

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: August 9, 2012

TO: Planning Commission

FROM: Eric Feldt, Planner II, CFM
Community Development Department

FILE NO.: USE2012 0012

PROPOSAL: To add a new driveway along Berners Avenue for the Professional Plaza office complex in the Mendenhall Valley.

GENERAL INFORMATION

Applicant: Professional Plaza

Property Owner: Professional Plaza

Property Addresses: 9303 & 9309 Glacier Highway

Legal Descriptions: Lots 1 & 4 Block 44 Mendenhall Acres, and Lots 1 - 4 Block 45 Mendenhall Acres

Parcel Code Numbers: 5-B16-0-114-000-0; 5B16-0-114-004-1; & 5B16-0-114-004-6

Site Size: 5.5 Acres

Zoning: Light Commercial (LC)

Utilities: City Water & Sewer

Access: Glacier Highway

Existing Land Use: Professional Offices

Surrounding Land Use:

North	- LC; New Scottish Rite Temple; Glacier Hwy
South	- Industrial; JNU Airport Property; Cessna Dr.
East	- LC; Best Western Hotel; Glacier Hwy
West	- D-5; Single-family Dwelling; Berners Ave.



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

ATTACHMENTS

Attachment	A	Vicinity Map
Attachment	B	Applicant's Proposal Letter
Attachment	C	CU-04-79 Conditional Use permit Staff Report, Notice of Decision, & Planning Commission Meeting Minutes
Attachment	D	Ordinance 85-02, Staff Report, Planning Commission Minutes, & Assembly Minutes
Attachment	E	Truck Route Map
Attachment	F	1991 Record of Survey of Professional Plaza
Attachment	G	CU-58-94 Conditional Use permit Staff Report, Notice of Decision, & Planning Commission Meeting Minutes
Attachment	H	USE1997-00049 Staff Report, Planning Commission Meeting Minutes, Notice of Decision
Attachment	I	2011 CBJ Engineering Letter of subject Driveway
Attachment	J	Ordinance 2012-26, Assembly Meeting Minutes
Attachment	K	2008 Comprehensive Plan Map
Attachment	L	Zoning District Map of the Professional Plaza Area
Attachment	M	Public Comments

PROJECT DESCRIPTION

The applicant, representing Professional Plaza, a large office complex located at the corner of Berners Avenue and Glacier Highway, seeks to construct a new driveway along Berners Avenue for the office complex to alleviate congestion from the single driveway along Glacier Highway. See Vicinity Map for site location.

The proposed driveway for Professional Plaza has been a point of contention with the neighborhood for nearly 30 years. This driveway has been prohibited since the first Conditional Use permit for the office complex was issued in 1979 and then again with a rezone ordinance (Ordinance 85-02 section 3). Staff notes that the section of this ordinance that restricted access to Berners Avenue has recently been repealed (Ordinance 2012-26).

The applicant submitted the subject Conditional Use permit application to repeal the 1979 Conditional Use permit's (CU-04-79) prohibition to create a permanent driveway accessing Berners Avenue.

BACKGROUND

In the past 30 years there have been numerous land use actions and multiple buildings constructed on the Professional Plaza site. This section of the memorandum provides an explanation of past development from staff's records pertinent to the proposed driveway.

1979

In 1979, the Professional Plaza area was zoned R-7 Residential, as was other adjacent property along the west side of Glacier Highway. Even though this was a residential district, Professional Offices such as doctors, dentists, attorneys, etc. were allowed with an approved Conditional Use permit.

A Conditional Use permit (CU-04-79) was approved permitting a new professional office complex at a 5.5 acre site. Several permit conditions were placed on the project, including the restriction of access to only Glacier Highway. The site was developed as one large project and became known as Professional Plaza. In general, staff reports were brief in the 1970's by current standards and the Conditional Use permit report did not discuss reasons for restricting access to Glacier Highway; only a recommended condition by planning staff. This condition read "That access to the complex be restricted to the Glacier Highway with no access allowed onto Berner's Avenue". Further, there was no discussion about reasons for the access restriction in the Planning Commission meeting minutes. The staff report, notice of decision, and meeting minutes are provided as Attachment C.

1984/1985

A rezone application was submitted to change the zoning of the site from R-7 to C-1 Neighborhood Commercial to allow the site to be developed with a higher commercial intensity. Staff recommended against the rezone because the site could be developed with commercial uses under the existing district. There was no discussion of the access restriction in staff's report. The staff report is provided as Attachment D.

