structures ^o of less than 80 square feet total and less than six feet in height	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1	1	1 ^P	1 ^P	1	1	1		
11.120	Enclosed structures for recyclable materials collection	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3 ^P	1 ^P , 3 ^P	3	3	1	1	1 ^P		
11.130	Sorting, storage, preparation for shipment occurring outside an enclosed structure														1 ^N	1		
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3		
11.300	Sanitary landfill	3														3		
12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS																	
12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1 ^N , 3 ^N	1 ^N , 3 ^N	1		
12.200	Kennel	3	3							3	3					1, 3		
12.250	Day animal services, grooming, walking, day care	3	3	3	3	3				3	3	3	3			1, 3		
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3 ^N		3		
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N		3		
12.400	Horseback riding stables, dog team yards	3	3							3	3					3		
13.000	EMERGENCY SERVICES																	
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3		
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING																	
14.100	Aquaculture	3	3	3						3	3	3	3					
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1		
14.200	Commercial agricultural operations																	
14.210	Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3		
14.220	Including farm animals ^M	1, 3	3													1, 3		
14.230	Stabling of farm animals ^M	3	3	3	3					3	3					1, 3		
14.250	Personal use agriculture																	
14.253	Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1		
14.300	Silviculture and timber harvesting ^J	3	3													3		
14.400	Mining operations	2, 3 ^K	3	3										3 ^N	3 ^N	2		

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.500	Sand and gravel operations ¹	3	3	3						3	3			3 ^N	3 ^N	3
14.800	Spring water bottling	3	3			3	3	3	3	3	3					1, 3
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES															
15.100	Post office	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
15.200	Airport	3														1, 3
15.400	Military reserve, National Guard centers	3	3	3						3	3			3 ^N	3 ^N	3
15.500	Heliports, helipads	3									3			3 ^N	3 ^N	3
15.600	Transit facilities															
15.610	Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3
15.620	Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1
15.630	Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1
15.700	Public works facility	3	3	3	3					3	3					1, 3
16.000	DRY CLEANER, LAUNDROMAT															
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process								1, 3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning									3	1, 3	3	3	3 ^N	1 ^N , 3 ^N	1, 3
17.000	UTILITY FACILITIES															
17.100	Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.150	Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major	3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads															
17.310	Access driveways on public rights-of-way adjoining one to four existing lots	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.320	Access driveways on public rights-of-way adjoining five or more existing lots	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
18.000	TOWERS AND RELATED STRUCTURES															
18.100	Towers and antennas 35 feet or less	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200	Towers and antennas 35 to 50 feet	1	3	3	3	3	3	3	3	1	1	1	1	1	1	1
18.300	Towers and antennas more than 50 feet in height	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height ²	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES															
19.100	Open air markets (farm, craft, flea, and produce)	1, 3	1, 3							1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
19.200	Nurseries, commercial greenhouses															
19.210	Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1 ^V	1 ^V			1
19.220	Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 ^V	1 ^V			1
20.000	CEMETERY, CREMATORIUM, MORTUARY															
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium	3														1, 3

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3			
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES															
21.100	Resort, lodge	3	3													
21.200	Campgrounds	1, 3	3													
21.300	Visitor, cultural facilities related to features of the site	3	3							3	3	3	3	3 ^N		
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION															
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

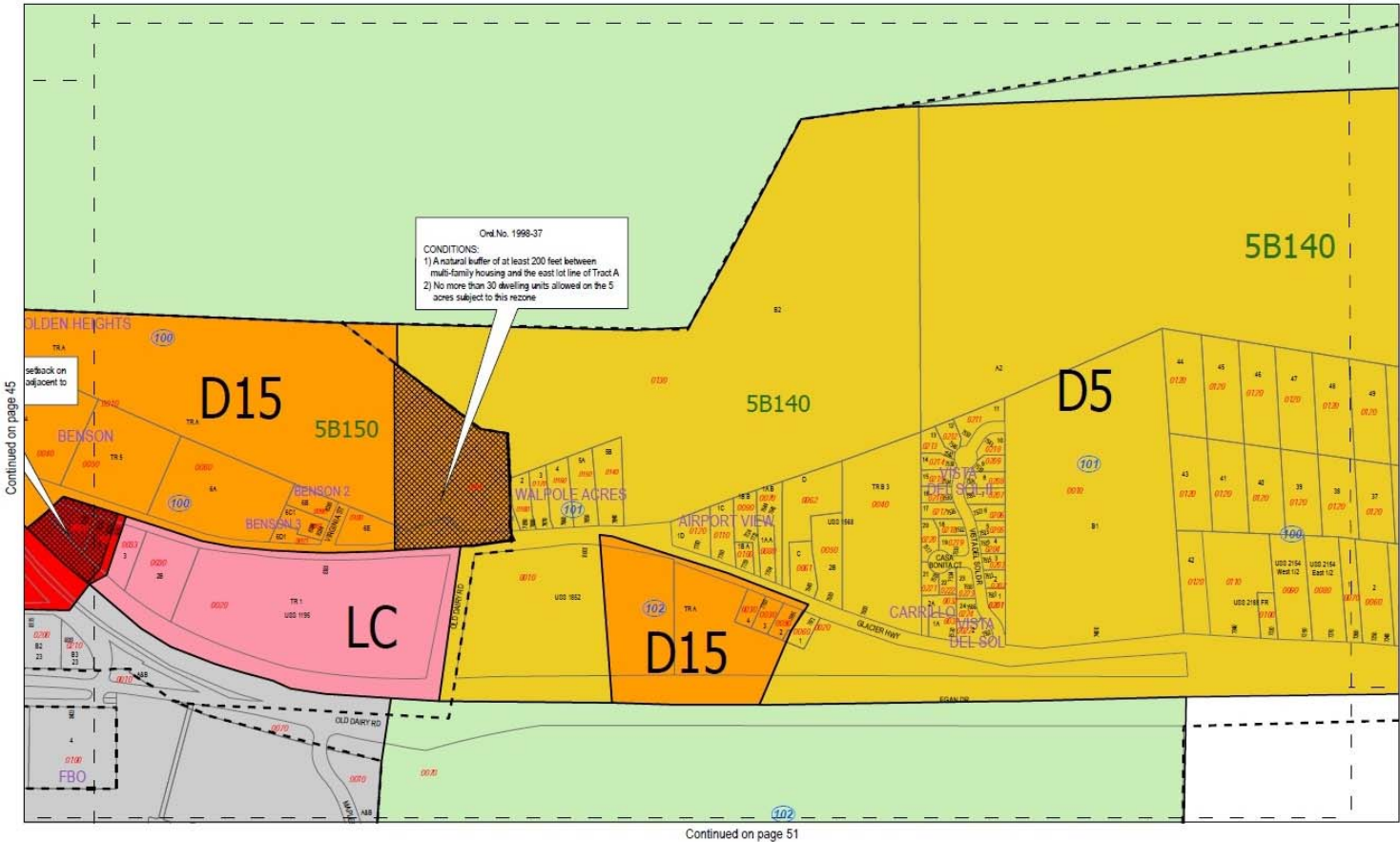
Key:

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

Notes:

- A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- Reserved.*
- Reserved.*
- Reserved.*
- See special use regulations for mobile homes, chapter 49.65, article III.
- See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- All uses subject to additional performance standards, chapter 49.65, article VIII.
- Reserved.*
- Reserved.*
- Applies to over 2 acres of harvest area.
- See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- See special use regulations, chapter 49.65.200, article II.
- Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- Use must be water-dependent, water-related, or water-oriented.

- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.
- U. No storage permitted on the first floor of a building.
- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications. See CBJ§49.25.510(d)(2).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010)



Continued on page 52

ATTACHMENT B

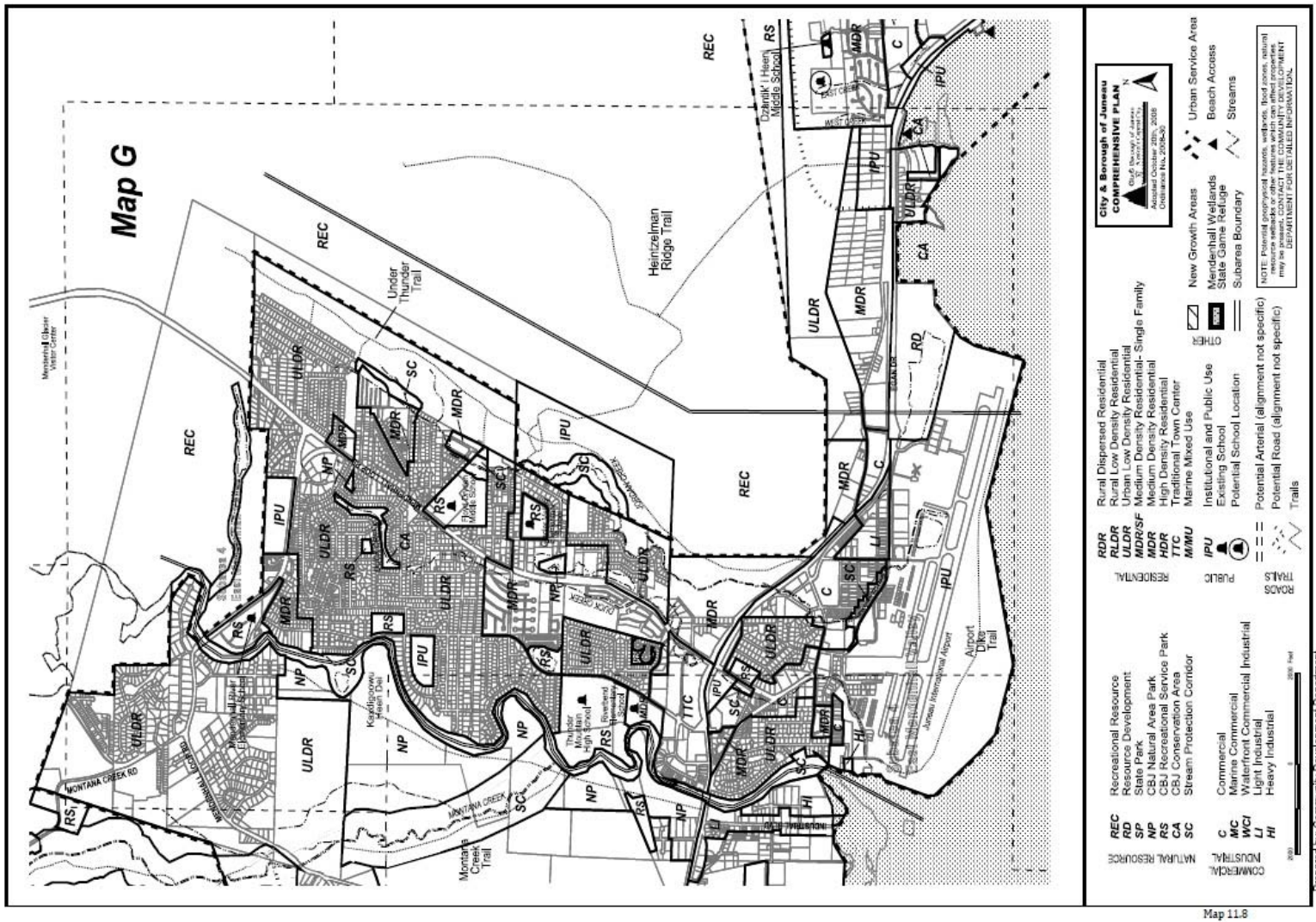


Property Information			
155	7	(B)	EAST VALLEY
Address Number	Lot	Block	Subdivision

Assessor Tax Code		
6D090	102	0030
Parcel Code Prefix	Block Number	Lot Number



ATTACHMENT B



February 26th, 2015 6:30pm-8:00pm

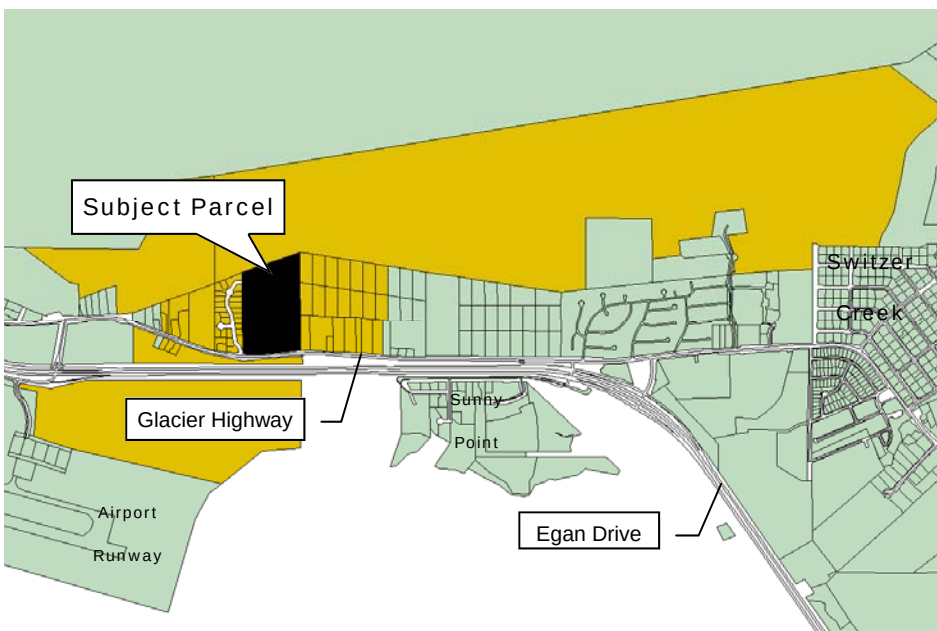
<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
ROGER Sams	7340 Glacier Hwy	789-9498
BARBARA Sams	7340 Glacier Hwy	789-9498

February 26th, 2015 6:30pm-8:00pm

[illegible]



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL:

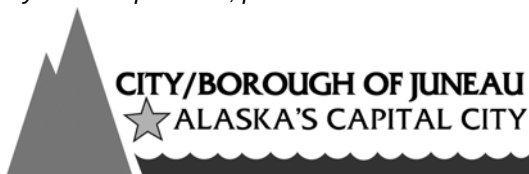
A rezone request from D-5 to D-18.

File No:	AME2015 0005	Applicant:	RH Development
To:	Adjacent Property Owners	Property PCN:	5-B14-0-101-001-0
Hearing Date:	March 24, 2015	Owner:	Honsinger Family Limited Partnership
Hearing Time:	7:00 PM	Size:	19.71 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-5
		Site Address:	7400 Glacier Highway
		Accessed Via:	Glacier Highway

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 586-0218.



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

Date notice was printed: February 19, 2015

ATTACHMENT C

Jonathan Lange

Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

From: Charlie Ford

Sent: Thursday, February 05, 2015 1:50 PM

To: Jonathan Lange

Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Jonathan,

The Building Department has no issues with this request.

Charlie Ford, Building Official
Community Development Dept.
City and Borough of Juneau
Tel (907)586-0767 Fax(907)586-4529
email Charlie.Ford@juneau.org
Web page www.juneau.org/permits

From: Jonathan Lange

Sent: Thursday, February 05, 2015 12:41 PM

To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney

Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

File: AME2015 0005

Parcel: 5-B14-0-101-001-0

Address: 7400 Glacier Highway

The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

Please see the attached application and proposed plans.

Please send me comments by February 23, 2015.

I look forward to receiving your comments.

Let me know if you require any additional information for this project 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



Jonathan Lange

Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

From: Ron King

Sent: Thursday, February 05, 2015 1:51 PM

To: Jonathan Lange

Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

D-18 is not in harmony with the neighborhood and for that reason I would deny a rezone. However, if the zone change is approved the access from the development to Glacier Hwy shall be restricted to one entrance. Have you contacted ADOT? Joe Buck, Martin Peters?

Ron King PLS

General Engineering
907-586-0881

From: Jonathan Lange

Sent: Thursday, February 05, 2015 12:41 PM

To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney

Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

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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



Jonathan Lange

Subject: FW: Ame2015 0005

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

From: Jonathan Lange
Sent: Monday, February 23, 2015 10:31 AM
To: 'ANH LAM'
Subject: RE: Ame2015 0005

Good Morning,
Thank you for your comments.
I will keep you informed on any rezoning information as it is made available.

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
Jonathan.Lange@juneau.org

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

From: ANH LAM [<mailto:sefoot@hotmail.com>]
Sent: Monday, February 23, 2015 10:18 AM
To: Jonathan Lange
Subject: Ame2015 0005

I prefer the property to stay the same. But Change going happen regardless, I would convert to d-18 or multiple use.
Thx. Dr lam

Sent from my iPhone

From: ANH LAM [<mailto:sefoot@hotmail.com>]
Sent: Monday, February 23, 2015 10:13 AM
To: Jonathan Lange
Subject: File ame2015 0005

I prefer property stay d-5. 7691 glacier hwy.-owner. I don't feel the current hwy can handle the increase traffic. Thx. Dr Lam.

Sent from my iPhone

Jonathan Lange

From: Alan Wilson <akrenovate@icloud.com>
Sent: Friday, March 06, 2015 11:52 AM
To: Jonathan Lange
Subject: D-18 rezone

Hi Jonathan- I own property at 7290 Glacier Hwy. I would like to get caught up on the public meeting and where the city is at with this issue. Is there a good time to meet or call?
I do support the D-18 zoning.

Alan Wilson, President
Alaska Renovators, Inc.
akrenovate@icloud.com
Cell 907-209-6320

March 8, 2015

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

RE: File Number AME2015 0005, Zone Application Change Tract B1 of U.S. Survey 1568 at 7400 Glacier Highway from D-5 to D-18.

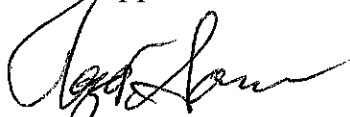
Under a D-18 designation, this acreage would be logged or clear cut; eliminating a number of stately, large spruce and hemlock trees that are fast disappearing from our local area. I have personally witnessed black bear, Sitka deer and an occasional coyote using the property.

We believe that this increased density level would be a net loss in the quality of living for ourselves as well as others in the area. Certainly trailer court and mobile home development density could be a detriment.

Increased traffic from the development could present problems as it is already busy in this section between Fred Meyer, Wal-Mart and the two expressway exit/entrances.

D-5 designation allows for most applicable uses for this acreage without the impact of a very dense population.

We are opposed to this change.



Roger & Barbara Sams
7340 Glacier Highway
Juneau, AK 99801



ATTACHMENT D

Jonathan Lange

From: Ted s <tkp.juneau@gmail.com>
Sent: Monday, March 02, 2015 10:45 AM
To: Jonathan Lange
Subject: Zone Change Application AME2015 0005 dated February 18,2015

Jonathan,

I was not able to come to the meeting, but our partner on the land Penny Miller was there. She talked with me on what transpired.

I understand that TKP Juneau needs to express our position on the rezoning to you.

 [tkp02242015_rezoning 7400 glacier highway.pdf](#)

TKP Juneau, LLC supports the rezoning of Tract B1 of U.S.Survey 1568 at 7400 Glacier Highway from D-5 to D-18.

Regards,

Theodore Smith, Jr.
Voting member TKP Juneau, LLC
571-338-9754

Jonathan Lange

From: Alan Wilson <akrenovate@icloud.com>
Sent: Friday, March 06, 2015 11:52 AM
To: Jonathan Lange
Subject: D-18 rezone

Hi Jonathan- I own property at 7290 Glacier Hwy. I would like to get caught up on the public meeting and where the city is at with this issue. Is there a good time to meet or call?
I do support the D-18 zoning.

Alan Wilson, President
Alaska Renovators, Inc.
akrenovate@icloud.com
Cell 907-209-6320

March 31, 2015

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

RE: File Number AME2015 0005, Rezone Request to change 19.71 acres at 7400 Glacier Highway from D-5 to a mix of D-18 and Light Commercial (LC).

Dear Sir:

This summer, we will be moving into our home in the neighborhood adjacent to this tract. We believe that the proposed increased density levels of D-18 and LC will have a negative impact on the surrounding neighborhoods. It makes logical sense to maintain the existing neighborhood density in this area, which is D-5. High density housing in a D-5 neighborhood will lower the quality of living for us as well as our neighbors. Additionally, there is no proposed buffer between the proposed high density housing and existing D-5 neighborhoods.

We agree that Juneau has a housing shortage, but in this location feel that D-5 designation will be able to put a sizeable dent in this shortage. From past experience in other states, as well as from looking around Juneau, multi-family housing, including condominiums, apartments and mobile home developments, will lead to a high rate of rental properties. With rental properties usually come greater issues of housing neglect and crime, negatively affecting nearby neighborhoods. I know it affected our decision while looking for a home in Juneau.

We believe that the proposed additional units will have a negative effect on transportation in this corridor. The proposed increased density levels will increase traffic significantly on Glacier Highway in this already crowded area between Fred Meyer and Wal-Mart, with no planned improvements to widen Glacier Highway or provide a center turn lane.

We are opposed to this change from D-5 to D-18 and LC designation. We feel that D-5 designation provides for the best use of this tract of land without adversely impacting the surrounding neighborhoods.

Sincerely,

Two handwritten signatures in blue ink. The first signature, on the left, is 'Doug Wesley' and the second, on the right, is 'Sandy Schneider'.

Doug Wesley, Lead Forecaster - National Weather Service
Sandy Schneider, Senior Bridge Engineer – Parsons Corporation
7523 Vista del Sol Drive
Juneau AK, 99801

Jonathan Lange

From: Robin Potter
Sent: Monday, March 23, 2015 10:50 AM
To: Jonathan Lange
Cc: Beth McKibben
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

The Assessor's office has no issues with the re-zoning, nor do we anticipate it will have any impact on the value of neighboring properties, if constructed according to the information provided.