Reviewing the Planning Commission meeting minutes (December 11th, 1984), one commissioner stated that temporary driveway access to Berners Avenue was allowed during the re-construction of Glacier Highway and that the driveway should be blocked. The applicant stated that the driveway was re-opened to allow large trucks into the site to clear trees recently felled during the Thanksgiving Day storm. There was no discussion to permanently open the driveway in question. The Planning Commission recommended the Assembly approve the rezone application without any conditions. The planning commission meeting minutes are provided as Attachment D.

In January of 1985, the Assembly voted in favor of the rezone (Ordinance 85-02) with the addition of the Glacier Highway access restriction. They found it appropriate to continue the access restriction of CU-04-79 to separate the commercial uses of Professional Plaza from the adjacent residences. The Assembly meeting minutes are also provided as Attachment D.

1986

Ladd Street, bisecting Berners Avenue near Glacier Highway, was constructed in 1986. Trucks from the nearby Mendenhall Valley Waste Water Treatment Facility, located at the end of Radcliffe Road, were directed to use Ladd Street as a new truck route, instead of using Berners Avenue. A sign indicating a 'Truck Route' is posted along Berners Avenue and still exists today. This helped lower truck traffic volume and noise along the residential section of Berners Avenue. A map of the truck route is provided as attachment E.

1987

A borough-wide zoning district designation was made, changing the Professional Plaza site from C-1 to Light Commercial (LC). These two districts allow similar uses. Staff notes that this did not change past land use approvals on the property. Also, it is important to note that property west of Professional Plaza remained in a residential district (D-5).

1991

A 1991 record of survey shows the vacation of a 30-foot wide strip of un-built right-of-way (ROW) bordering the Professional Plaza property and Berners Avenue. This survey is provided as Attachment F. The area where this ROW is connected to Berners Avenue is approximately the same location as the proposed driveway. Staff's records do not indicate what reasons were made to vacate this ROW. The area of the former ROW has been developed as parking areas.

1993

On September 4, 1993 CDD staff found that several trees were cleared on various areas of the Professional Plaza site and a new driveway off of Berners Avenue was constructed. A compliance order and a cease and desist order (File No. 15200) were filed to stop the unpermitted activity but they were disregarded. The applicant thought that the rezoning of the site from residential to a commercial district in 1985 lifted development restrictions of the

prior zoning district and allowed greater construction opportunity. This was incorrect, and a resolution of this activity was made through a Settlement Agreement (Case No. 1JU-93-1580 CI). Correction was taken by planting trees and placing a berm across the driveway, preventing access to Berners Avenue.

1994

Professional Plaza filed Conditional Use permit (CU-58-94) to expand the parking lot and re-open the blocked driveway. Only the parking lot expansion was permitted; the Planning Commission did not find sufficient cause to permit the driveway. The staff report, notice of decision, and Planning Commission meeting minutes are provided as Attachment G. A synopsis of the staff report and meeting minutes are discussed below.

CU-58-94 Staff Report

The staff report states the purpose for the driveway restriction to Glacier Highway in Ordinance # 85-02: "The record shows that Section 3 was added to the ordinance [Ordinance 85-02] expressly to protect the neighborhood residential uses to the west of Professional Plaza. Temporary access was granted early in 1984 due to reconstruction work on Glacier Highway on the condition that it be permanently blocked off upon completion of the highway reconstruction." The applicant stated they were led to believe this restriction on access would be temporary, to allow a smooth transition from residential to commercial uses; the record did not support this belief. The applicant stated that with increased traffic volume with new commercial uses along Glacier Highway and development along La Perouse Avenue, vehicle access into Professional Plaza has become hazardous and the restricted residential atmosphere of the Berners Avenue has greatly decreased. Development within the Professional Plaza and surrounding properties along Glacier Highway caused an increase in traffic volume since the initial 1979 Conditional Use permit.

As stated earlier, the Commission approved only the parking lot expansion, and denied the second driveway access to Berners Avenue. Further, the Commission forwarded the following recommendation to the Assembly regarding the amendment of Section 3 of Ordinance 85-02:

The Planning Commission recommends:

1. That a copy of the Assembly action on this recommendation be attached to the Notice of Decision for the current conditional use permit application, CU-58-94,
2. That applicant's request to amend CBJ ordinance Serial 85-02 be denied,
3. That the existing bermed driveway between Professional Plaza and Berners Avenue be removed and revegetated completely, per the settlement agreement, and
4. That the revegetation plan should be submitted to Community Development for review of its design

CU-58-94 Planning Commission Meeting Minutes

Review of the Planning Commission meeting minutes showed public testimony opposing both the requested parking lot expansion and access to Berners Avenue. The public believed that additional traffic and faster vehicle speeds on Berners Avenue would result from opening the blocked driveway. The applicant stated that having only one driveway serving all uses within Professional Plaza creates a bottleneck effect. Also, the view plane along Glacier Highway in front of the Plaza is different than at the intersection of Glacier Highway & Berners Avenue, and; therefore, making a left-hand turn from Glacier Highway would be easier than at Professional Plaza.