Robin Potter
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

Note new email address: Robin.Potter@juneau.org

From: Jonathan Lange
Sent: Monday, March 23, 2015 9:15 AM
To: Robin Potter
Cc: Beth McKibben
Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Good Morning,

I just wanted to follow up on the below email that I sent to you, asking for review comments for the proposed rezone at 7400 Glacier Highway.

I would like to receive comments from the Assessor's Office on the potential effects of the D-18 and Light Commercial zoning districts on the existing D-5 neighborhood. Would this rezone increase or decrease the value of the neighboring properties?

Please let me know if you have any question or require further information.

Thank you 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
Jonathan.Lange@juneau.org



From: Jonathan Lange

Sent: Thursday, March 12, 2015 10:46 AM

To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov

Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,

Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.

Please send me comments by March 23rd, 2015, or as soon as possible.

I look forward to receiving your comments.

Let me know if you require any additional information for this project, have any questions, or require additional time for review.

Thank you and have a great day.

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
Jonathan.Lange@juneau.org



From: Jonathan Lange

Sent: Thursday, February 05, 2015 12:41 PM

To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney

Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

File: AME2015 0005

Parcel: 5-B14-0-101-001-0

Address: 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

Please see the attached application and proposed plans.

I look forward to receiving your comments.

Let me know if you require any additional information for this project 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



Jonathan Lange

From: Pikul, Gretchen M (DEC) <gretchen.pikul@alaska.gov>
Sent: Thursday, March 12, 2015 11:55 AM
To: Jonathan Lange; Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Heidemann, Marie E (DOT)
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Thank you for the review opportunity.

The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the rezone application.

This application has been forwarded to DEC's Solid Waste and Stormwater sections.



Gretchen Pikul, Environmental Program Specialist
Alaska Department of Environmental Conservation
Division of Water, Non-Point Source Section

(907) 465-5023, <http://www.dec.alaska.gov/water/wqsar/index.htm>

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Pikul, Gretchen M (DEC); Heidemann, Marie E (DOT)
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,

Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.

Please send me comments by March 23rd, 2015, or as soon as possible.

I look forward to receiving your comments.

Let me know if you require any additional information for this project, have any questions, or require additional time for review.

Thank you and have a great day.

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
Jonathan.Lange@juneau.org



From: Jonathan Lange

Sent: Thursday, February 05, 2015 12:41 PM

To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney

Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

File: AME2015 0005

Parcel: 5-B14-0-101-001-0

Address: 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

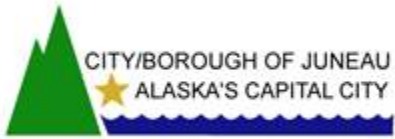
Please see the attached application and proposed plans.

I look forward to receiving your comments.

Let me know if you require any additional information for this project 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



Jonathan Lange

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Friday, March 20, 2015 1:08 PM
To: Jonathan Lange
Cc: Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Patz, Gregory D (DOT); Gray, Scott J (DOT)
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan,

We have no objection to this proposal provided driveway standards are conforming. We also do not have any plans to upgrade the road beyond regular pavement overlays and maintenance.

Thanks,

Marie Heidemann

Transportation Planner
State of Alaska DOT&PF - Southcoast Region
Phone: (907)-465-1775

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Thursday, March 19, 2015 9:32 AM
To: Heidemann, Marie E (DOT)
Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Good Morning,

I just wanted to follow up on the below email that I sent to you, asking for review comments for the proposed rezone at 7400 Glacier Highway, and ask a few question that you might be able to address in your comments.

Does DOT&PF have any future plans for the stretch of Glacier Highway between Fred Meyer and Walmart? Currently Glacier Highway is two lanes, is there a proposal for upgrading the road to two travel lanes and a center lane, in the future?

Please let me know if you can direct me to any future plans for Glacier Highway in this area; and let me know if you have any questions or concerns about the proposed rezone.

Thank you for your help.

Have a nice day.

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
Jonathan.Lange@juneau.org



From: Jonathan Lange

Sent: Thursday, March 12, 2015 10:46 AM

To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov

Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,

Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.

Please send me comments by March 23rd, 2015, or as soon as possible.

I look forward to receiving your comments.

Let me know if you require any additional information for this project, have any questions, or require additional time for review.

Thank you and have a great day.

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
Jonathan.Lange@juneau.org



From: Jonathan Lange

Sent: Thursday, February 05, 2015 12:41 PM

To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney

Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

File: AME2015 0005

Parcel: 5-B14-0-101-001-0

Address: 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

Please see the attached application and proposed plans.

I look forward to receiving your comments.

Let me know if you require any additional information for this project 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



Jonathan Lange

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Wednesday, March 25, 2015 4:49 PM
To: Jonathan Lange
Cc: Schmidt, Joanne M (DOT)
Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan,

I know this is a late comment, but thought I'd send it along anyways. This does not change our 'no objection' comment sent earlier.

From: Schmidt, Joanne M (DOT)
Sent: Wednesday, March 25, 2015 3:56 PM
To: Heidemann, Marie E (DOT)
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

The developer has indicated in their project description that much of the land is unusable due to wetlands and that they want to "preserve" forested lands, yet the diagram depicts development and use of the entire parcel. Proposal does not make sense

From: Heidemann, Marie E (DOT)
Sent: Friday, March 13, 2015 9:36 AM
To: Epstein, David B (DOT); Gray, Scott J (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Patz, Gregory D (DOT)
Cc: Davis, Randal V (DOT)
Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hi All,

This one is right here in our neighborhood. Please send comments my way by Friday, March 20.

Thanks,
Marie

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Pikul, Gretchen M (DEC); Heidemann, Marie E (DOT)
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,

Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.

Please send me comments by March 23rd, 2015, or as soon as possible.

I look forward to receiving your comments.

Let me know if you require any additional information for this project, have any questions, or require additional time for review.

Thank you and have a great day.

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
Jonathan.Lange@juneau.org



From: Jonathan Lange

Sent: Thursday, February 05, 2015 12:41 PM

To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney

Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

File: AME2015 0005

Parcel: 5-B14-0-101-001-0

Address: 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

Please see the attached application and proposed plans.

I look forward to receiving your comments.

Let me know if you require any additional information for this project 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



Jonathan Lange

From: Ron King
Sent: Thursday, March 12, 2015 11:10 AM
To: Jonathan Lange
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

No issues with Zoning changes. GE involvement will be with the actual development plans and construction. Back in '95, Toner-Nordling located wetlands and produced a topo map for development. Also the record of survey was completed for Honsinger & Smith at that time. They wanted to buy the Danner parcel (Now ... Vista Del Sol) and combine the property. The plan was a hillside development similar to Mountainside ... History of Juneau ... Lesson of the day ... !

Ron King PLS

General Engineering
907-586-0881

From: Jonathan Lange
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,

Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.

Please send me comments by March 23rd, 2015, or as soon as possible.

I look forward to receiving your comments.

Let me know if you require any additional information for this project, have any questions, or require additional time for review.

Thank you and have a great day.

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
Jonathan.Lange@juneau.org



From: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM

To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney

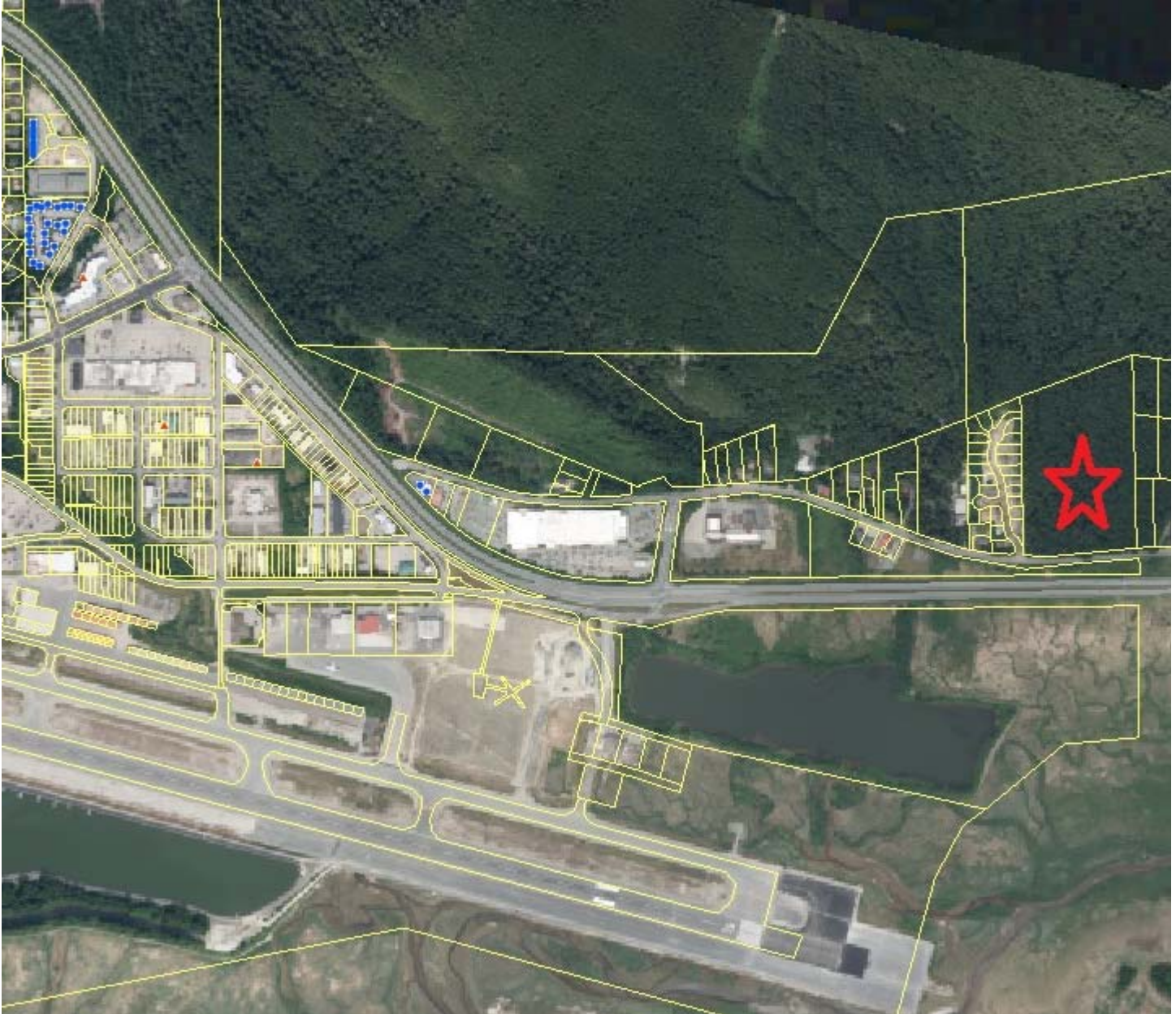
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

File: AME2015 0005

Parcel: 5-B14-0-101-001-0

Address: 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

Please see the attached application and proposed plans.

I look forward to receiving your comments.

Let me know if you require any additional information for this project 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



Jonathan Lange

From: Dan Jager
Sent: Thursday, March 12, 2015 12:02 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan, I do not see any fire code issues with this request at this time. Thanks!
Dan

From: Jonathan Lange
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

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Thank you and have a great day.

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
Jonathan.Lange@juneau.org



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Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

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The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

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I look forward to receiving your comments.

Let me know if you require any additional information for this project 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



Jonathan Lange

From: Rorie Watt
Sent: Thursday, March 12, 2015 11:12 AM
To: Jonathan Lange
Cc: Ed Foster; Samantha Stoughtenger; Ron King
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

No comments.

From: Jonathan Lange
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

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I look forward to receiving your comments.

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Thank you and have a great day.

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
Jonathan.Lange@juneau.org



From: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

File: AME2015 0005

Parcel: 5-B14-0-101-001-0

Address: 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

Please see the attached application and proposed plans.

I look forward to receiving your comments.

Let me know if you require any additional information for this project 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



Jonathan Lange

From: Jean Alonzo <jalonzo50@gmail.com>
Sent: Monday, March 30, 2015 9:56 PM
To: Jonathan Lange
Subject: Parcel Adjacent to Vista Del Sol

Good Evening Mr. Lange,

My name is Jean Alonzo I live in Vista Del Sol Dr with my wife and three daughters, this is the new development being build by Duran Construction. It has come to our attention that the 19-acre parcel that is for sale on the town side of Vista Del Sol has been sold or it has a potential buyer and that this potential buyer has applied for a zone change from D-5 to a mix of D-18 and Light Commercial (LC), this is something that my wife and I are concern about because we are afraid that this zone change will have a negative impact not only to our home but to the entire community at Vista Del Sol, I believe that by approving the zone change and the light commercial development, the property value at Vista Del Sol and other neighboring properties will suffer greatly "**and this is a big concern to us that our properties has a great potential to decrease in value**" not to mention the terrible traffic that will cause this development of at least 400 dwelling units because we have to take into account that with this amount of dwelling units there will be over 400 hundred vehicles increasing traffic tremendously, please take all this into consideration before approving zone cahnge. I would like to thank you for taking your time to read this email and hear our concerns.

V/R
Jean Alonzo
Fabiola Alonzo

Property Owners at Vista Del Sol Dr.

Jonathan Lange

From: Josette Duran <duran@acsalaska.net>
Sent: Tuesday, March 31, 2015 12:39 PM
To: Jonathan Lange
Subject: RE: Crude sketch

And this is all that Mr. Harris has given you? As I stated in our meeting, the narrative states the reason for the rezone as "a large portion of the parcel is *believed* to be wetlands and much of this will be preserved through the wetland permitting process, the process will limit the usable land within this parcel, requiring that the usable portions of the land be a higher density to accommodate a quality housing project".

If the wetlands are the justification for the rezone request, let's see the wetlands. Either by a Jurisdictional Determination prepared by the USCOE or other qualified professional that will be accepted by USCOE.

This goes to "not enough information...".

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Tuesday, March 31, 2015 12:19 PM
To: 'Josette Duran'
Subject: RE: Crude sketch

Attached is the wetlands maps that the CBJ regulates. For the subject parcel this map is a little confusing. The M27 designation is for the sliver of wetlands on the south of Glacier Highway.

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
Jonathan.Lange@juneau.org



From: Josette Duran [<mailto:duran@acsalaska.net>]
Sent: Tuesday, March 31, 2015 12:01 PM
To: Jonathan Lange
Subject: RE: Crude sketch

And can you please provide me with a copy of the wetlands delineation you mentioned you had?

Thanks.

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Tuesday, March 31, 2015 11:23 AM

To: Josette Duran (duran@acsalaska.net)

Cc: Hal Hart

Subject: FW: Crude sketch

Josette,

Attached is the concept plan from Rich Harris for the lot adjacent to Vista Del Sol.

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
Jonathan.Lange@juneau.org



From: RICHARD HARRIS [<mailto:RHDevelopment@gci.net>]

Sent: Tuesday, March 31, 2015 11:18 AM

To: Jonathan Lange

Subject: Crude sketch

Jonathan , please replace our initial crude sketch with the attached .

Thanks,

Richard Harris

Jonathan Lange

From: donna rasmussen <olrsince88@yahoo.com>
Sent: Monday, March 30, 2015 8:54 PM
To: Jonathan Lange
Subject: rezoning

Hello,

We are writing in regards to possible rezoning of a parcel at 7400 Glacier Highway. Increasing to D-18 zone and overcrowding the area would be detrimental. The increased noise and traffic, along with decreased natural habitat will be very stressful on the environment and neighborhood.

Sincerely,
Brad and Donna Rasmussen

Jonathan Lange

From: Skeek, Kyle (HSS) <kyle.skeek@alaska.gov>
Sent: Tuesday, March 31, 2015 4:25 PM
To: Jonathan Lange
Subject: Concerns

Jonathan,

Good morning. As per our discussion I do have concerns as a future home owner of the Vista Del Sole Property.

My concern's are:

1. Rezoning it to light commercial – it would increase traffic. The proposal is too vague and we don't even know what it would be used for...marijuana growing? I have children that I am concerned about.
2. Property Value would drop due to the rezoning and depending what type of commercial that would be next door.
3. The property in the back has the potential of having having an apartment complex. My concern is that it would lower the value of my property, it would bring in the type of people (sexual offenders and drunks) near my property which I have carefully selected to stay away from. My current home is near a school zone (mendenhall River School). I would never buy a home near an apartment complex or a light commercial zone. I would rather break my contract and stay in my current home.
4. This rezoning will have a big impact on the Vista Del Sole properties and future buyers.

Bottom line we need more specifics on the rezoning to light commercial and if this goes through you better put in a stop light to keep my family safe from traffic.

Kyle Skeek
Eligibility Technician II
Division of Public Assistance
Juneau District Office – 020
10002 Glacier Highway, Suite 200
Juneau, AK 99801
Ph: 465-3264
Fax: 465-4657

Jonathan Lange

From: Jonathan Lange
Sent: Tuesday, March 31, 2015 4:39 PM
To: 'Josette Duran'; Hal Hart
Cc: Beth McKibben
Subject: RE: Rezone - Staff Report

Josette,

Thank you for reviewing the report and your comments.

We will include Subarea 4 in the staff report, as well as Subarea 5; and will include the "Guidelines" that you pointed out too.

For your density question; the calculations for density will change once the parcel is subdivided. Once subdivided the density will be calculated for each parcel, roads do not count into this calculation.

Unfortunately, we will not be able to give you until tomorrow for your comments. The staff reports and attachments are due to our Administrative Staff today. I will be leaving soon for the day. So, if you are able to get whatever comments you have so far, please do.

Any comments received after today will be given to the Planning Commission the day of the meeting. Also, you may give comments to the Planning Commission the night of the meeting, when they open the hearing for public testimony.

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
Jonathan.Lange@juneau.org



From: Josette Duran [<mailto:duran@acsalaska.net>]
Sent: Tuesday, March 31, 2015 3:56 PM
To: Hal Hart; Jonathan Lange
Subject: Rezone - Staff Report

Gentlemen,

Thank you for your time this morning to hear our concerns about the rezone application. Of course, I am hammering away at putting our comments in written form for inclusion in the packet to the Planning Commission.

I have also just reviewed the draft staff report and thank you for that opportunity.

One BIG thing that stands out is that the parcel has been stated as being in Subarea 5 (Maps G, H & K), while it appears to me to belong in Subarea 4 (Maps F & G). There is a small portion of Map G (DZ School/Switzer and some IPU) that overlaps and is included on both maps, thus that portion of the map would be included in Subarea 5, but not the rezone parcel.

With that said, the Guidelines and Considerations for Subarea 4 state:

1. "Maintain the density of existing neighborhoods..." D-5. (period)
2. "Provide for increased community commercial development close to existing commercial areas *in the lower valley*." The rezone parcel is not in the lower valley where commercial development is being encouraged (and without language elsewhere would say it is not being encouraged elsewhere in the subarea). The MDR definition "Any commercial development should be of a scale consistent with a residential neighborhood..." What scale of commercial development is consistent within an existing D-5 neighborhood? I think the residents would say none.

If you could let me know if we agree on the Subarea 4 designation that would help (us both, I think!).

Other thing I see is page 16 last paragraph about total density for land without the development of the streets--I thought the area of streets was included in the density calculation? So the density would not be reduced after all?

I am hoping I can have until the morning to get our comments in?

Thanks,

Josette Duran
321-4663

Note:

Refer to JWMP enforceable policies WM1-WM11.
JWMP Policies do not apply to Federal Lands.
Federal Lands are excluded.

WETLAND CATEGORIES

D2	EP	M5	A
D3	EP	M6	C
D4	EP	M7	B(S)/C(S)
D5	EP	M8	C
D6	EP	M9	C
D7	B(S)	M10	C
D8	B(S)	M13	C
J1	B(S)	M14	B
J2	A	M15	C
J3	A	M17	C
J4	A	M18	C
J5	A(R)	M19	D GREENBELT
J6	B(S)	M21	B GREENBELT
J7	B(R)/C	M26	B
M1	B	M27	B
M1A	B	M49	C(S)
M1B	B	M50	C
M1C	B	M51	C(S)
M2	EP	M52	C
M3	B	M53	C(S)
M4	C		

* ES wetlands are included in the local resource inventory but are not classified as A,B,C and D due to intertidal influence. See ES RESOURCE INVENTORY page for exact boundaries of ES1, ES2, ES5, ES7, ES11, ES15, ES18, ES40, ES41 and ES42.

(R) refers to Residential Road Corridor
(S) refers to Anadromous Stream and Lake Corridor*

* Anadromous water bodies are determined by the latest CBJ- adopted version of the Alaska Department of Fish and Game's "Water Important to Spawning, Rearing, or Migration of Anadromous Fishes- Southeastern Region."