1997

The Planning Commission approved an Allowable Use permit (USE1997-00049) for a new two-story office building at the southeastern corner of the site, close to Glacier Highway. The staff report, notice of decision, and meeting minutes are provided under Attachment H. A new condition was placed on the project requiring the existing driveway to have two exiting lanes for ease of egress and reduce queuing. Access along Berners Avenue continued to be prohibited. The applicant's narrative indicates no need for new access to Berners Avenue. A property owner along Berners Avenue submitted a letter in support of keeping commercial activity separate from the residences along Berners Avenue by continuing to prohibit access to this street for the project.

2011

The Planning Commission recommended in favor of designing Berners Avenue (CSP2011 0008) with narrower traffic lanes and a new mid-block stop sign to provide traffic calming. This road project was not initiated or related to the Professional Plaza or the driveway in question. However, a letter from the City Engineering Department to the Commission discussed reasons for re-opening the driveway along Berners Avenue for Professional Plaza. The purpose of this letter was to ask if the Commission wanted to have a future discussion on the issue. This letter is provided under Attachment I. Planning staff thought discussion of the Professional Plaza might complicate discussions of the CSP2011 008 project. Since the driveway was not stated in the public notice, staff believed the neighbors were not properly notified for the issue. The Commission decided not to discuss it during that meeting, but stated they would discuss it during a future meeting if brought back to them.

The City Engineering Department stated the following reasons for needing the driveway:

- 1) Traffic Safety Improvement – left turns from Berners Avenue onto Glacier are safer than from the existing driveway. A second access allows drivers that choice,
- 2) Secondary Access to Professional Plaza – CBJ Engineering Dept supports a second access for all of the same reasons that Engineering supports redundant access to land subdivisions, larger public or private development (emergency services, ease of maintenance), and

3) Makes sense to coordinate construction – If it is going to happen.

The CSP2011 0008 project went forward without a new driveway along Berners Avenue.

2012

As of the date of this memorandum, Berners Avenue is being re-constructed to the design drawings of CSP2011 0008 without a new driveway connecting to Professional Plaza.

On June 25, the Assembly repealed Section 3 of Ordinance 85-02 as presented by the City Engineering Department under Ordinance 2012-26. This ordinance and the Assembly meeting minutes are provided under Attachment J. The following findings in favor of Professional Plaza were made:

- The owners of Professional Plaza have stated a strong desire to have a secondary access into their property;
- The CBJ is reconstructing Berners Avenue this summer, and in response to the neighborhood concerns, the Assembly has directed staff to narrow the driving lanes, build sidewalks, and install a mid-block stop sign; and
- The [City] Engineering Department has come to the conclusion that, along with the other roadway improvements, a second access from Professional Plaza onto Berners Avenue would promote safety and public convenience.

During the Assembly meeting, several residents along Berners Avenue stated concerns about increased commercial traffic volume through Berners Avenue. One resident stated that when the driveway was temporarily constructed additional commercial traffic was noticed through the neighborhood. Planning staff notes that the repeal action was not reviewed by the Planning Commission prior to Assembly action. Land Use ordinances are typically reviewed by the Commission, who then forwards a recommendation to the Assembly.

Though the Assembly repealed the driveway prohibition of the 1985 ordinance, the 2012 ordinance states “to legally install a second access, the owners of Professional Plaza will be required to modify their existing use permit [CU-04-79] which will necessitate that the proposed access be considered and approved by the Planning Commission”.

The subject Conditional Use permit has been filed to modify permit condition of CU-04-79 to allow construction of a new driveway accessing Berners Avenue from the Professional Plaza complex.

ANALYSIS

Project Site

As stated earlier, Professional Plaza overlays 6 parcels, as shown in the vicinity map. Professional Plaza consists of many office buildings and a centrally-located parking lot. Trees grow along the

perimeter, buffering views from Glacier Highway, Berners Avenue, and nearby dwellings.

The neighborhood contains many different land uses. West of the subject property are single-family dwellings in a D-5 residential district. North and east of the property along Glacier Highway are commercial businesses in a Light Commercial district. Land to the south, across Berners Avenue, is vacant and in an Industrial district.