JUNEAU WETLANDS MANAGEMENT PLAN **Management and Important Habitat Designations** **EAST VALLEY**

Juneau Coastal Management Plan
November 2007



2000 0 2000 Feet



Source: Base Maps: City & Borough of Juneau/Geographic Information System
Wetland Boundaries: Juneau Wetlands Management Plan- May 1994

Important Habitat Designations
 Federal Lands
 Wetlands Resource Inventory

(See LEMON CREEK Map)
for this area

ATTACHMENT E

LEMON CREEK TRAFFIC MAP ENLARGEMENT

2012

Prepared By

ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
DIVISION OF DESIGN AND ENGINEERING SERVICES
SOUTHEAST REGION TRAFFIC AND SAFETY

LEGEND

999

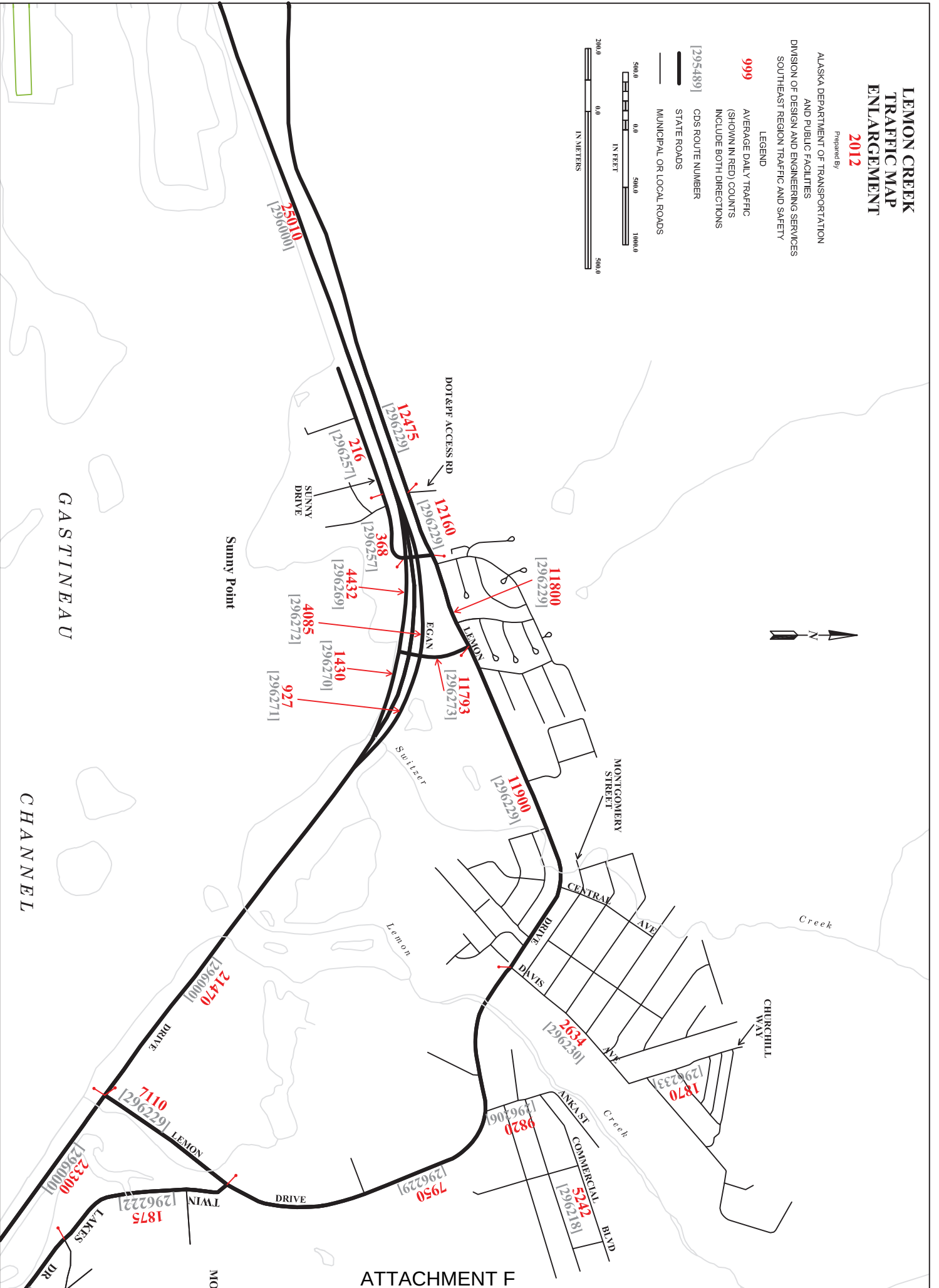
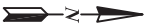
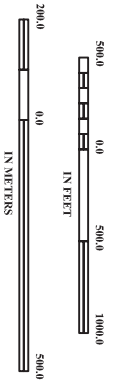
AVERAGE DAILY TRAFFIC
(SHOWN IN RED) COUNTS
INCLUDE BOTH DIRECTIONS

[295489]

CDS ROUTE NUMBER

STATE ROADS

MUNICIPAL OR LOCAL ROADS





Existing Site – 7400 Glacier Highway





Vista Del Sol Subdivision to the West of Subject Parcel



Glacier Gardens – West of Subject Parcel.



Single-family development along Glacier Highway.



Bus Stop

Single-family development along Glacier Highway to the west and bus stop approximately a quarter of a mile away from subject parcel.



Commercial development located on Glacier Highway west of subject parcel.





Looking west along Glacier Highway from CBJ Public Works buildings.



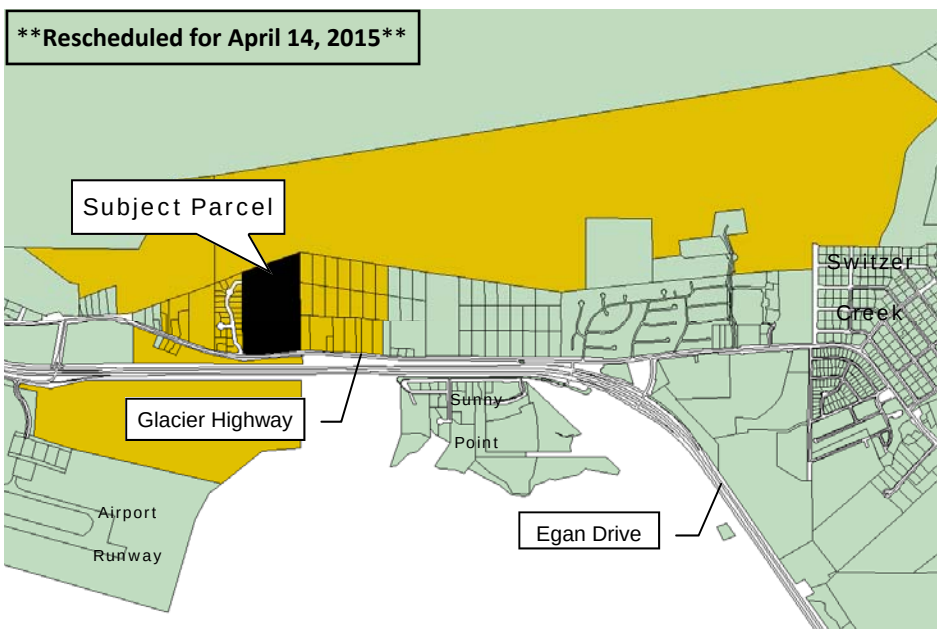
along Glacier Highway.

Single-family residence



NOTICE OF PUBLIC HEARING

****Rescheduled for April 14, 2015****



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

SHIP TO:



PROPOSAL: A Rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).

File No:	AME2015 0005	Applicant:	RH Development
To:	Adjacent Property Owners	Property PCN:	5-B14-0-101-001-0
Hearing Date:	**April 14, 2015**	Owner:	Honsinger Family Limited Partnership
Hearing Time:	7:00 PM	Size:	19.71 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-5
		Site Address:	7400 Glacier Highway
		Accessed Via:	Glacier Highway

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 586-0218.



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

Date notice was printed: March 12, 2015

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

Protest of Planning Commission's Recommendation to Deny a Request to Rezone Lot 5 Block B Alaska Juneau IV-11; Lot 10 – 15 Block B Alaska Juneau V; and Lot 2 Block A Alaska Juneau IV-11, Located on Mill Street and Eastaugh Way.

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
☐ DRAFT ordinance AME20150001	6/3/2015	Ordinance
☐ Protest of AME201500001	5/12/2015	Exhibit
☐ Notice of Recommendation re AME2015-0001	5/12/2015	Exhibit
☐ Staff report AME20150001	5/12/2015	Exhibit
☐ Abutter Notice AME20150001	5/12/2015	Exhibit

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-XX

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lot 5 Block B Alaska Juneau IV-11; Lot 10 – 15 Block B Alaska Juneau V; and Lot 2 Block A Alaska Juneau IV-11, Located on Mill Street and Eastaugh Way, from I (Industrial) to MU (Mixed-Use).

WHEREAS, the area of the proposed rezone, Lot 5 Block B Alaska Juneau IV-11; Lot 10 – 15 Block B Alaska Juneau V; and Lot 2 Block A Alaska Juneau IV-11, Located on Mill Street and Eastaugh Way is currently zoned as Industrial; and

WHEREAS,

WHEREAS,

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

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

Section 2. Amendment to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Lot 5 Block B Alaska Juneau IV-11; Lot 10 – 15 Block B Alaska Juneau V; and Lot 2 Block A Alaska Juneau IV-11, Located on Mill Street and Eastaugh Way, from I to MU.

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

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

Adopted this _____ day of _____, 2015.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



RACE REALTY

2103 N. JORDAN AVENUE
JUNEAU, AK 99801-8049

BUS. (907) 789-0555

FAX (907) 789-8460

www.racerealty.com

April 27, 2015

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

Ref: Appeal of Planning Commission decision
File: AME2015 0001

Dear Mayor and Assembly Members:

On April 14, 2015, North Pacific Erectors (NPE) application to rezone 5.13 acres on the rock dump from Industrial (I) to mixed use (MU) was heard by the Planning Commission. The application was denied on a split vote.

We understand that this decision constitutes a recommendation of the Planning Commission to the Assembly. We respectfully request this recommendation be heard by the Assembly and NPE be allowed the opportunity to present our supporting documents and presentation. I represent North Pacific Erectors in this application and request to be notified of the date and time to hear our appeal.

Sincerely

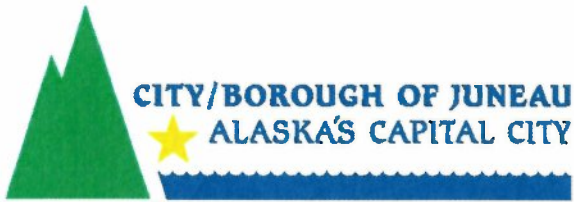
Errol Champion

Broker

Coldwell Banker Race Realty

Cc: Jim Williams





**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: April 20, 2015

File No.: AME2015 0001

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

Application For: Planning Commission recommendation to the City and Borough Assembly regarding a rezone request to change 5.13 acres from Industrial to Mixed Use.

Legal Description: Alaska Juneau IV-11 Block B Lot 5
Alaska Juneau V Block B Lot 10
Alaska Juneau V Block B Lot 11
Alaska Juneau V Block B Lot 12
Alaska Juneau V Block B Lot 13
Alaska Juneau V Block B Lot 14
Alaska Juneau V Block B Lot 15
Alaska Juneau IV-11 Block A Lot 2

Property Address: Mill Street and Eastaugh Way

Hearing Date: April 14, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 3, 2015, and recommended that the City and Borough Assembly deny the request to rezone 5.13 acres from Industrial to Mixed Use in the vicinity of Eastaugh Way and Mill Street.

Attachments: April 3, 2015 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2015 0001.

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

Project Planner: 
Beth McKibben, Planner
Community Development Department

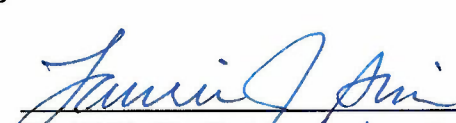
see back page
Michael Satre, Chair
Planning Commission

City and Borough of Juneau

File No.: AME2015 0001

April 20, 2015

Page 2 of 2


Filed With City Clerk 4/22/15 Date Michael Satre
Planning Commission

cc: **Plan Review**

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

Presented by: The Manager
Introduced: 05/19/2014
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(c)am

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

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

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

Section 2. Amendment to Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

- (1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.
- (2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

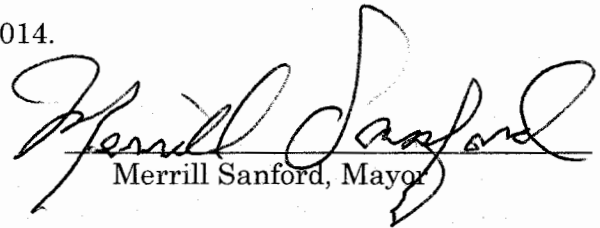
with the municipal clerk within 20 days of the commission's written notice of recommendation.

- (3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

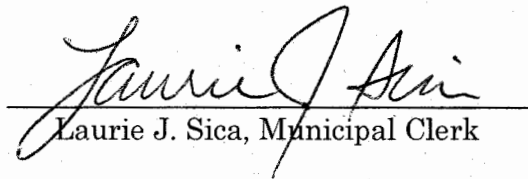
(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 3. Effective Date. This ordinance shall be effective 30 days after current, outstanding appeals are resolved.

Adopted this 29th day of September, 2014.


Merrill Sanford, Mayor

Attest:


Laurie J. Sica, Municipal Clerk



Community Development

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

DATE: April 3, 2015

TO: Planning Commission

FROM: Beth McKibben, Planning Manager
Community Development Department

FILE NO.: AME2015 0001

PROPOSAL: Rezone request to change 5.13 acres from Industrial to Mixed Use.

Applicant: Errol Champion

Property Owner: Hendrika Flamee & Roeland Boudewijn – Lot 5, Eastaugh Way;
JMIS LLC – Lots 10 -15, Mill Street;
JNY LLC – Lot 2, 125 Mill Street

Property Address: 0 Eastaugh Way
0 Mill Street
125 Mill Street

Parcel Code No.: 1-C11-0-K12-005-0
1-C11-0-K12-010-0
1-C11-0-K12-011-0
1-C11-0-K12-012-0
1-C11-0-K12-013-0
1-C11-0-K12-014-0
1-C11-0-K12-015-0
1-C11-0-K15-002-0

Legal Description: Alaska Juneau IV-11 Block B Lot 5
Alaska Juneau V Block B Lot 10
Alaska Juneau V Block B Lot 11
Alaska Juneau V Block B Lot 12
Alaska Juneau V Block B Lot 13
Alaska Juneau V Block B Lot 14
Alaska Juneau V Block B Lot 15
Alaska Juneau IV-11 Block A Lot 2

Site Size: 5.13 acres (affected area)

Zoning: I – Industrial

Comprehensive Plan Future
Land Use Designation: HI – Heavy Industrial

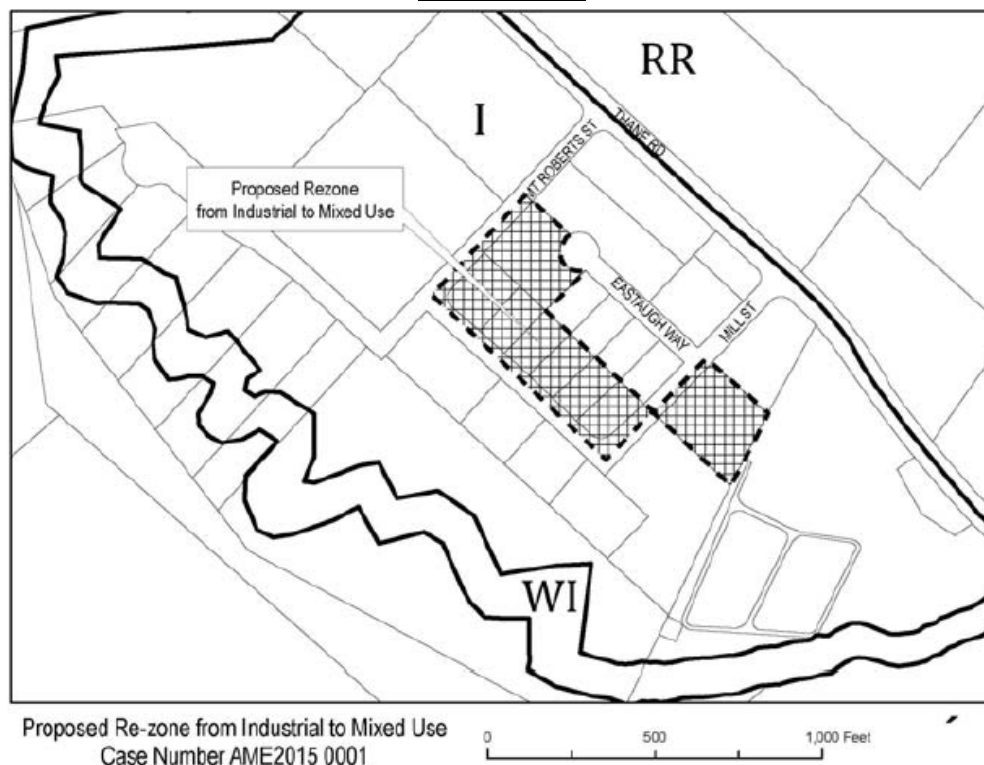
Utilities: CBJ Water and Sewer

Access: Mill Street and Eastaugh Way

Existing Land Use: Vacant; Storage units with one care-taker unit under construction

Surrounding Land Use: North – Industrial; AK Litho Building, Commercial Mix with garage; Rock
Dump Climbing gym; Bus company storage and parking
South – Industrial; Princess Tours Bus shop and parking; Alaska
Marine Lines loading facility and dock
East – Industrial; Juneau Wastewater Treatment Plant
West – Industrial; Delta Western, Inc. yard and fuel tanks

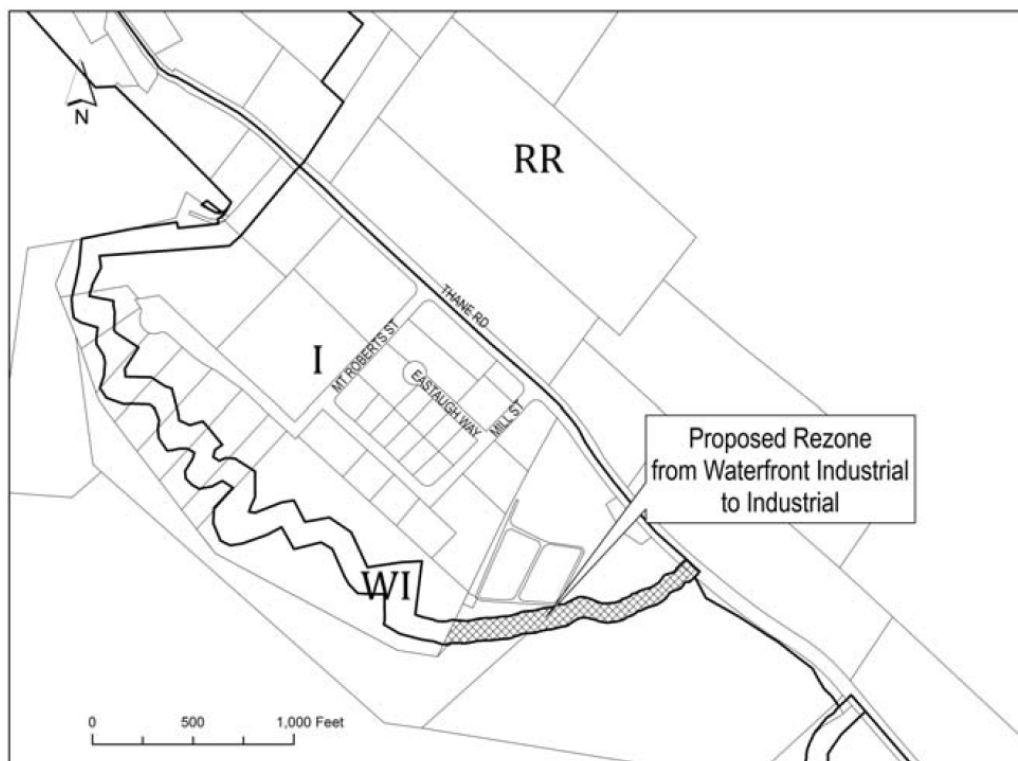
Vicinity Map



ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	Zone Change Application
Attachment 3	Project Narrative
Attachment 4	North Pacific Erectors letter
Attachment 5	Plat of zone change properties
Attachment 6	Zoning Map
Attachment 7	2013 Juneau Comprehensive Plan Map N
Attachment 8	CBJ Engineering Comments
Attachment 9	CBJ Assessors Comments
Attachment 10	Public Comments
Attachment 11	1969 Zoning Map
Attachment 12	Neighborhood Meeting
Attachment 13	Public Notice
Attachment 14	Table of Permissible Uses – CBJ 49.25.300

A concurrent rezone request, AME2015 0002, is in the near vicinity of the subject proposal and is identified in the image below.



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

PROPOSAL

The applicant requests a zone change from Industrial (I) to Mixed Use (MU) for eight parcel at the Juneau Rock Dump, with a total site size of 5.13 acres. The purpose of the zone change is to “increase the marketability of the property by expanding uses outright or subject to a Conditional Use Permit” (Attachment 2).

The project narrative states that the property owners plan to build storage units with second floor dwelling units on each of the lots located within the requested in the rezone area. The parcel southeast of Mill Street, 125 Mill Street, currently has 22 storage units under construction or near completion with one care taker unit. The property owners would like to see each of the storage units having a dwelling unit.

BACKGROUND

The area was zoned as an Industrial district in the 1969 Greater Juneau Borough Zoning Ordinance zoning maps. No records have been found indicating the area has been zoned anything other than Industrial since that time.

PUBLIC INPUT

A neighborhood meeting was held on March 18, 2015 from 6pm to 7:30pm in the large conference room at the Downtown Juneau Public Library regarding both AME2015 0001 and AME2015 0002. Three members of the public, including the applicant of AME2015 0001, and five City and Borough of Juneau employees were in attendance at the neighborhood meeting. Three representatives from the Community Development Department were present; Beth McKibben and Jonathan Lange presented the rezone process, and CDD Director Hall Hart was in attendance. Michele Elfers from the CBJ Engineering Department was representing the applicant for AME2015 0002, along with Samantha Stoughtenger, Wastewater Superintendent. The letter of invitation, sign in sheet and agenda are found as Attachment 12.

Staff solicited agency review comments for the proposed development from January 27 through February 6, 2015. Comments were received from the CBJ Assessors Office and CBJ Engineering. These comments will be addressed in the Discussion section of this report (Attachments 8 and 9).

Several written comments were received both in support of and in opposition to the requested rezone (Attachment 10).

ANALYSIS

REZONE PROCEDURE

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

CBJ 49.75.110 - Initiation.

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

The rezone proposal was filed on January 2, 2015. Public notices were mailed to property owners within 500 feet of the subject properties on March 13, 2015 and printed in the newspaper on April 3, 2015 and April 13, 2015.

CBJ 49.75.120 - Restrictions on rezonings.

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

The parcels proposed for rezone total 5.13 acres and are zoned Industrial (Attachment 6). Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

All zoning districts are established in the Title 49 Land Use Code. The subject lot and neighboring lots are presently in an Industrial zoning district. The definitions of the Industrial and Mixed Use districts are listed below.

49.25.240 I, industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

The Industrial zoning district allows for up to one caretaker dwelling unit per parcel.

49.25.220 Mixed use districts.

The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses.

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

The Mixed Use district has no maximum density.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above, the proposed zoning district and the uses allowed therein must be found to be in substantial conformance with the land use maps of the comprehensive plan. "Substantial" is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

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

In considering re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

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

In Chapter 18, Implementation and Administration, additional guidance is provided as follows:

The Comprehensive Plan as a Guiding Planning Document

“The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process.”

“The Plan contains 123 Policies, each of which may have an associated “Standard Operating Procedure,” “Development Guideline,” and/or “Implementing Action,” which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs.” (emphasis added)

When considering this request, it is important to understand what the Comprehensive Plan intends when describing land use designations. The plan states the land use categories are intended to describe the overall character of development for each land use category and are not intended to be firm or restrictive definitions, such as with zoning district permitted and Conditional Uses. The categories are to be used to guide the formation of zoning regulations, and their allowed uses reflect cultural values and economic and societal needs. Over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances. The Comprehensive Plan Map for this area is shown on Attachment 6.

The parcels proposed for rezone are located in the Heavy Industrial (HI) land use category of the 2013 Comprehensive Plan as identified on Map N (Attachment 7).

Heavy Industrial is defined in the Comprehensive Plan as:

Heavy Industrial (HI):

Land to be developed for heavy industrial uses such as large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication;

wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites; aircraft facilities; and other similar large-scale or noisy and/or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, All Terrain Vehicle (ATV) or snowmobile motor-course facilities, shooting ranges, and other similar noise-generating uses. Residential, office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted. (emphasis added)

The definition of Heavy Industrial indicates large-scale industrial, processing, and manufacturing uses, where residential uses should not be allowed, other than one caretaker unit per parcel. The Industrial zoning district fits within that land use designation of Heavy Industrial including only one caretaker unit allowed with a primary industrial use. The Mixed Use district is a mixed use commercial/residential zoning that encourages multi-family residential development with no maximum density limit.

There are eight subject parcels included in the request for rezone. The Industrial zoning district would permit one caretaker unit per lot, or eight dwelling units. Whereas, the Mixed Use zoning district would allow an unlimited number of dwelling units to be developed. The applicant's narrative states that they would be looking at 40 units for the whole development.

Existing site 5.13 acres	Industrial (1 caretakers unit/parcel)	MU (No Max density/parcel)
Number Units	8 (1 per lot)	No Maximum Density
Maximum Height Limit	No Max	No Max
Maximum Lot Coverage	No Max	No Max
Vegetative Cover	5%	5%

The existing Mixed-Use zoning districts throughout the Borough are located in or could be located in the following Comprehensive Plan Land Use designations:

C – (Commercial) Definition:

Lands devoted to retail, office, food service or personal service uses, including neighborhood retail and community commercial centers, such as shopping centers and malls, office complexes or other large employment centers. Mixed retail/residential/office uses are allowed and encouraged. Residential and non-residential uses could be combined within a single structure, including off-street parking. Residential densities ranging from 18 – 60 units per acre are appropriate in this

area, with even higher densities appropriate in mixed-use or transit-oriented developments. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

TTC – Traditional Town Center Definition:

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

M/MU – Marine Mixed Use Definition:

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

These areas are characterized by high-density residential, ranging from 10 or more dwelling units per acre, and a mix of commercial, retail and other uses.

The following Comprehensive Plan policies are related to the rezone proposal:

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

3.1 – DG2 (Development Guideline) When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed use district; from a low-density residential district to a higher-density residential district; or from a lower building height district to a higher building

height district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning. The affordable units should be dispersed throughout the development, constructed at the same time as the market-rate units, and priced or rented to households with incomes no greater than 80 percent of the City and Borough of Juneau's Median Family Income (MFI) level by household size, as established annually by the U.S. Department of Housing and Urban Development (HUD).

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

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

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

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

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

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development. The following policies are related to the subject rezone proposal:

"Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy. As part of the 2008 Update of this Plan, CBJ staff conducted a survey of all business types and found that following, which are still relevant and accurate in 2013:

1. A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.

2. Industrially-zoned areas in Lemon Creek (near Costco) and near the airport have been encroached upon by non-industrial uses that have generated traffic congestion, higher land prices and lease rates, and commercial neighbors who are intolerant of the noise, odors, glare, dust, and other impacts of industry.
3. For industry to grow, including food processing and heavy material handling or manufacturing, a new industry-only zoning district category with parcels ranging in size from 5 to 20 acres each, is needed at a location near utilities and heavy load-carrying capacity roads, but distant from residential and general commercial uses.

POLICY 5.10. TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM.

5.10 – SOP (Standard Operating Procedures) 2 – When additional land is needed for commercial or industrial uses or when there are particular locational requirements for certain activities, initiate appropriate amendments to the Comprehensive Plan and Zoning maps to accommodate this need. These new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive Plan.

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

5.11 – DG1 When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such conversion.

The above policies of the Comprehensive Plan articulate the need to maintain "sufficient and suitable land" for industrial uses.

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

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

POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

POLICY 10.7 TO DESIGNATE ON LAND USE AND ZONING MAPS, AND TO PROVIDE SERVICES TO SUFFICIENT VACANT LAND WITHIN THE URBAN SERVICE AREA APPROPRIATELY LOCATED TO ACCOMMODATE FUTURE COMMERCIAL AND INDUSTRIAL USES.

10.7- DG2D – Residential, retail, office personal service and similar non-industrial uses should not be permitted within heavy industrial districts although light industry such as building contractors, repair services, storage yards and similar business and household services would be compatible with heavy industry.

10.7 –DG2E – Residential uses, other than caretaker units should be prohibited in industrial zones.

Housing is a concern and creating housing is a goal for the CBJ and the Comprehensive Plan, but as the Policies above state consideration should be taken to minimize conflict between residential uses and industrial uses. Industrial uses create noise, odor and other impacts that have adverse effects on residential uses.

The subject parcels are located in Subarea 6 of the Comprehensive Plan on Map N of the Land Use Maps (Attachment 7).

The following is listed under Guidelines and Considerations for Subarea 6:

10. Promote mixed uses downtown. Encourage small-scale neighborhood-serving retail and personal service businesses and increased multifamily development within the urban center. Encourage housing over ground-floor retail space, Single-Room-Occupancy (SRO) dwellings and/ or loft-style housing in downtown.

15. Consider establishment of an alternative local roadway from Egan Drive in downtown Juneau to the industrial barge terminal and Thane Road that by-passes the South Franklin/Cruise Ship Terminal area.

The above Guidelines and Considerations for Subarea 6 of the Comprehensive Plan encourage, mixed uses for downtown Juneau.

2004 LONG RANGE WATERFRONT PLAN

The proposed rezone is located within Subarea E of the planning area of the 2004 Long Range Waterfront Plan. This Plan calls for the subject area to continue on as an important economic engine and logistics point for the community of Juneau by preserving and encouraging a continuation of waterfront dependent and industrial uses. It states that with a high level of investment in industrial, public works and marine facilities this area is envisioned to remain similar to present levels of activity and character.

The Waterfront Plan envisions that vacant parcels in the area could be developed to meet additional market demand for industrial space over time. Further, it encourages the strengthening of land regulations in this subarea primarily to allow only industrial and non-cruise related maritime activities. In addition, the plan notes that tourist related retail should be removed as a permissible use in this area, with the exception of such uses that are necessary to and located on the same lot as the cruise ship docks.

The Waterfront Plan also calls for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant and further recommends buffering this use through vegetative cover or other means to improve the possibility of development eastward.

COMPLIANCE WITH CBJ TITLE 49 LAND USE CODE

The Table of Dimensional Standards and the Table of Permissible Uses of the Land Use Code establish the permitted standards and uses in zoning districts (see Attachment 14). Below is a list of a some of the uses allowed for the Industrial and Mixed-Use zoning districts.

In the Industrial and Mixed-Use zoning districts there are many industrial uses that are allowed in the Mixed-Use district, as shown below. The Industrial district's primary distinction from the Mixed-Use district is that it does not allow residential uses, other than the caretaker unit. In addition, industrial uses are heavy uses that often generate impacts, such as noise and odors that have a great adverse effect on residential uses.

Table of Permissible Uses	I	MU
Single-family dwelling	1A	1
Multi-family dwellings		1,3
Day Cares		1,3
Hotels, motels		1,3
Offices greater than 1,000 but not more than 2,500 square feet		1
Nursing care, assisted living, sheltered care		1,3
Halfway houses		3
Heavy manufacturing	3	
Rock crusher	3	
Storage of explosives and ammunition	3	
Seafood processing	1,3	
Automotive fuel station	1	
Snow storage	1,3	
Stabling of farm animals	1,3	
Crematorium	1,3	
KEY NOTES: 1 – Department approval only 3 – Conditional Use Permit required Blank Box – Not allowed A – A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.		

DISCUSSION

49.25.220 Mixed use districts.

The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses.

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

Direct conflict with adjacent industrial uses could create restrictions on use of adjacent industrial properties due to noise and odor, dust and other impacts.

The CBJ Assessor's Office states:

"....[Establishing] a precedent of rezoning industrial land to mixed-use is a disservice to the industrial base for which we believe Juneau needs to provide viable, useful space at attractive land rates....[Re-zoning] to allow residential use has the potential of increasing the market value of this land, pricing it out of the industrial market....[Establishing] a precedent of allowing residential use, beyond the very limited "caretaker" residence puts an unnecessary burden on existing and future industrial-use neighbors in the area....Much as there are strong social and economic arguments for allowing residential use here, we believe it is equally important to preserve and support existing, legal industrial uses as currently zoned throughout Juneau." (Attachment 9)

The CBJ Engineering and Public Works Director states:

"I am concerned that additional residences near the Juneau-Douglas Wastewater Treatment Plant could result in a bad development mixture that would be unsatisfying for residences and additionally expensive for the operation of the plant." (Attachment 8)

Engineering also notes truck traffic and exterior lighting from the plant as potential points of conflict to future residents.

CBJ Engineering and Public Works has provided a map that shows 500' radius circles from the nearest section of the Juneau-Douglas Wastewater Treatment Plant and the Mendenhall Wastewater Treatment Plant.

It is difficult to predict future traffic generation from the requested rezone because so many different uses and intensity of uses are allowed. However, the area currently experiences heavy truck and bus traffic, which may conflict with possible residential or commercial and retail traffic.

Further, CBJ regularly receives reports of conflicts between the Lemon Creek Gravel Extraction industrial uses next to a D-5 zoning district. Allowing for unlimited residential density directly adjacent to industrial uses may create unavoidable conflicts and result in excessive restrictions on limited industrial properties.

HABITAT

Not applicable. The proposed rezone does not relate to any policies under CBJ 49.70.900, the Juneau Coastal Management Program.

ZONE CHANGE INITIATION

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

1. Was the proposed zone change initiated by the property owner during the appropriate time frame?

Yes. The application for the subject zone change was made on January 2, 2015.

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

Yes. The public was notified through newspaper advertising published on March 31, 2015, and April 13, 2015, mailings to owners of all properties within 500 feet of the subject property, and a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request. Staff also held a neighborhood meeting on March 18th, 2015, for the proposed rezone.

FINDINGS

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

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. MU (Mixed-Use) zoning does not comply with the policies and guidelines of the Comprehensive Plan and does not substantially conform to the land use maps of the Comprehensive Plan and is not consistent with Map N.
3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change 5.13 acres from Industrial to Mixed-Use.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>11/2/15</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>Application to rezone 5.13 acres of land located on the Juneau rock dump from Industrial to Mixed Use.</u>		
	PROPERTY LOCATION		
	Street Address <u>NHN on Mill Street and Eastaugh Way</u>		City/Zip <u>Juneau, AK 99801</u>
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>See attached CBJ Assessor data sheets for legal description and parcel numbers.</u>		
	Assessor's Parcel Number(s) <u>See CBJ Assessor data sheet</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>Hendrika Flamee & Roeland Boudewijn; JNY LLC & C/O Cynthia Tindal</u>		Contact Person: <u>Errol Champion</u>
	Mailing Address <u>508 W Second Ave Floor 3, Anchorage, AK 99501</u>		Work Phone: <u>723 4816</u>
	E-mail Address <u>N/A</u>		Home Phone: <u>723 4816</u>
			Fax Number: <u>789 8460</u>
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>[Signature]</u> Landowner/Lessee Signature	<u>11/25/14</u> Date
	X	<u>[Signature]</u> Landowner/Lessee Signature	<u>11/25/14</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>Errol Champion</u>		Contact Person: <u>same</u>
	Mailing Address <u>2103 N Jordan Ave., Juneau, AK 99801</u>		Work Phone: <u>723 4816</u>
E-mail Address		Home Phone: <u></u>	
		Fax Number: <u>789 8460</u>	
		Other Contact Phone Number(s):	
X	<u>[Signature]</u> Applicant's Signature	<u>12/1/14</u> Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	***SIGN	Date Received
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
	☒	Zone Change Application		<u>11/2/15</u>
		Other (Describe)		<u>AmE 15-001</u>
	Comments:			
				Permit Intake Initials <u>JKL</u>

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

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number AME 15-001	Date Received 11/2/15																																			
LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED: ALASKA JUNEAU V BL B LT 10, LT 11, LT 12, LT13, LT 14, LT 15; and ALASKA JUNEAU IN II BL A L2 ALASKA JUNEAU IV-II BL B LT 5																																						
IS THIS AN EXPANSION OF AN EXISTING ZONE? ☐ Yes ☒ No																																						
Total Land Area of Proposed Change 3.96 5.13 acres		Comp Plan Designation Industrial																																				
Current Zone(s) Industrial		Comp Plan Map Industrial																																				
New Zone Requested MU																																						
TYPE OF ZONE CHANGE REQUESTED: ☒ Regular ☐ Transition																																						
HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS? ☐ Yes ☒ No																																						
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																						
PURPOSE OF THE REQUESTED ZONE CHANGE: To increase the marketability of the property by expanding uses allowed outright or subject to a conditional use permit with a Mixed Use zoning designation.																																						
IS THERE A PROPOSED USE OF THE LAND? ☒ Yes ☐ No																																						
PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☒ No																																						
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT): Combination of on-site wholesale and retail businesses that would include storage of inventory.																																						
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:																																						
STREETS: Minimal increase in traffic.																																						
WATER: None - public water service is available in Mill Street																																						
SEWER: None - public sewer service is available in Mill Street																																						
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;">ZONE CHANGE FEES</th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td style="text-align: right;">\$ 600⁰⁰</td> <td style="text-align: center;">79516</td> <td style="text-align: center;">4486063</td> <td style="text-align: center;">11/2/15</td> </tr> <tr> <td>Admin. of Guarantee</td> <td style="text-align: right;">\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td style="text-align: right;">\$ 50</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td style="text-align: right;">\$ 100</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ 750⁰⁰</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			ZONE CHANGE FEES	Fees	Check No.	Receipt	Date	Application Fees	\$ 600 ⁰⁰	79516	4486063	11/2/15	Admin. of Guarantee	\$				Adjustment	\$				Pub. Not. Sign Fee	\$ 50				Pub. Not. Sign Deposit	\$ 100				Total Fee	\$ 750 ⁰⁰			
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

REZONE APPLICATION FOR ROCK DUMP PROPERTY

Proposed Development: Construction and sale of multi-use condo storage units

The request to rezone the six lots from Industrial to Mixed Use zoning.

The owners plans are to build 40 + storage units that are two stories. The first floor will be a large, open but heated space suitable for storage or operating a small business such as an engine repair shop, marine works, RV maintenance, business inventory storage, etc. Each unit will be 20 feet wide and 50 feet deep and will include an eight foot outdoors balcony off the second floor living area. Buildings will be steel structures with steel siding and metal roofs.

The following three photos show the structures being built on Lot 2 on Mill Street. The two building are configured to allow for a mezzanine within each unit but only one full time living accommodations (as per zoning regulations). Similar steel buildings are being proposed on Lots 10 through 15 on Mill St and Lot 5 on Eastaugh Way which has a common property line with lots 14 & 15. The rezone application to MU zoning includes a total of seven lots.





The market demand for buildings like shown continues to be strong. While it is possible to build a balcony within the interior of each unit, potential buyers prefer and request a design change that would allow for a two bedroom apartment on the second level of each unit. The concept of a large storage area on the first floor and a two bedroom condo on the second floor has great market appeal and those that have been built have been sold very quickly as Juneau tries to deal with solving the shortage of available housing. The demand for similar type units in downtown Juneau is very strong.



The following page is a letter from Jim Williams, President of North Pacific Erectors reviewing the development opportunities/plans and the need to obtain the requested zone change to MU for the 5.13 acres of land located on the Juneau Rock Dump.

NORTH PACIFIC ERECTORS

**5719 Concrete Way
Juneau, AK 99801**

November 25, 2014

Hal Hart, Director
Community Development
City & Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Dear Hal:

I have been asked to write a narrative in regards to the rock dump property for which North Pacific Erectors is attempting to change the zoning from Industrial to Mixed-Use. A brief history of the property is that, in the last sixty years it was used to store tailings for the AJ Mine, has been the location of a golf course and a moto-cross course. In other words, it has not been used either for commercial or industrial purposes in all that time. We believe that by identifying the property as Mixed-Use will, finally, allow it to be used.

The land where North Pacific Erectors is currently erecting two buildings was designated for parking by the Planning Department to meet their parking requirements for new construction. In more than five years, the only car that I ever saw parking there had been abandoned. We are building twenty two storage units that were all sold before we started construction. Over half the owners wanted apartments in their units. However, we had to tell the owners that the CBJ only allowed one apartment in the twenty-to units as zoning only allowed one "care-taker" unit in the complex.

We believe there is an opportunity to build more of these types of buildings if the CBJ will support a change to the zoning. The availability of housing is critical to a vibrant downtown and we desperately need people living in the downtown area. All summer long, tourists prove that this property is within walking distance of downtown Juneau. As there is little or no opportunity for additional housing in our core area, the land, although not in the center of our core area is definitely accessible, as stated earlier. We are imagining industrial looking buildings with offices and shops on the first floor and housing above, much like our downtown used to be.

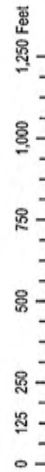
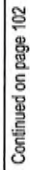
I would also like to suggest that, at the time of re-zoning, covenants are added before any housing is approved, that owners will need to expect noise from the barges unloading, tour buses staging, the sewage treatment plant (with the accompanying odors), tour ships and fuel plant operations. These covenants would mitigate complaints that arise and for which Community Development and the Assembly would be expected to address. In addition to the downtown housing shortage, Juneau is also facing a deficit in the millions of dollars. Allowing Multi-Use construction on this property would add a large tax base. Of course, this action will not solve all of Juneau's financial problems but it will definitely contribute to the solution.

I look forward to your positive response to our request to change the zoning of this property to Multi-use.

Sincerely,

Jim Williams
President





155 Address Number
 (B) Block
 7 Lot
 EAST VALLEY Subdivision

Assessor Tax Code

6D090	102	0030
Parcel Code Prefix	Block Number	Lot Number



Map N

Subarea 6
Juneau

GOLD CREEK

REC

Jualpa Mine Camp
Historic District

Last Chance Basin
Historic District

REC

WCI

RD

HI

THANE RD

IPU

WCI

RD

Rock Dump

NATURAL RESOURCE	REC	Recreational Resource
	RD	Resource Development
	SP	State Park
	NP	CBJ Natural Area Park
	RS	CBJ Recreational Service Park
	CA	CBJ Conservation Area
	SC	Stream Protection Corridor
COMMERCIAL INDUSTRIAL	C	Commercial
	MC	Marine Commercial
	WCI	Waterfront Commercial/Industrial
	LI	Light Industrial
	HI	Heavy Industrial

RESIDENTIAL	RDR	Rural Dispersed Residential
	RLDR	Rural Low Density Residential
	ULDR	Urban Low Density Residential
	MDR/SF	Medium Density Residential- Single Family
	MDR	Medium Density Residential
	HDR	High Density Residential
	TTC	Traditional Town Center
	MMU	Marine Mixed Use
PUBLIC	IPU	Institutional and Public Use
		Existing School
		Potential School Location
ROADS TRAILS		Potential Arterial (alignment not specific)
		Potential Road (alignment not specific)
		Trails

City & Borough of Juneau
COMPREHENSIVE PLAN
City & Borough of Juneau
125 West 10th Street
Juneau, Alaska 99801
Adopted October 20th, 2006
Ordinance No. 2006-30

OTHER		New Growth Areas
		Mendenhall Wetlands
		State Game Refuge
		Subarea Boundary
		Urban Service Area
		Beach Access
		Streams

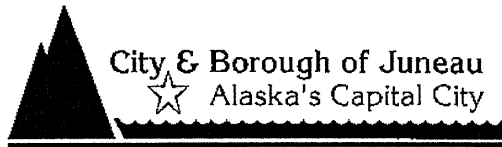
NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.

Map 11.15

0 500 Feet

Prepared by: Community Development Department

ATTACHMENT 7



Engineering & Public Works Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 2/3/15

TO: Teri Camery, Senior Planner, Community Development Department

FROM: Rorie Watt, P.E., Director 

SUBJECT: Rock Dump Rezone Application (I to MU)

Regarding the proposed rock dump zone change from Industrial to Mixed Use, I have the following comments.

I am concerned that additional residences near the Juneau Douglas Wastewater Treatment Plant could result in a bad development mixture that would be unsatisfying for residences and additionally expensive for the operation of the plant. We try to run the plant as well as possible, but unfortunately treatment process can become upset when equipment fails, the public dumps items down the sewer that disrupts the treatment process, or humans make errors. Wastewater treatment is the art and science of managing a biological process, it is not perfect and it is not always predictable.

When making your decision on this application, please do so without unreasonable expectations about the future operation of the plant. Relocating the WWTP is simply not a realistic option, now or in the future, and there are limits to our ability to predict and control odors.

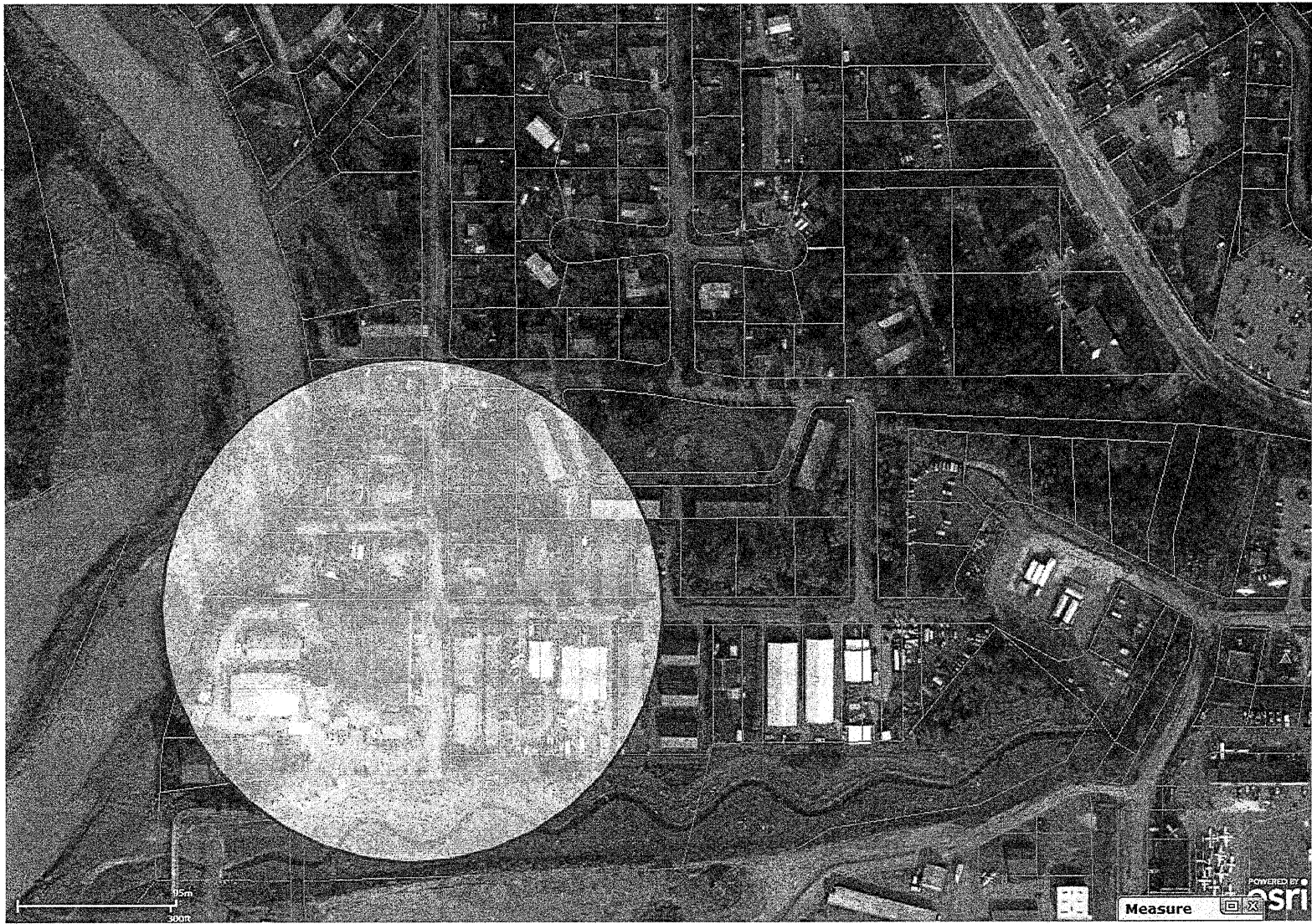
Additionally, we have a fair amount of truck traffic and exterior site lighting that are typically found to be undesirable by near-by residents (although both are likely less in magnitude than the lighting and noise that emanates from Alaska Marine Line's barge facility).

I've attached two images showing 500' radius circles from the nearest section of the JD and Mendenhall WWTPs. That's not to say that odors can be confined to those areas, but it allows for a comparative view of the proximity of existing residences - we've certainly had odor complaints from homes farther away than 500'. Due to the closeness of homes to Mendenhall, we increasingly value the JD property for future facility expansions (including the bio-solids project). The CBJ use of the JD site is only likely to be intensified as the community grows, and regulations inevitably increase.

You should not read these as comments against the zone change, or the development proposal. They are made in the interest of providing a clear picture of the use and challenges that we face in the operation of the wastewater system.

Thank you for your considering these comments.





Teri Camery

From: Beth McKibben
Sent: Friday, February 06, 2015 4:57 PM
To: Teri Camery
Subject: FW: Assessor Office Official Agency Comments regarding the proposed re-zone at the Rock Dump

Beth McKibben, AICP
Senior Planner, CDD
City & Borough of Juneau
907.586.0465



Please consider the environment before printing this email.

From: Robin Potter
Sent: Friday, February 06, 2015 4:49 PM
To: Beth McKibben
Subject: Assessor Office Official Agency Comments regarding the proposed re-zone at the Rock Dump

The Assessor Office has reviewed the Development Permit Application which is a request for the rezoning of a portion of the rock dump industrial area. We considered the need for additional housing near downtown, the potential of the requested change in zoning to improve the marketability of the subject property and the potential for the city to maximize the taxable value of these parcels and any potential development thereon.

Our concern is that establishing a precedent of rezoning industrial land to mixed-use is a disservice to the industrial base for which we believe Juneau needs to provide viable, useful space at attractive land rates. The land rates are established by the market, but re-zoning to allow residential use has the potential of increasing the market value of this land, pricing it out of the industrial market. Just as there are challenges to locating and developing new housing in an economic and beneficial way, there are challenges to developing industrial uses. Transportation access is an important consideration for any industrial development. The rock dump offers a rare, close connection to a major means of import and export transportation by way of commercial barges.

We also feel that establishing a precedent of allowing residential use, beyond the very limited "caretaker" residence, puts an unnecessary burden on existing and future industrial-use neighbors in the area. We appreciate the suggestion Mr. Williams made in his letter to Mr. Hart; "I would like to suggest that, at the time of re-zoning, covenants are added before any housing is approved, that owners will need to expect noise from barges unloading, tour buses staging, the sewer treatment plant..." As Mr. Williams states, this would mitigate complaints that arise. However, in our opinion, it is unlikely such covenants would be sufficient to eliminate complaints and the possibility of ongoing and increasing resistance to existing industry and future expansion of industrial uses, once a residential "beachhead" is established in the heart of the industrial area.

Much as there are strong social and economic arguments for allowing residential use here, we believe it is equally important to preserve and support existing, legal industrial uses as currently zoned throughout Juneau.

Sincerely,

Robin Potter

March 30, 2015

City and Borough of Juneau
Beth McKibben
155 S Seward St.
Juneau, Alaska 99801



Dear Ms McKibben:

This letter is to express opposition to AME2015 0001, a rezone request to change 5.13 acres of rock dump subdivision property from Industrial to Mixed Use.

I am the developer of the rock dump subdivision and am largely responsible for its current configuration. The purpose of the subdivision was to move industrial uses out of Juneau's downtown area into a better suited location.

The AML operations were originally located on South Franklin St. What is now the Delta Western tank farm was located in the Willoughby district. Both were experiencing traffic and safety conflicts with residential use and benefitted from new location.

I also am an owner of the Princess/HAL bus maintenance and operations facility located adjacent to the requested rezone. This is also an industrial use that is not compatible with residential use.

There is an inherent conflict between residential and industrial uses which is a basis for the practice of zoning. Zoning is supposed to maintain safe and predictable uses within a designated area.

AML already has been requested to alter its operations due to light and noise complaints from Douglas/West Juneau residents, all the way across the channel. It is inevitable that even greater complaints would come from people living immediately adjacent to the operation. Any operating change (for example restrictions in operating hours or type of equipment) costs additional money that will be passed along to all Juneau residents who rely on barges (which is all of us).

There are plenty of economically viable uses of the property available under the current and long standing industrial zoning designation.

The suggestion of a "covenant" against complaints for noise of existing operations is neither legal nor enforceable. Even if it were a deterrent to the first owners from complaining, that would disappear over time with new owners and may well prevent future industrial operations from receiving the kind of permit requirements that they would otherwise receive in in industrial zone.

I strongly urge the Department to recommend denial of the rezone request and the Planning Commission to deny it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reed Stoops', with a stylized, cursive script.

Reed Stoops



March 19, 2015

City and Borough of Juneau
Beth McKibben
155 S. Seward St.
Juneau, AK 99801

Dear Mrs. McKibben,

Alaska Marine Lines is opposed to AME2015 0001 – Rezone Request to change 5.13 acres from Industrial to Mixed Use for the following reasons.

- We have safety concerns with residents living in the area amongst so many tour buses and commercial trucks using Mill St. and Mt. Roberts.
- AML provides an essential service to the community. If people take up residency in the uplands, we would go from providing an essential service to being a noise and site nuisance.
- In order to run efficiently and keep costs down, we operate at night. Our costs would skyrocket if we were only allowed to operate during business hours. Moreover, the community businesses would suffer because they would not get their commodities in a timely manner.
- People on Douglas Island complain about our lights and noise from across the channel and then asked How much worse would it be right next door?
- We have replaced the back-up alarms on the forklifts and angled the lights in our yard in an effort to mitigate our noise and site impact on Douglas and we still get complaints. Next door would be worse.
- Lastly, this area was originally developed as an industrial area because of its "out-the-road" location away from residents. While we agree there is a need for housing in JNU, there is also a need for Industrial Zones in JNU, especially for the essential community service we provide.

Sincerely,

Jake Maenpa
Alaska Marine Lines
100 Mt. Roberts
Juneau, AK 99801
907-463-9326
jmaenpa@lynden.com

Beth McKibben

From: Hal Hart
Sent: Friday, March 27, 2015 5:06 PM
To: Beth McKibben
Subject: FW: Rezone of Thane Boat Condos to allow apartments

I have been going backwards through today's emails.....

Hal Hart AICP
Director, Community Development Department
City and Borough of Juneau
Alaska's Capital City

(907) 586-0757

From: Kinney [<mailto:johninak@gmail.com>]
Sent: Friday, March 27, 2015 7:09 AM
To: Hal Hart
Subject: Rezone of Thane Boat Condos to allow apartments

My husband and I own one of the Thane Boat Condos built by North Pacific Erectors at the rock dump. We are writing in support of this area being zoned to permit apartments on the second floors of the boat condos.

We hope to build an apartment on the second floor of our condo which could be rented during the legislative session, or during the summer season. Given Juneau's pressing need for low cost housing it makes sense to re-zone this area to allow for additional housing units near downtown. I see no way this could be in conflict with other uses of property on the rock dump.

Thank you for your consideration.

Nina Kinney
1751 Evergreen Avenue
Juneau, AK 99801

Beth McKibben

From: Hal Hart
Sent: Monday, March 30, 2015 11:07 AM
To: Beth McKibben
Subject: FW: Thane Storage Facilities

fyi

Hal Hart AICP
Director, Community Development Department
City and Borough of Juneau
Alaska's Capital City

(907) 586-0757

From: Ian Simpson [<mailto:iansimpsn@gmail.com>]
Sent: Monday, March 30, 2015 8:57 AM
To: Hal Hart
Subject: Thane Storage Facilities

Mr. Hart,

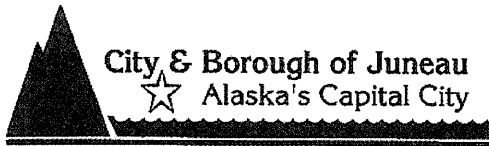
I am writing to express my support for the re-zoning effort of the area containing the Thane storage facilities to allow for residential use. My partners and I decided to purchase one of the units based on our need for additional storage and workspace, and adding a residential component to this project is very appealing.

As an owner/manager of apartment buildings in downtown Juneau, I am very familiar with the need for additional housing, in particular during the summer cruise ship season and legislative session. The number of applicants we receive for downtown housing is staggering. New construction in Douglas/West Juneau probably cannot not satisfy this demand. If there is an opportunity to increase the housing supply in the downtown vicinity without putting additional strain on parking, it is in the community's best interest to proceed in that direction.

We are aware of the area's current industrial use, which is also vital to the community, and would not expect any accommodations to be made by existing property owners with respect to noise, etc.. We understand that the re-zoning process is difficult and has obstacles, but if this can be part of the solution to our town's housing problem, it will be worth the effort.

Thank you,

Ian Simpson
Rocovich LLC



City and Borough of Juneau
Utility Advisory Board
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 3/12/15

TO: Michael Satre, Chair
Planning Commission

FROM: Scott Willis, P.E.
Chair, Utility Advisory Board

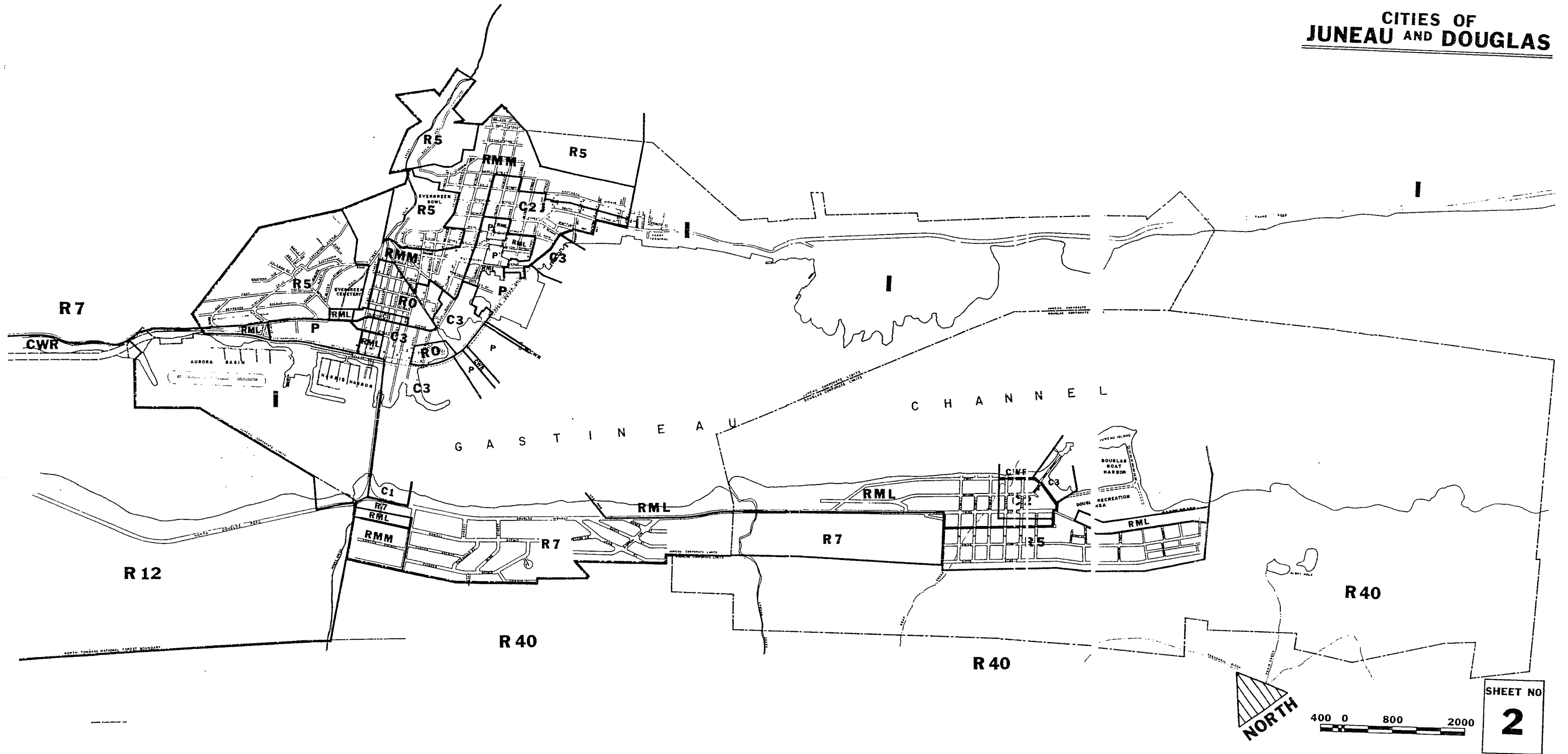
RE: Proposed Industrial Lands Rezone Comments

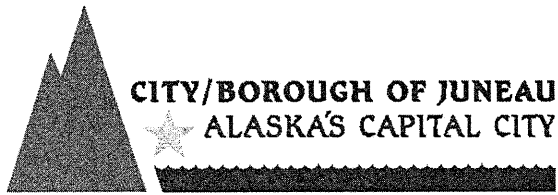
At the February 26, 2015 Utility Advisory Board meeting, the UAB discussed the proposed rezone of Industrial lands on the rock dump to Mixed Use.

It is the opinion of the UAB that this rezoning would create incompatible uses for that neighborhood and possibly have detrimental impacts on CBJ's sewage treatment plant which is critical to our community.

Thank you for the opportunity to comment on this proposal.

**CITIES OF
JUNEAU AND DOUGLAS**





NOTICE OF NEIGHBORHOOD MEETING FOR REZONE REQUEST

Downtown Library Large Conference Room
Wednesday, March 18, 2015, 6:00-7:30 p.m.

March 4, 2015

Dear Resident,

The CBJ Community Development Department received two Zone Change Applications:

- AME2015 0001: Rezone request to change 5.13 acres from Industrial to Mixed Use
- AME2015 0002: Rezone request to from Industrial to Waterfront Industrial at the CBJ Waste Water Treatment Plant.

You are receiving this letter because you are an adjacent property owner.

The CBJ Community Development Department is hosting a neighborhood meeting to explain the details and the CBJ rezone process. This meeting will be held on Wednesday, March 18, 2015, in the Downtown Library Large Conference Room from 6:00pm- 7:30pm.

The purpose of the March 18th meeting is to provide information, respond to questions, and to get a sense of the concerns that the neighborhood might have, so issues may be addressed in advance of the formal public hearing with the CBJ Planning Commission. The project has been scheduled for review by the Planning Commission at the April 14th Regular Meeting. Prior to the meeting all landowners within approximately 1,000 feet of the proposed rezones will receive a separate notice with details on how and where to submit comments or testify on the proposals.

If you have questions or would like more information, please contact Beth McKibben at 586-0465 or by email at beth.mckibben@juneau.org.

cc: File number AME2015 0001 & AME2015 0002

AGENDA

Neighborhood Meeting For Two Proposed Rezones at the Rock Dump In the Industrial and Waterfront Industrial Zoning Districts

March 18, 2015

Downtown Juneau Public Library Large Conference Room

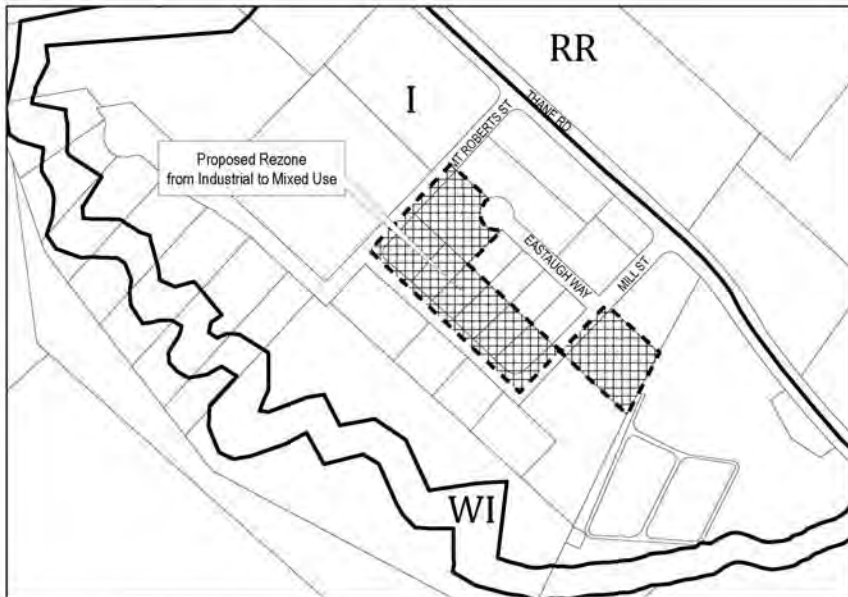
6 pm – 7:30 pm

- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Projects –
 - Applicants
- What happens next? –
 - Staff Report – Please have comments in by Noon on March 27th or as soon as possible:

To: Beth McKibben 155 S. Seward St. Juneau, AK 99801 Ph: (907)586-0465 Fax: (907)586-4529 beth.mckibben@juneau.org	or Jonathan Lange 586-0218 jonathan.lange@juneau.org
---	---
 - April 14th at 7pm, Planning Commission Meeting –
City Hall, Assembly Chambers
 - Public Testimony
 - May 18th/ June 8th at 7pm, Regular Assembly Meeting –
City Hall, Assembly Chambers
 - Public Testimony
- Questions, Comments, and Concerns -



NOTICE OF PUBLIC HEARING



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

SHIP TO:



Proposed Re-zone from Industrial to Mixed Use
Case Number AME2015 0001

PROPOSAL: Rezone request to change 5.13 acres from Industrial to Mixed Use

File No:	AME2015 0001	Applicant:	Errol Champion
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K15-002-0 1-C11-0-K12-005-0; -010-0; -011-0; -012-0; 1-C11-0-K12-013-0; -014-0; -015-0
Hearing Date:	April 14, 2015	Owner:	Hendrika Flamee & Roeland Boudewijn; JNY, LLC
Hearing Time:	7:00 PM	Size:	5.13 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I - Industrial
		Site Address:	NHN on Mill Street and Eastaugh Way
		Accessed Via:	Thane Road

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.



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

ATTACHMENT 13

Date notice was printed: March 12, 2015

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

	Use Description	RR	Zones											WC	WI	I
			D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2			
1.000	RESIDENTIAL															
1.100	Single-family dwellings															
1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A
1.120	Single-family detached, two dwellings per lot	1	1	1												
1.130	Single-family detached, accessory apartments	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X		
1.135	Two single-family detached, one or two accessory apartments	3	3	3												
1.200	Duplex	1	1	1	1											
1.300	Multifamily dwellings															
1.400	Group homes	1	1	1	1	1	1	1	1	1	1	1	1	1		
1.450	Halfway houses	3								3	3	3	3			
1.500	Day care homes															
1.510	Child; 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
1.520	Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3			
1.530	Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
1.540	Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3			
1.550	Child care residence, 6 to 9 children under 18 years of age		3	3	3	3	3	3	3	3	3	3	3			
1.600	Miscellaneous, rooms for rent situations															
1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N		
1.620	Hotels, motels	3														
1.630	Single room occupancies with private facilities															
1.700	Home occupations	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes															
1.810	Residential mobile homes on individual lots ^E	3	3	3												
1.815	Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
1.820	Mobile home parks ^E															
1.830	Mobile home subdivision ^E				3	3	3	3	3	3	3					
1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F												

		Zones																
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I		
1.900	Common wall development																	
	1.910 Two dwelling units				1	1	1	1	1									
	1.911 Accessory apartments	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x	1 ^x , 3 ^x				
	1.920 Three or more dwelling units					3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3					
	1.930 Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3					
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT ^G																	
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods																	
	2.110 <i>Reserved</i>																	
	2.120 Miscellaneous									1	1	1	1	3 ^N	3 ^N	3		
	2.130 Marine merchandise and equipment	3 ^T								1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3		
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods									1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	3		
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G																	
3.050	Offices of not more than 1,000 square feet		3	3	3	3	3	3	3	1	1	1	1	1 ^N				
3.100	Offices greater than 1,000 but not more than 2,500 square feet						3	3	3	1	1	1	1	3 ^N				
3.200	<i>Reserved</i>																	
3.300	Research, laboratory uses	3 ^T																
3.400	Offices greater than 2,500 square feet									1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3		
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G									1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	3 ^S		
4.050	Light manufacturing	3 ^T						3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3		
4.070	Medium manufacturing	3 ^T									3	3	3	3 ^N	1 ^N , 3 ^N	1, 3		
4.100	Heavy manufacturing	3 ^T	3 ^Q											3 ^N	3 ^N	3		
4.150	Rock crusher	3 ^T	1 ^Q	1 ^Q										3 ^N	3 ^N	3		
4.200	Storage of explosives and ammunition	3													3 ^N	3		
4.210	Seafood processing	3 ^T												3	1, 3	1, 3		
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES																	
5.100	Schools																	
	5.110 Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3					
	5.120 Trade, vocational schools, commercial schools	3 ^T								3	3	3	3	3 ^N	3 ^N	3		
	5.130 Colleges, universities	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3		
5.200	Churches, synagogues, temples	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3		
5.300	Libraries, museums, art galleries	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N			
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3		

	Use Description	RR	Zones										WI	WC	MU2	MU	GC	LC	D-18	D-15	D-10	D-5	D-3	D-1	I
			D-10 SF	D-5	D-3	D-1	D-10 SF	D-5	D-3	D-1	D-10 SF	D-5													
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT																								
6.100	Indoor activity conducted entirely within building or substantial structure																								
	6.110 Bowling alleys, billiard, pool halls															1, 3	1, 3	1, 3							3
	6.120 Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges		3	3			3	3			3	3				1, 3	1, 3	1, 3							3
	6.130 Theaters seating for 200 or fewer	3 ^F														1	1	1	3						3
	6.135 Theaters seating from 201 to 1,000															3	1	1	3						3
	6.140 Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people															3	3	3							
	6.150 Indoor shooting range	1, 3														3									3
6.200	Outdoor activity conducted outside enclosed buildings or structures																								
	6.210 Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3			3	3			3	3				1, 3	3	3							3
	6.220 Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3			3	3			3	3				1, 3	3	3							3
	6.240 Automobile, motorcycle racing tracks; off-highway vehicle parks	3														3									3
	6.250 <i>Reserved</i>																								
	6.260 Open space	1	1	1			1	1	1	1	1	1				1	1	1						1	1
	6.262 Parks with improved facilities, not approved in conjunction with a major subdivision																								
	6.264 Capacity for up to 20 people ^w	1 ^T	1	1			1	1	1	1	1	1				1	1	1							3 ^N
	6.266 Capacity for more than 20 people ^w	3 ^T	3	3			3	3	3	3	3	3				3	3	3							3 ^N
	6.270 Aerial conveyances and appurtenant facilities	3	3	3			3	3	3	3	3	3				3	3	3							3
	6.280 Shooting ranges	3																							3
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES																								
7.100	Hospital															3	3	3							
7.150	Health care clinics, other medical treatment facilities providing out-patient care															1, 3	1, 3	1, 3							

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
7.200	Nursing care, assisted living, sheltered care		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3			
7.300	Day care centers for children and adults															
7.400	Halfway houses															
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			
8.000	RESTAURANTS, BARS, NIGHTCLUBS															
8.050	Small restaurants, less than 1,000 ft ² without drive through service	3 ^T					3	3	3	1	1	1	1	1 ^N		3
8.100	Restaurants, bars without drive through service	3 ^T								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1 ^N , 3 ^N	3 ^N	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	
9.000	BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS															
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3
9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3 ^T								3	1					1
9.300	Car wash									3	1					1
9.400	Boat sales or rental	3 ^T								3	1			1	1	1
9.450	Boat repairs and maintenance	3 ^T									3			1	1	1
9.500	Marine fuel, water sanitation	3 ^T												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	STORAGE, PARKING, MOORAGE															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored															
	10.210 All storage within completely enclosed structures	1, 3	3							3	1	1 ^U , 3 ^U	1 ^U , 3 ^U	1 ^N , 3 ^N	1 ^N	1
	10.220 General storage inside or outside enclosed structures	1, 3	3								1, 3			1 ^N , 3 ^N	1 ^N	1
	10.230 Snow storage basin															
	10.232 Neighborhood, less than 1/2 acre	3	3	3 ²	3 ²	3 ²	3 ²	3 ²	3 ²	3 ²	1			3 ²	1	1
	10.235 Regional, 1/2 to 1 acre	3	3	3 ²						3 ²	3			3 ²	1	1
	10.237 Area wide, over 1 acre	3	3 ²	3 ²							3 ²				3	3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3			1 ^N , 3 ^N	1 ^N , 3 ^N	1

		Zones																
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I		
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1		
10.500	Moorage																	
	10.510 Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3		
	10.520 Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
10.600	Floating structures supporting seasonal, commercial recreation	3	3	3										3	3			
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT																	
11.100	Recycling operations																	
	11.110 Enclosed collection structures ⁰ of less than 80 square feet total and less than six feet in height	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1	1	1 ^P	1 ^P	1	1	1		
	11.120 Enclosed structures for recyclable materials collection	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3 ^P	1 ^P , 3 ^P	3	3	1	1	1 ^P		
	11.130 Sorting, storage, preparation for shipment occurring outside an enclosed structure														1 ^N	1		
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3		
11.300	Sanitary landfill	3														3		
12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS																	
12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1 ^N , 3 ^N	1 ^N , 3 ^N	1		
12.200	Kennel	3	3							3	3					1, 3		
12.250	Day animal services, grooming, walking, day care	3	3	3	3	3				3	3	3	3			1, 3		
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3 ^N		3		
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N		3		
12.400	Horseback riding stables, dog team yards	3	3							3	3					3		
13.000	EMERGENCY SERVICES																	
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3		
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING																	
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3		
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1		
14.200	Commercial agricultural operations																	
	14.210 Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3		
	14.220 Including farm animals ^M	1, 3	3													1, 3		
	14.230 Stabling of farm animals ^M	3	3	3	3					3	3					1, 3		
14.250	Personal use agriculture																	
	14.253 Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1		
14.300	Silviculture and timber harvesting ^J	3	3													3		
14.400	Mining operations	2, 3 ^K	3	3										3 ^N	3 ^N	2		

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.500	Sand and gravel operations¹	3	3	3						3	3			3 ^N	3 ^N	3
14.800	Spring water bottling	3	3			3	3	3	3	3	3					1, 3
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES															
15.100	Post office	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
15.200	Airport	3														1, 3
15.400	Military reserve, National Guard centers	3	3	3						3	3			3 ^N	3 ^N	3
15.500	Heliports, helipads	3									3			3 ^N	3 ^N	3
15.600	Transit facilities															
	15.610 Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3
	15.620 Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1
	15.630 Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1
15.700	Public works facility	3	3	3	3					3	3					1, 3
16.000	DRY CLEANER, LAUNDROMAT															
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process								1, 3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning									3	1, 3	3	3	3 ^N	1 ^N , 3 ^N	1, 3
17.000	UTILITY FACILITIES															
17.100	Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.150	Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major	3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads															

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	17.310 Access drive-ways on public rights-of-way adjoining one to four existing lots	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	17.320 Access drive-ways on public rights-of-way adjoining five or more existing lots	3	3	3	3	3	3	3	3	3	3	3	3	3		3
18.000	TOWERS AND RELATED STRUCTURES															
18.100 ^{AA}	Towers and antennas 35 feet or less	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200 ^{AA}	Towers and antennas 35 to 50 feet	1	3	3	3	3	3	3	3	1	1	1	1	1	1	1
18.300 ^{AA}	Towers and antennas more than 50 feet in height	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height ^R	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.500	Wireless Communication Facilities	See CBJ 49.65, Wireless Communication Facilities														
19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES															
19.100	Open air markets (farm, craft, flea, and produce)	1, 3	1, 3							1, 3	1	1, 3	1, 3	1 ^N , 3 ^N		1, 3

	Use Description	Zones												
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC
19.200	Nurseries, commercial green-houses													
	19.210 Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1 ^V	1 ^V	
	19.220 Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 ^V	1 ^V	
20.000	CEMETERY, CREMATORIUM, MORTUARY													
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3			
20.200	Crematorium	3												1, 3
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3	
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES													
21.100	Resort, lodge	3	3											
21.200	Campgrounds	1, 3	3											
21.300	Visitor, cultural facilities related to features of the site	3	3							3	3	3	3	3 ^N
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION													
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1

Key:

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

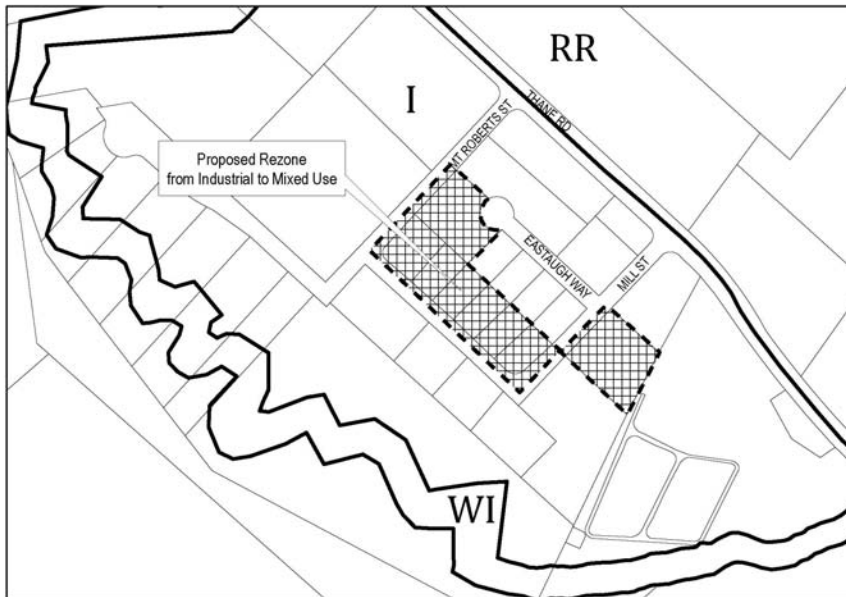
Notes:

- A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- B. *Reserved.*
- C. *Reserved.*
- D. *Reserved.*
- E. See special use regulations for mobile homes, chapter 49.65, article III.
- F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- G. All uses subject to additional performance standards, chapter 49.65, article VIII.
- H. *Reserved.*
- I. *Reserved.*

- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.
- U. No storage permitted on the first floor of a building.
- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications. See CBJ\$49.25.510(d)(2).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
- AA. Does not apply to wireless communication facilities.
(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014)



NOTICE OF PUBLIC HEARING



Proposed Re-zone from Industrial to Mixed Use
Case Number AME2015 0001

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

SHIP TO:



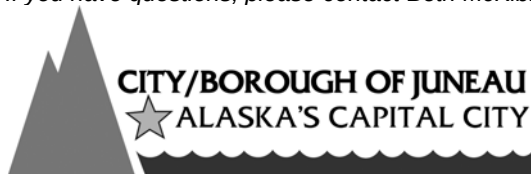
PROPOSAL: Rezone request to change 5.13 acres from Industrial to Mixed Use

File No:	AME2015 0001	Applicant:	Errol Champion
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K15-002-0 1-C11-0-K12-005-0; -010-0; -011-0; -012-0; 1-C11-0-K12-013-0; -014-0; -015-0
Hearing Date:	April 14, 2015	Owner:	Hendrika Flamee & Roeland Boudewijn; JNY, LLC
Hearing Time:	7:00 PM	Size:	5.13 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I - Industrial
		Site Address:	NHN on Mill Street and Eastaugh Way
		Accessed Via:	Thane Road

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.



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

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

Protest of Planning Commission's Recommendation to deny a Request to Rezone ATS 556 TR A,
Located at 1540 Thane Road

ATTACHMENTS:

Description	Upload Date	Type
☐ DRAFT Ordinance AME20150002	6/3/2015	Ordinance
☐ Notice of Protest of AME2015 0002	5/26/2015	Exhibit
☐ Notice of Recommendation re AME2015 0002	5/26/2015	Exhibit
☐ Staff report AME20150002	5/26/2015	Exhibit
☐ Abutter Notice AME20150002	5/26/2015	Exhibit

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-XX

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of a portion of Alaska Tidelines Survey No. 556, Tract A currently zoned Waterfront Industrial to Industrial.

WHEREAS, the area of the proposed rezone, a strip of land, 100 feet in width, lying wholly within Alaska Tidelands Survey No. 556, Tract A, being adjacent to, parallel with and northwesterly of the Mean High Water Line of Gastineau Channel extending from the line between corners 5 and 6 of Alaska Tidelands Survey No. 556 TRACT A following the meanders of the Mean High Water Line to the southwest right of way line of Thane Road containing 4.2 acres more or less is currently zoned Waterfront Industrial; and

WHEREAS,

WHEREAS,

WHEREAS,

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

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

Section 2. Amendment to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of a strip of land, 100 feet in width, lying wholly within Alaska Tidelands Survey No. 556, Tract A, being adjacent to, parallel with and northwesterly of the Mean High Water Line of Gastineau Channel extending from the line between corners 5 and 6 of Alaska Tidelands Survey No. 556 TRACT A following the meanders of the Mean High Water Line to the southwest right of way line of Thane Road containing 4.2 acres more or less from Waterfront Industrial to Industrial.

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

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

Adopted this _____ day of _____, 2015.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



City and Borough of Juneau
Engineering & Public Works Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 5/11/15

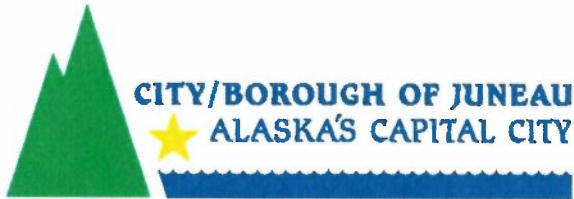
TO: Laurie Sica, Clerk

FROM: Rorie Watt, P.E., Director 
Engineering & Public Works Department

RE: Protest of Planning Commission Decision on AME2015 0002

In accordance with Ordinance 2014-14 I protest the Planning Commission's recommendation of denial to the Assembly on case AME2015 0002.

I request that an ordinance amending the zoning map as set out in the application be submitted for action by the Assembly. I further request that the Assembly support the CDD staff recommendation to approve the requested rezone of lands managed by the Engineering and Public Works Department from Waterfront Industrial to Industrial.



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: April 20, 2015

File No.: AME2015 0002

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

Application For: Planning Commission recommendation to the City and Borough Assembly regarding the request to rezone to change 4.5 acres from Waterfront Industrial to Industrial.

Legal Description: ATS 556 TR A

Property Address: 1540 Thane Road

Hearing Date: April 14, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 3, 2015, and recommended denial of the request to rezone change 4.5 acres from Waterfront Industrial to Industrial near CBJ Rock Dump Wastewater Treatment Plan. The Commission adopted the findings below to support their decision:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Title 49 Land Use Code.
2. Waterfront Industrial zoning does not violate the policies and guidelines of the 2013 Comprehensive Plan and substantially conforms to the Land Use maps of the Comprehensive Plan and is consistent with Map N. However, Waterfront Industrial zoned land is in shorts supply and there is not sufficient public need to justify the requested zone change at this time.
3. The rezoning constitutes an area greater than two acres.

Attachments: April 3, 2015 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2015 0002.

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

City and Borough of Juneau

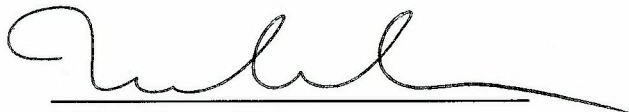
File No.: AME2015 0002

April 20, 2015

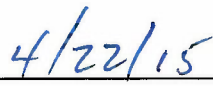
Page 2 of 2

Project Planner:


Beth McKibben, 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 recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

Presented by: The Manager
Introduced: 05/19/2014
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(c)am

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

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

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

Section 2. Amendment to Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

- (1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.
- (2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

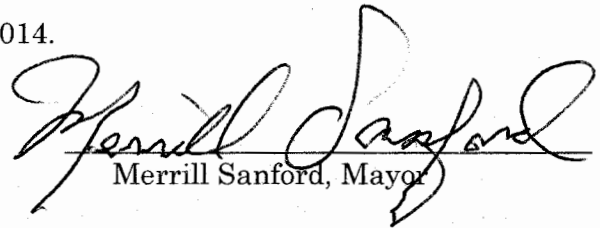
with the municipal clerk within 20 days of the commission's written notice of recommendation.

- (3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

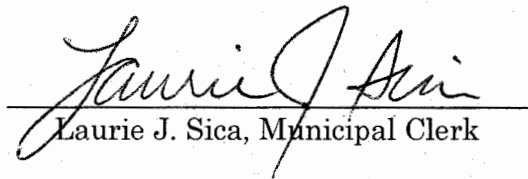
(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 3. Effective Date. This ordinance shall be effective 30 days after current, outstanding appeals are resolved.

Adopted this 29th day of September, 2014.


Merrill Sanford, Mayor

Attest:


Laurie J. Sica, Municipal Clerk



Community Development

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

DATE: April 3, 2015

TO: Planning Commission

FROM: Beth McKibben, Planning Manager
Community Development Department

FILE NO.: AME2015 0002

PROPOSAL: Rezone request to change 4.5 acres from Waterfront Industrial to Industrial.

Applicant: City and Borough of Juneau Engineering Department

Property Owner: City and Borough of Juneau

Property Address: 1540 Thane Road

Legal Description: ATS 556 Tract A

Parcel Code No.: 1-C11-0-K00-004-0

Site Size: 4.5 Acres (affected area)

Zoning: Waterfront Industrial

Utilities: CBJ Water and Sewer

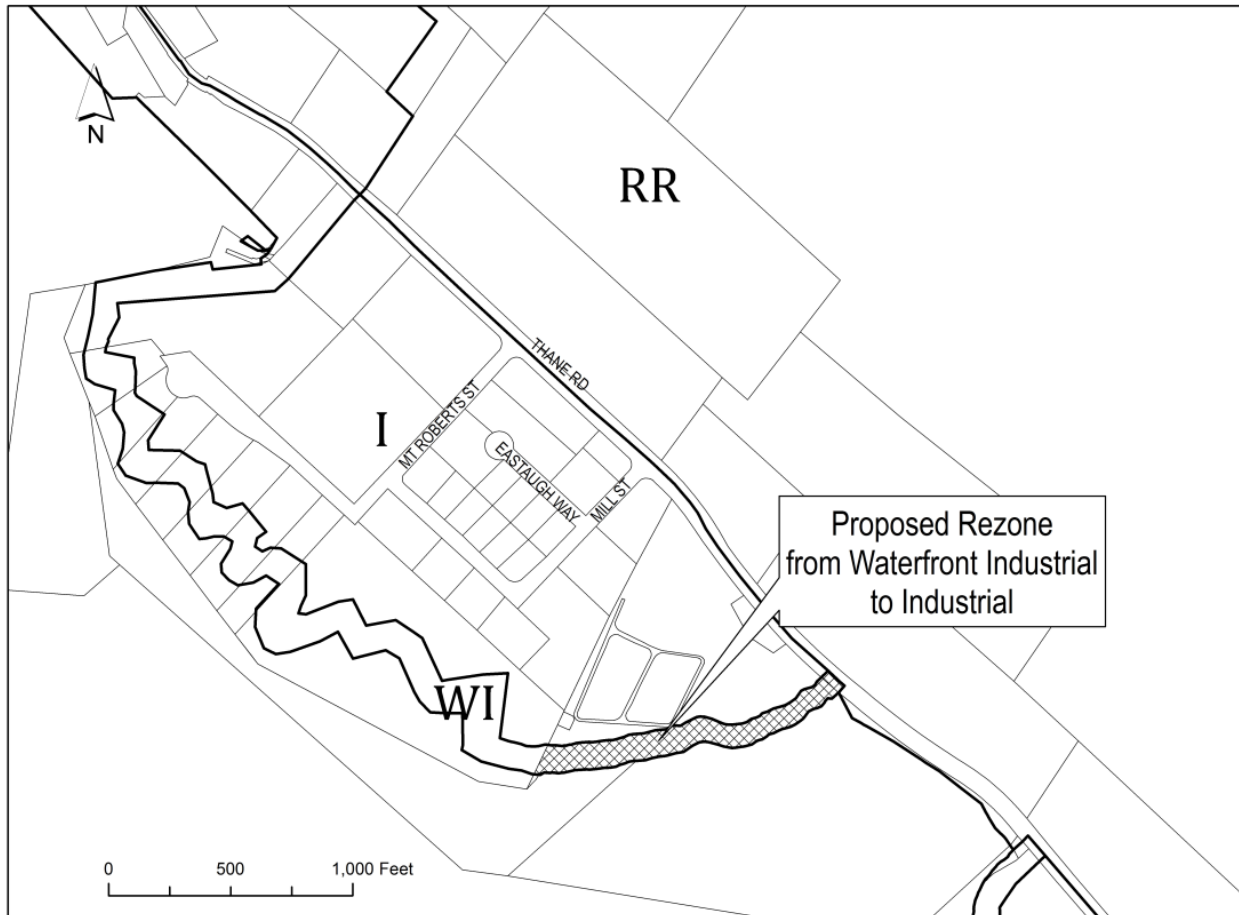
Access: Thane Road

Existing Land Use: CBJ Wastewater Treatment Plant

Surrounding Land Use:

North –	Rural Reserve; Campground across Thane Road
South –	Gastineau Channel
East –	Rural Reserve; Campground across Thane Road
West –	Industrial; AK Litho Building, Commercial Mix with garage; Storage Units with caretaker unit; Princess Tours Bus shop and parking; Alaska Marine Lines loading facility and dock

Vicinity Map



ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	Zone Change Application
Attachment 3	Project Site Map
Attachment 4	CBJ Engineering Comments 1/31/15
Attachment 5	CBJ Assessor Comments 2/4/15
Attachment 6	ADEC Comments 2/27/15
Attachment 7	Neighborhood Meeting
Attachment 8	Zoning Map
Attachment 9	Map N of the 2013 Comprehensive Plan
Attachment 10	Notice of Public Hearing
Attachment 11	Table of Permissible Uses – CBJ 49.25.300

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

PROPOSAL

The CBJ Engineering and Public Works Department requests a zone change at the CBJ Rock Dump Wastewater Treatment Plant from Waterfront Industrial to Industrial. The zone change would affect a narrow strip, approximately 100 feet wide, along the waterfront edge of the city property.

CBJ Engineering believes future public works uses for the land are limited by the split zoning on this property, and consequently, that the zone change is necessary. For example, support services for the street snow storage and treatment site such as a gravel or salt storage building could not be built in the Waterfront Industrial zoning district. CBJ Engineering also notes that Industrial land is in short supply in the Borough, and if the Waterfront Industrial zoning district restricts development on the property, CBJ may have challenges finding other appropriately zoned sites for needed expansions (Attachment 4).

PUBLIC INPUT

A neighborhood meeting was held on March 18, 2015 from 6pm to 7:30pm in the large conference room at the Downtown Juneau Public Library regarding both AME2015 0001 and AME2015 0002. Three members of the public, including the applicant of AME2015 0001, and five CBJ employees were in attendance at the neighborhood meeting. Three representatives from the Community Development Department were present; Beth McKibben and Jonathan Lange presented the rezone process, and CDD Director, Hal Hart, was in attendance. Michele Elfers, CBJ Engineering Department, was representing the applicant for AME2015 0002, along with Samantha Stoughtenger, Wastewater Superintendent. The letter of invitation, agenda and sign in sheet from this meeting are found in Attachment 7.

Staff solicited agency review comments for the proposed development from January 27 through February 6, 2015. Comments were received from the CBJ Assessors Office and CBJ Engineering. These comments will be addressed in the Discussion section of this report.

ANALYSIS

REZONE PROCEDURE

The Land Use Code establishes the following process for rezones:

CBJ 49.75.110 - Initiation.

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

The rezone proposal was filed on January 15, 2015. Public notices were mailed to property owners within 500 feet of the subject properties on March 13, 2015 and appeared in the newspaper on April 3, 2015 and April 13, 2015.

CBJ 49.75.120 - Restrictions on rezonings.

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

The parcel proposed for rezone is 4.5 acres and zoned Waterfront Industrial (Attachment 8). Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

Title 49 Land Use Code definitions of the Industrial (I), Waterfront Commercial (WC), and Waterfront Industrial (WI) zoning districts are provided below:

49.25.240 I, Industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

49.25.250 Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

- (a) The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. Residential development is allowed in mixed- and single-use developments in the waterfront commercial district.
- (b) The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.

The CBJ zoning district definition above only requires that the use in a Waterfront Commercial zoning district be dependent or directly related to the water, per 49.25.240. For Waterfront Industrial, the standard is “industrial and port uses which need or substantially benefit from a shoreline location.”

The Juneau Wastewater Treatment Plant is located in a Waterfront Industrial zoning district, which has an interesting difference from Waterfront Commercial. The code says that “The Waterfront Industrial district is intended for industrial and port uses which need or **substantially benefit from** [emphasis added] a shoreline location.” It does not have the stricter standard of Waterfront Commercial which requires a direct relation or dependence on the marine environment, or, alternatively, must meet the definition of water-dependent or water-related. Waterfront Industrial has a much broader standard.

However, note N in the Table of Permissible Uses 49.25.300 states “Use must be water dependent, water-related, or water-oriented.” Note N is included within most uses in the Waterfront Commercial and Waterfront Industrial zoning districts.

2004 LONG RANGE WATERFRONT PLAN

The area proposed to be rezoned is located within the planning area of the 2004 Long Range Waterfront Plan, specifically in Subarea E. This Plan calls for the subject area to continue on as an important economic engine and logistics point for the community of Juneau by preserving and encouraging a continuation of waterfront dependent and industrial uses. It states that with a high level of investment in industrial, public works and marine facilities, this area is envisioned to remain similar to present levels of activity and character.

The Waterfront Plan envisions that vacant parcels in the area could be developed to meet additional market demand for industrial space over time. Further, it encourages the strengthening of land regulations in this subarea primarily to allow only industrial and non-cruise related maritime activities stating that tourist related retail should be removed as a permissible use in this area, with the exception of such uses that are necessary to and located on the same lot as the cruise ship docks.

The Plan also calls for continued utilization of a part of this area for the operation of the CBJ Waste Water Treatment Plant, and further recommends buffering this use through vegetative cover or other means to improve the possibility of development eastward.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above, the proposed zoning district and the uses allowed therein must be found to be in substantial conformance with the land use maps of the 2013 Comprehensive Plan.

“Substantial” is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

In Chapter 11, the Comprehensive Plan land use maps offer the following guidance in regard to rezoning:

In considering re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

In Chapter 1, the Comprehensive Plan further supports the flexibility of the plan. However, it emphasizes that said flexibility should be used when considering community growth, along with other current information.

In Chapter 18, Implementation and Administration, additional guidance is provided as follows:

The Comprehensive Plan as a Guiding Planning Document

“The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires

that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process.”

“The Plan contains 123 Policies, each of which may have an associated “Standard Operating Procedure,” “Development Guideline,” and/or “Implementing Action,” which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs.” (emphasis added)

When considering this request, it is important to understand what the Comprehensive Plan intends when describing land use designations. The Plan states the categories are intended to describe the overall character of development for each land use category and are not intended to be firm or restrictive definitions, such as with zoning district permitted and Conditional Uses. The land use categories are to be used to guide the formation of zoning regulations, and their allowed uses reflect cultural values and economic and societal needs. Over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances.

Existing site 4.5 acres	Industrial (1 caretaker unit/parcel)	WI (1 caretaker unit/parcel)
Number Units	1	1
Maximum Height Limit	No Max	45 feet
Maximum Lot Coverage	No Max	No Max
Vegetative Cover	5%	5%

The subject parcel is located in Subarea 6 of the Comprehensive Plan on Map N of the Land Use Maps (Attachment 9).

The following is listed under Guidelines and Considerations for Subarea 6:

15. Consider establishment of an alternative local roadway from Egan Drive in downtown Juneau to the industrial barge terminal and Thane Road that by-passes the South Franklin/Cruise Ship Terminal area.

A portion of the proposed rezone is designated as Waterfront Commercial Industrial (WCI) on Map N of the Comprehensive Plan. WCI is defined in the plan as:

“land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and processing plants, ice plants, marine hatcheries, and marine parks.”

The majority of the proposed rezone is identified as Institutional and Public Use (IPU) which is defined as:

“Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, State and Federal government uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills. Included are potential sites for future boat harbors, schools, parks, farmers markets, publicly supported arts events, permitted arts or food-service kiosks or sales activities, parking facilities may also be accommodated within Transit Corridors. Transit Corridors can be expected to support Affordable Housing, and Transit Oriented Development overlay districts.

The public use of these lands will vary widely, so IPU designated lands can be under any zoning district, with the uses thereon appropriate for that zone as regulated in the Table of Permissible Uses (CBJ 49.25.300); the zone of any particular public use should be the same zoning district as the surrounding or abutting lands.”

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development. The following Comprehensive Plan policies are related to the subject rezone proposal:

“Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy. As part of the 2008 Update of this Plan, CBJ staff conducted a survey of all business types and found that following, which are still relevant and accurate in 2013:

1. A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.

2. Industrially-zoned areas in Lemon Creek (near Costco) and near the airport have been encroached upon by non-industrial uses that have generated traffic congestion, higher land prices and lease rates, and commercial neighbors who are intolerant of the noise, odors, glare, dust, and other impacts of industry.
3. For industry to grow, including food processing and heavy material handling or manufacturing, a new industry-only zoning district category with parcels ranging in size from 5 to 20 acres each, is needed at a location near utilities and heavy load-carrying capacity roads, but distant from residential and general commercial uses.

POLICY 5.10. TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM.

5.10 – SOP (Standard Operating Procedures) 2 Follow the specific land use policies of this Plan that establish criteria for designation of commercial and industrial lands, including those cited in Chapters 3, Community Form and 10, Land Use.

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

5.11 – DG1 When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such conversion.

POLICY 10.12. TO DESIGNATE AND RESERVE WATERFRONT LAND WITH ADEQUATE SERVICES AND IN APPROPRIATE LOCATIONS FOR WATER-DEPENDENT RECREATION, PUBLIC ACCESS AND COMMERCIAL/INDUSTRIAL ACTIVITIES WHILE PROMOTING IMPORTANT FISH AND WILDLIFE HABITAT AND OTHER COASTAL RESOURCES.

10.12 – DG1 Deep water ports and navigable waters are valued assets and are critical to the sustainability of our economy and the livability of Juneau. New development along the shoreline should ensure that deep water navigable lanes for barges, the Coast Guard, commercial fishing vessels, research vessels and other marine vessels critical to

the local economy are protected from encroachment from incompatible lands uses or physical obstructions.”

The above policies of the Comprehensive Plan outline the need to maintain “sufficient and suitable land” for industrial uses.

Additionally, Policy 10.7 concerns land designated Industrial on the Comprehensive Plan maps. One of the criteria to be considered is “distance from sensitive receptors, such as homes, schools, and hospitals, to potential off-site impacts generated by industry including noise, dust, fumes, odors and nighttime light glare”.

COMPLIANCE WITH CBJ TITLE 49 LAND USE CODE

The Table of Dimensional Standards and the Table of Permissible Uses of the Title 49 Land Use Code establish the permitted standards and uses in zoning districts (Attachment 11).

Below is a list of several dimensional standards and uses allowed for Industrial and Waterfront Industrial zoning districts.

Table of Permissible Uses	I	WI
Single-family dwelling	1A	1A
Bowling Alley	3	
Theatres seating from 201 to 1,000	3	
Automobile, motorcycle racing tracks	3	
Parking garages or lots not related to a principle use on the lot	1	
Kennel	1,3	
Stabling of farm animals	1,3	
Crematorium	1,3	
Hotels, motels		3N
Floating structures supporting seasonal, commercial recreation		3
KEY NOTES: 1 – Department Approval Only 3 – Conditional Use Permit required Blank box – Not Allowed A – A single family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone. N – Use must be water-dependent, water-related, or water-oriented		

The Industrial zoning district allows for more uses as the use is not required to be water-dependent, water-related, or water-oriented.

DISCUSSION

The CBJ Assessors Office has no taxation concerns with the proposal since CBJ is exempt. However the Assessor's Office raised several questions (Attachment 5), including:

- Have there been studies and consideration given to any other zoning on the waterfront in other areas of CBJ?
- What impact will this change make on how the waterfront portion is used and/or developed in the future?
- How can this impact other businesses or contracts the CBJ may have with entities working in the Channel or on either side of the area?

There is no other commercial waterfront or industrial waterfront property in the Borough that is zoned only Light or General Commercial, or only Industrial. All waterfront commercial and industrial properties have been zoned Waterfront Commercial or Waterfront Industrial.

The Comprehensive Plan does not give significant guidance when considering the zoning of waterfront lands. In this particular instance, Map N provides some guidance by identifying the majority of the area as Institutional and Public Use (IPU). IPU lands are intended to support a variety of public uses and should be zoned the same as the surrounding or abutting land. In this case, both WI and I zoning districts are abutting the requested rezone. The applicant indicates the purpose of the rezone is to support or expand public uses that may be permitted in the Industrial zoning district but not in the Waterfront Industrial zoning district. Further, the applicant intends to eliminate permitting confusion created by the current split lot zoning (a lot with more than one zoning district).

HABITAT

Not applicable. The proposed rezone does not relate to any policies under CBJ 49.70.900, the Juneau Coastal Management Program.

ZONE CHANGE INITIATION

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

3. Was the proposed zone change initiated by the property owner during the appropriate time frame?

Yes. The application for the subject zone change was made on January 15, 2015.

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

Yes. As previously noted, the public was notified through newspaper advertising published on April 3, 2015, and April 13, 2015, mailings to owners of all properties within 500 feet of the subject property on March 13, 2015, and a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request. In addition, Staff held a neighborhood meeting on March 18th, 2015, for the proposed rezone.

SUMMARY

CBJ 49.75.120 states that a rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the Land Use Maps of the Comprehensive Plan. The 2013 Comprehensive Plan maps classify the site as IPU and Waterfront Commercial/Industrial (WCI).

The requested rezone from Waterfront Industrial to Industrial does substantially conform with the 2013 Comprehensive Plan as the site would continue to support public facilities.

FINDINGS

After review of the application materials, the CBJ Title 49 Land Use Code and the CBJ 2013 Comprehensive Plan, the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Title 49 Land Use Code.
2. Industrial zoning does not violate the policies and guidelines of the 2013 Comprehensive Plan and substantially conforms to the Land Use maps of the Comprehensive Plan and is consistent with Map N.
3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Based upon the proposed project (Attachments 1-3) and the findings and conclusions stated above, staff recommends the Planning Commission adopt the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for the rezone of the subject 4.5 acres of the parcel from Waterfront Industrial to Industrial.

DEVELOPMENT PERMIT APPLICATION

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

INFORMATION	Project Description Rezone request for the Juneau Douglas Wastewater Treatment Plant property. Most of the property is zoned Industrial. However, a 100' strip is designated as Waterfront Industrial from MHW into the property. This request is to change the WI to I to be consistent with the rest of the property.		
	PROPERTY LOCATION		
	Street Address Thane Road	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) ATS 556 Tr A		
	Assessor's Parcel Number(s) 1C110K000040		
	LANDOWNER/ LESSEE		
	Property Owner's Name City and Borough of Juneau	Contact Person: Michele Elfers	Work Phone: 586-0931
	Mailing Address 155 S. Seward Street	Home Phone:	Fax Number:
	E-mail Address Michele.Elfers@juneau.org	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Michele Elfers</u> Landowner/Lessee Signature		Date <u>11/15/15</u>	
X _____ Landowner/Lessee Signature		Date _____	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name same		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X _____ Applicant's Signature			
Date of Application _____			

-----OFFICE USE ONLY BELOW THIS LINE-----					
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	X Zone Change Application		11/15/15	AME 15-002	
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials CM	

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number AME 201502	Date Received 11/15/15
-----------------------	-------------------------------------	----------------------------------	----------------------------------

LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:
 Juneau Douglas Wastewater Treatment Plant, ATS 556 Tr A, Parcel Number 1C110K000040

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

Total Land Area of Proposed Change 4.8 4.5 acres Comp Plan Designation IPU

Current Zone(s) WI Comp Plan Map N

New Zone Requested Industrial

TYPE OF ZONE CHANGE REQUESTED:
☒ Regular ☐ Transition

HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?
☐ Yes ☒ No

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

PURPOSE OF THE REQUESTED ZONE CHANGE:
 The existing WI zone may preclude certain public utility based projects on the site. There is very limited flat, industrial, CBJ owned land in the downtown and Douglas area, it is very valuable to the city for facilities to support public utilities.

IS THERE A PROPOSED USE OF THE LAND? ☒ Yes ☐ No

PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☒ No

DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):
 The land has been used for a snow storage and treatment facility, it has also been evaluated for a pea rock storage facility in the past, it is currently being evaluated for expansion of the wastewater facility for biosolids treatment.

DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:

STREETS: Allow for potential future facilities

WATER: Allow for potential future facilities

SEWER: Allow for potential future facilities

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 style="width: 100%;"> <tr> <th colspan="5">ZONE CHANGE FEES</th> </tr> <tr> <th></th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> <tr> <td>Application Fees</td> <td style="text-align: right;">\$ <u>600</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee</td> <td style="text-align: right;">\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td style="text-align: right;">\$ <u>50</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td style="text-align: right;">\$ <u>100</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ <u>750</u></td> <td style="text-align: center;"><u>PAC</u></td> <td></td> <td style="text-align: center;"><u>11/15/15</u></td> </tr> </table>	ZONE CHANGE FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ <u>600</u>				Admin. of Guarantee	\$ _____				Adjustment	\$ _____				Pub. Not. Sign Fee	\$ <u>50</u>				Pub. Not. Sign Deposit	\$ <u>100</u>				Total Fee	\$ <u>750</u>	<u>PAC</u>		<u>11/15/15</u>
ZONE CHANGE FEES																																									
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Total Fee	\$ <u>750</u>	<u>PAC</u>		<u>11/15/15</u>																																					

TO BE COMPLETED BY THE APPLICANT

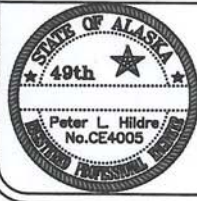
NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

i:\Elfers\Snow Management\DOWNTOWN JD Treatment Plant\Survey\April 2012 additional survey of 20.8 linedwg
2012-11-15 09:15:38



- Property lines
- MHW/OHW Line
+ 100' buffer line
- 100' buffer line
not on CBJ property
- Land affected
by rezone request.
currently zoned WI

INTAKE REVIEW	
Gen Eng.	
POC	CAM
IOC	
Tech.	





DOWL HKM
Consulting Engineers • Land Surveyors • Construction Administration

5368 Commercial Blvd.
Juneau, Alaska 99801
(907) 780-3533 Office
(907) 780-3535 Fax

Peter L. Hildre
No. CE4005

JOB NO. J70429 DRAWN BY: STAFF DESIGNED BY: P. HILDRE CHECKED BY: STAFF DATE: FEB. 2012



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

DEPARTMENT OF ENGINEERING

DOWNTOWN SNOW
STORAGE FACILITY
CONTRACT NO. E12-166

SITE PLAN



Engineering & Public Works Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 1/31/15

TO: Teri Camery, Senior Planner, Community Development Department

FROM: Rorie Watt, P.E., Director

SUBJECT: Rock Dump Rezone Application

Recently, our staff has applied to change the current zoning for lands at the rock dump from Waterfront Industrial to Industrial.

We make this request for the following reasons:

1. Short of a remarkable sequence of incredibly unlikely events, there will always be a wastewater treatment plant on the rock dump. As the community grows, the existing infrastructure ages and as regulations inexorably become more stringent, land at the site becomes increasingly scarce and critically necessary.
2. Wastewater plant expansions and renovations generally do not fit within the WI zoning district. Other than the existing outfalls from the wastewater plant and snow storage site, the current CBJ uses are not "dependent on or directly related to the water."
3. Industrially zoned land in the borough is in short supply. Both the Commission and the Assembly recognize this problem and seek solutions, this proposal is harmonious with that goal.
4. Retaining the WI zoning essentially ensures that no development will take place in those lands, eventually WWTP needs will be redirected to other Industrially zoned lands in the borough.

To ensure economical and efficient municipal operations, we need the ability to go through the Conditional Use process to be able to attempt to use the lands that are currently designated WI.

Alternately, a solution may be found by amending the TPU to allow WWTP applications in the WI district (expand 15.700 – Public Works Facility to be allowed with a CU in WI).

Thank you for your consideration.

49.25.240 - I, industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

49.25.250 - Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

(b)

The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.

Teri Camery

From: Robin Potter
Sent: Wednesday, February 04, 2015 3:36 PM
To: Teri Camery
Subject: RE: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Teri,

I have reviewed the application and find there will be no impact on a change where assessment processes are concerned due to the CBJ being exempt, but I do question the reason for making the zoning consistent with the rest of the property in the area.

Water frontage on any property affects the value of that property. There is an obvious waterfront buffer zone. The only difference in the zoning use seems to be a restriction of building height and making the code change from WI to I. Otherwise it is not unusual for commercial/industrial type of property to encompass more than one zoning depending on frontage, depth and location. I found this very often while working in Maricopa County Az.

Have there been studies and consideration given to any other zoning on the waterfront in other areas of CBJ? What impact will this change may make on how the waterfront portion is used and/or developed in the future?

How can this impact other businesses or contracts the CBJ may have with entities working in the Channel or on either side of the area?

We had a visitor into the office last week who typically stops in several times a year for information. This person was discussing this very zoning change and how it would impact his business which is operating a clean-up project in the Gastineau Channel for the soil contamination in the subject area.

Thanks,

Robin

Robin Potter
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

Note new email address: Robin.Potter@juneau.org

Beth McKibben

From: Teri Camery
Sent: Thursday, February 19, 2015 9:52 AM
To: Beth McKibben; Jonathan Lange
Subject: AME2015 0002 DEC Comments

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

Please consider the environment before printing this email. .

From: Pikul, Gretchen M (DEC) [<mailto:gretchen.pikul@alaska.gov>]
Sent: Thursday, January 29, 2015 1:08 PM
To: Teri Camery; Ron King; Michele Elfers; Ed Foster; Robin Potter; Charlie Ford; Dan Jager; Good, Sheila D (DOT)
Subject: RE: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Thank you for the review opportunity.

The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the rezone application.

This application has been forwarded to DEC's Solid Waste and Stormwater sections.

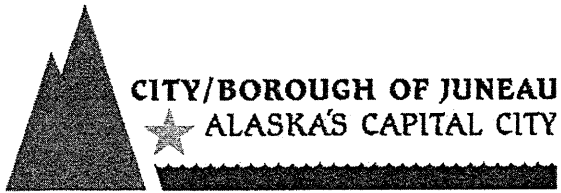
Gretchen Pikul, Environmental Program Specialist
Alaska Department of Environmental Conservation
Division of Water, Non-Point Source Section

(907) 465-5023, <http://www.dec.alaska.gov/water/wqsar/index.htm>

From: Teri Camery [<mailto:Teri.Camery@juneau.org>]
Sent: Tuesday, January 27, 2015 3:41 PM
To: Ron King; Michele Elfers; Ed Foster; Robin Potter; Charlie Ford; Dan Jager; Pikul, Gretchen M (DEC); Good, Sheila D (DOT)
Subject: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Hello,

We have received a re-zone application for a zone change from Waterfront Industrial to Industrial at the Juneau Wastewater Treatment Plant. Most of the property is zoned Industrial. The applicant, CBJ Engineering, seeks to change the 100 foot strip that is zoned Waterfront Industrial to Industrial, to be consistent with the rest of the property.



NOTICE OF NEIGHBORHOOD MEETING FOR REZONE REQUEST

Downtown Library Large Conference Room
Wednesday, March 18, 2015, 6:00-7:30 p.m.

March 4, 2015

Dear Resident,

The CBJ Community Development Department received two Zone Change Applications:

- AME2015 0001: Rezone request to change 5.13 acres from Industrial to Mixed Use
- AME2015 0002: Rezone request to from Industrial to Waterfront Industrial at the CBJ Waste Water Treatment Plant.

You are receiving this letter because you are an adjacent property owner.

The CBJ Community Development Department is hosting a neighborhood meeting to explain the details and the CBJ rezone process. This meeting will be held on Wednesday, March 18, 2015, in the Downtown Library Large Conference Room from 6:00pm- 7:30pm.

The purpose of the March 18th meeting is to provide information, respond to questions, and to get a sense of the concerns that the neighborhood might have, so issues may be addressed in advance of the formal public hearing with the CBJ Planning Commission. The project has been scheduled for review by the Planning Commission at the April 14th Regular Meeting. Prior to the meeting all landowners within approximately 1,000 feet of the proposed rezones will receive a separate notice with details on how and where to submit comments or testify on the proposals.

If you have questions or would like more information, please contact Beth McKibben at 586-0465 or by email at beth.mckibben@juneau.org.

cc: File number AME2015 0001 & AME2015 0002

AGENDA

Neighborhood Meeting For Two Proposed Rezones at the Rock Dump In the Industrial and Waterfront Industrial Zoning Districts

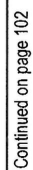
March 18, 2015

Downtown Juneau Public Library Large Conference Room

6 pm – 7:30 pm

- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Projects –
 - Applicants
- What happens next? –
 - Staff Report – Please have comments in by Noon on March 27th or as soon as possible:

To: Beth McKibben 155 S. Seward St. Juneau, AK 99801 Ph: (907)586-0465 Fax: (907)586-4529 beth.mckibben@juneau.org	or Jonathan Lange 586-0218 jonathan.lange@juneau.org
---	---
 - April 14th at 7pm, Planning Commission Meeting –
City Hall, Assembly Chambers
 - Public Testimony
 - May 18th/ June 8th at 7pm, Regular Assembly Meeting –
City Hall, Assembly Chambers
 - Public Testimony
- Questions, Comments, and Concerns -



A vertical scale bar labeled "Feet" with markings at 0, 250, 500, 750, 1,000, 1,250, and 1,500.

Property Information			
155	(B)	7	EAST VALLEY
Address Number	Block	Lot	Subdivision

Assessor Tax Code

Assessor's Tax Code

6D090	102	0030
Parcel Code Prefix	Block Number	Lot Number



Map N

Subarea 6
Juneau

GOLD CREEK

REC

Jualpa Mine Camp
Historic District

Last Chance Basin
Historic District

REC

WCI

RD

HI

THANE RD

IPU

WCI

RD

Rock Dump

NATURAL RESOURCE	REC	Recreational Resource
	RD	Resource Development
	SP	State Park
	NP	CBJ Natural Area Park
	RS	CBJ Recreational Service Park
	CA	CBJ Conservation Area
	SC	Stream Protection Corridor
COMMERCIAL INDUSTRIAL	C	Commercial
	MC	Marine Commercial
	WCI	Waterfront Commercial/Industrial
	LI	Light Industrial
	HI	Heavy Industrial

RESIDENTIAL	RDR	Rural Dispersed Residential
	RLDR	Rural Low Density Residential
	ULDR	Urban Low Density Residential
	MDR/SF	Medium Density Residential- Single Family
	MDR	Medium Density Residential
	HDR	High Density Residential
	TTC	Traditional Town Center
	MMU	Marine Mixed Use
PUBLIC	IPU	Institutional and Public Use
		Existing School
		Potential School Location
ROADS TRAILS		Potential Arterial (alignment not specific)
		Potential Road (alignment not specific)
		Trails

City & Borough of Juneau
COMPREHENSIVE PLAN
City & Borough of Juneau
125 West 10th Street
Juneau, Alaska 99801
Adopted October 20th, 2006
Ordinance No. 2006-30

OTHER		New Growth Areas		Urban Service Area
		Mendenhall Wetlands		Beach Access
		State Game Refuge		Streams
		Subarea Boundary		

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

Map 11.15

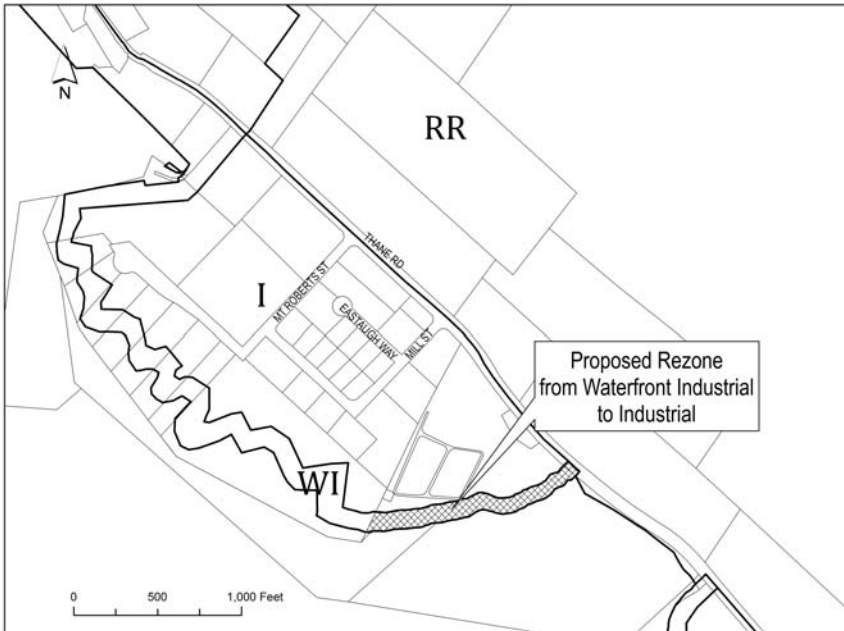
0 500 Feet

Prepared by: Community Development Department

ATTACHMENT 9



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: Rezoning request to change 4.5 acres from Waterfront Industrial to Industrial

File No:	AME2015 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K00-004-0
Hearing Date:	April 14, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	4.5 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	WI - Waterfront Industrial
		Site Address:	Juneau Douglas Wastewater Treatment Plant on Thane Road
		Accessed Via:	Thane Road

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.



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

ATTACHMENT 10

Date notice was printed: March 11, 2015

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

	Use Description	RR	Zones											WC	WI	I
			D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2			
1.000	RESIDENTIAL															
1.100	Single-family dwellings															
1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A
1.120	Single-family detached, two dwellings per lot	1	1	1												
1.130	Single-family detached, accessory apartments	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X		
1.135	Two single-family detached, one or two accessory apartments	3	3	3												
1.200	Duplex	1	1	1	1											
1.300	Multifamily dwellings															
1.400	Group homes	1	1	1	1	1	1	1	1	1	1	1	1	1		
1.450	Halfway houses	3								3	3	3	3			
1.500	Day care homes															
1.510	Child; 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
1.520	Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3			
1.530	Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
1.540	Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3			
1.550	Child care residence, 6 to 9 children under 18 years of age		3	3	3	3	3	3	3	3	3	3	3			
1.600	Miscellaneous, rooms for rent situations															
1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N		
1.620	Hotels, motels	3														
1.630	Single room occupancies with private facilities															
1.700	Home occupations	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes															
1.810	Residential mobile homes on individual lots ^E	3	3	3												
1.815	Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
1.820	Mobile home parks ^E															
1.830	Mobile home subdivision ^E				3	3	3	3	3	3	3					
1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F												

		Zones																
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I		
1.900	Common wall development																	
	1.910 Two dwelling units				1	1	1	1	1									
	1.911 Accessory apartments	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X				
	1.920 Three or more dwelling units					3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3					
	1.930 Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3					
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT ^G																	
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods																	
	2.110 <i>Reserved</i>																	
	2.120 Miscellaneous									1	1	1	1	3 ^N	3 ^N	3		
	2.130 Marine merchandise and equipment	3 ^T								1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3		
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods									1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	3		
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G																	
3.050	Offices of not more than 1,000 square feet		3	3	3	3	3	3	3	1	1	1	1	1 ^N				
3.100	Offices greater than 1,000 but not more than 2,500 square feet						3	3	3	1	1	1	1	3 ^N				
3.200	<i>Reserved</i>																	
3.300	Research, laboratory uses	3 ^T																
3.400	Offices greater than 2,500 square feet									1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3		
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G									1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	3 ^S		
4.050	Light manufacturing	3 ^T						3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3		
4.070	Medium manufacturing	3 ^T									3	3	3	3 ^N	1 ^N , 3 ^N	1, 3		
4.100	Heavy manufacturing	3 ^T	3 ^Q											3 ^N	3 ^N	3		
4.150	Rock crusher	3 ^T	1 ^Q	1 ^Q										3 ^N	3 ^N	3		
4.200	Storage of explosives and ammunition	3													3 ^N	3		
4.210	Seafood processing	3 ^T												3	1, 3	1, 3		
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES																	
5.100	Schools																	
	5.110 Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3					
	5.120 Trade, vocational schools, commercial schools	3 ^T								3	3	3	3	3 ^N	3 ^N	3		
	5.130 Colleges, universities	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3		
5.200	Churches, synagogues, temples	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3		
5.300	Libraries, museums, art galleries	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N			
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3		

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT															
6.100	Indoor activity conducted entirely within building or substantial structure															
	6.110 Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120 Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
	6.130 Theaters seating for 200 or fewer	3 ^F						3	3	1	1	1	1	3 ^N		3
	6.135 Theaters seating from 201 to 1,000									3	1	1	1	3 ^N		3
	6.140 Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3 ^N		
	6.150 Indoor shooting range	1, 3									3					3
6.200	Outdoor activity conducted outside enclosed buildings or structures															
	6.210 Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3 ^N		3
	6.220 Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3 ^N		3
	6.240 Automobile, motorcycle racing tracks; off-highway vehicle parks	3									3					3
	6.250 <i>Reserved</i>															
	6.260 Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262 Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264 Capacity for up to 20 people ^w	1 ^T	1	1	1	1	1	1	1	1	1	1	1	1	1	3 ^N
	6.266 Capacity for more than 20 people ^w	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	
	6.270 Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3
	6.280 Shooting ranges	3														3
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
7.100	Hospital									3	3	3	3			
7.150	Health care clinics, other medical treatment facilities providing out-patient care							3	3	1, 3	1, 3	1, 3	1, 3			

	Use Description	Zones												WI	I
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	
7.200	Nursing care, assisted living, sheltered care		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3		
7.300	Day care centers for children and adults										1, 3	1, 3	1, 3		
7.400	Halfway houses									3	3	3	3		
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3		3
8.000	RESTAURANTS, BARS, NIGHTCLUBS														
8.050	Small restaurants, less than 1,000 ft ² without drive through service	3 ^T					3	3	3	1	1	1	1	1 ^N	3
8.100	Restaurants, bars without drive through service	3 ^T								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1 ^N , 3 ^N	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	
9.000	BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS														
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3		1, 3
9.100	Motor vehicle repair and maintenance, including body work										3				1
9.200	Automotive fuel station	3 ^T								3	1				1
9.300	Car wash									3	1				1
9.400	Boat sales or rental	3 ^T								3	1			1	1
9.450	Boat repairs and maintenance	3 ^T									3			1	1
9.500	Marine fuel, water sanitation	3 ^T												1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	
10.000	STORAGE, PARKING, MOORAGE														
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3		1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored														
	10.210 All storage within completely enclosed structures	1, 3	3							3	1	1 ^U , 3 ^U	1 ^U , 3 ^U	1 ^N , 3 ^N	1
	10.220 General storage inside or outside enclosed structures	1, 3	3								1, 3			1 ^N , 3 ^N	1
	10.230 Snow storage basin														
	10.232 Neighborhood, less than 1/2 acre	3	3	3 ²	3 ²	3 ²	3 ²	3 ²	3 ²					3 ²	1
	10.235 Regional, 1/2 to 1 acre	3	3	3 ²						3 ²	3			3 ²	1
	10.237 Area wide, over 1 acre	3	3 ²	3 ²											3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3			1 ^N , 3 ^N	1

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1
10.500	Moorage															
	10.510 Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3
	10.520 Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation	3	3	3										3	3	
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT															
11.100	Recycling operations															
	11.110 Enclosed collection structures ⁰ of less than 80 square feet total and less than six feet in height	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1	1	1 ^P	1 ^P	1	1	1
	11.120 Enclosed structures for recyclable materials collection	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3 ^P	1 ^P , 3 ^P	3	3	1	1	1 ^P
	11.130 Sorting, storage, preparation for shipment occurring outside an enclosed structure														1 ^N	1
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
11.300	Sanitary landfill	3														3
12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS															
12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1 ^N , 3 ^N	1 ^N , 3 ^N	1
12.200	Kennel	3	3							3	3					1, 3
12.250	Day animal services, grooming, walking, day care	3	3	3	3	3	3			3	3	3	3			1, 3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3 ^N		3
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	EMERGENCY SERVICES															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING															
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations															
	14.210 Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
	14.220 Including farm animals ^M	1, 3	3													1, 3
	14.230 Stabling of farm animals ^M	3	3	3	3					3	3					1, 3
14.250	Personal use agriculture															
	14.253 Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1
14.300	Silviculture and timber harvesting ^J	3	3													3
14.400	Mining operations	2, 3 ^K	3	3										3 ^N	3 ^N	2

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.500	Sand and gravel operations¹	3	3	3						3	3			3 ^N	3 ^N	3
14.800	Spring water bottling	3	3			3	3	3	3	3	3					1, 3
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES															
15.100	Post office	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
15.200	Airport	3														1, 3
15.400	Military reserve, National Guard centers	3	3	3						3	3			3 ^N	3 ^N	3
15.500	Heliports, helipads	3									3			3 ^N	3 ^N	3
15.600	Transit facilities															
	15.610 Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3
	15.620 Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1
	15.630 Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1
15.700	Public works facility	3	3	3	3					3	3					1, 3
16.000	DRY CLEANER, LAUNDROMAT															
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process								1, 3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning									3	1, 3	3	3	3 ^N	1 ^N , 3 ^N	1, 3
17.000	UTILITY FACILITIES															
17.100	Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.150	Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major	3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads															

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	17.310 Access drive-ways on public rights-of-way adjoining one to four existing lots	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	17.320 Access drive-ways on public rights-of-way adjoining five or more existing lots	3	3	3	3	3	3	3	3	3	3	3	3	3		3
18.000	TOWERS AND RELATED STRUCTURES															
18.100 ^{AA}	Towers and antennas 35 feet or less	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200 ^{AA}	Towers and antennas 35 to 50 feet	1	3	3	3	3	3	3	3	1	1	1	1	1	1	1
18.300 ^{AA}	Towers and antennas more than 50 feet in height	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height ^R	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.500	Wireless Communication Facilities	See CBJ 49.65, Wireless Communication Facilities														
19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES															
19.100	Open air markets (farm, craft, flea, and produce)	1, 3	1, 3							1, 3	1	1, 3	1, 3	1 ^N , 3 ^N		1, 3

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
19.200	Nurseries, commercial green-houses															
	19.210 Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1 ^V	1 ^V			1
	19.220 Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 ^V	1 ^V			1
20.000	CEMETERY, CREMATORIUM, MORTUARY															
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium	3														1, 3
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3			
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES															
21.100	Resort, lodge	3	3													
21.200	Campgrounds	1, 3	3													
21.300	Visitor, cultural facilities related to features of the site	3	3							3	3	3	3	3 ^N		
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION															
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

Key:

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

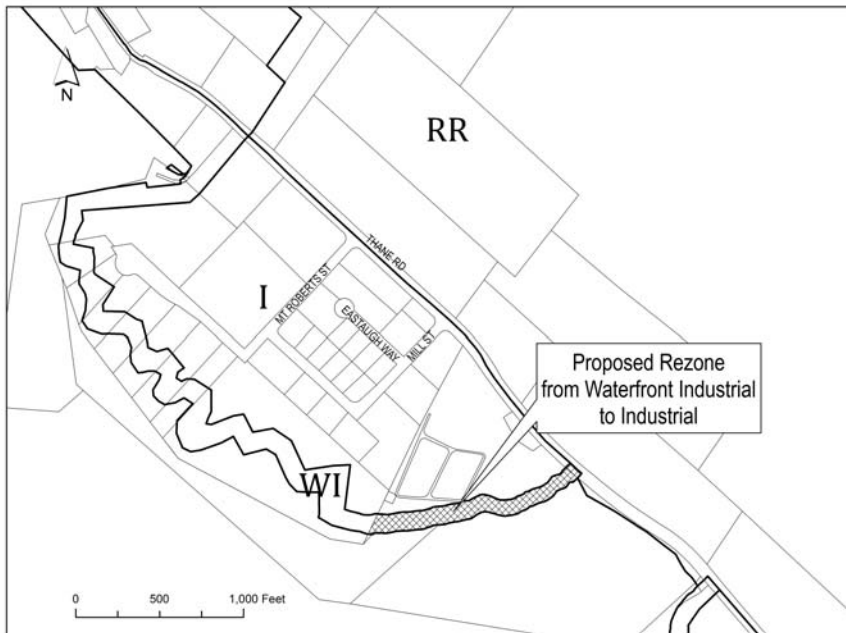
Notes:

- A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- Reserved.*
- Reserved.*
- Reserved.*
- See special use regulations for mobile homes, chapter 49.65, article III.
- See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- All uses subject to additional performance standards, chapter 49.65, article VIII.
- Reserved.*
- Reserved.*

- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.
- U. No storage permitted on the first floor of a building.
- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications. See CBJ\$49.25.510(d)(2).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
- AA. Does not apply to wireless communication facilities.
(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014)



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: Rezoning request to change 4.5 acres from Waterfront Industrial to Industrial

File No:	AME2015 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K00-004-0
Hearing Date:	April 14, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	4.5 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	WI - Waterfront Industrial
		Site Address:	Juneau Douglas Wastewater Treatment Plant on Thane Road
		Accessed Via:	Thane Road

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.



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

Date notice was printed: March 11, 2015