Project Design

As stated earlier, Professional Plaza has been built in phases and now consists of three office buildings. Two buildings can be easily seen from Glacier Highway, while the third is near the back property line. As stated earlier, a single driveway off of Glacier Highway provides access into the site and guides vehicles in a large loop through the parking lots.

Berners Avenue is currently being reconstructed with new sidewalks on both sides, narrower travel lanes, and a new mid-block stop sign. The narrowing of the traffic lanes and new stop sign were recommended to slow traffic speeds.

Traffic

Traffic from the Professional Plaza is restricted to the existing driveway along Glacier Highway per Condition 2 of Conditional Use permit CU-4-79. The applicant states there are over 100 employees working in the Professional Plaza, and that the single driveway causes a bottleneck and long queuing.

Overall, traffic volume has increased from Professional Plaza and throughout the neighborhood since the first office building was built in 1979. Commercial uses across Glacier Highway have expanded resulting in more driveways and traffic turns; the airport dike trail has increased in popularity resulting in more traffic along Berners Avenue and Radcliffe Road; and development along La Perouse Avenue has expanded adding more traffic volume in the neighborhood.

As stated earlier, trucks associated with the waste water treatment facility must follow the truck route along Ladd Street (Attachment E). If re-opened, the driveway would be located along the truck route. Vehicles parking near the back of Professional Plaza would likely use this driveway and turn onto Berners Avenue. Most vehicles will likely turn left on Berners Avenue toward Glacier Highway to avoid the new stop sign on Berners Avenue and existing stop signs along Radcliffe Road, instead of turning right and driving through Radcliffe Road. However, if there is a long queuing line at Glacier Hwy. & Berners Ave. intersection, other drivers may turn right and travel down Berners Avenue toward Radcliffe Road. Installing a Left-Hand Turn Only or No-Right Hand Turn sign to discourage right-hand turns would be difficult to enforce and there could be office workers living in the residential neighborhood who want to turn right. Therefore, predicting the turning movements on Berners Avenue from the proposed driveway is difficult.

Staff solicited comments from the State of Alaska Department of Transportation/ Public Facilities (DOT) about future effects of additional traffic using the Glacier Highway/ Berners Avenue intersection. They stated they had no concerns with the proposal.

Staff also solicited comments from the City Streets Department Supervisor, Ed Foster. He indicated that he doesn't understand the applicant's argument that turning left from Berners Avenue onto Glacier will be easier than from the existing driveway. Further, Mr. Foster believes that vehicles from Professional Plaza would travel down Radcliffe Road from the proposed driveway. Lastly, Mr. Foster commented that the driveway would be required to meet CBJ standards as far as width, culvert and headwalls.

Parking and Circulation

The parking lot for Professional Plaza accommodates many workers within the site, and is only accessible from Glacier Highway. The parking lot is relatively large and is not designed in a typical grid fashion. All parking and driveway areas are paved and parking spaces are striped. There are many parking spaces near the back and south side of the property close to the proposed driveway. It is likely that drivers parking in those two areas of the property would primarily use the proposed driveway, while those parking in the front of the lot would likely use the existing driveway. No striped parking spaces would be removed if the proposed driveway is approved.

Noise

Most of the noise in the neighborhood is from vehicles traveling along Glacier Highway and airport noise. Most noise generated by Professional Plaza is from staff's and guest's vehicles. The residents along Berners Avenue have voiced concerns that Professional Plaza users will increase the traffic level on the road which will also increase traffic noise. Speeding is another concern of the neighborhood which contributes to higher traffic noise levels. Several property owners along Berners Avenue have erected personal signs near the road informing cars to Slow Down. With new traffic calming measures in place, staff expects traffic speeds will be slower and noise levels will be lower than before. As stated earlier under Parking and Circulation, staff expects many of those who park near the proposed Berners Avenue driveway will use it to exit the site.

Public Health or Safety

During past Planning Commission meetings, the public opposed the subject driveway with concerns about additional traffic volume and higher traffic speeds endangering pedestrians and children along Berners Avenue. To address traffic volumes and speeds, staff recommended traffic calming measures with CSP2011 0008. With access to Berners Avenue from Professional Plaza, additional vehicles will increase the existing traffic volume and may create a safety concern.

Planning staff solicited comments from the City Fire Marshall, Dan Jager, who provided the following statement:

“There are no accidents that we are aware of going to as a fire department. Not sure about police or other law enforcement going to fender benders etc, that would not require a

fire/ambulance response. There are no fire code requirements that would require this second driveway.”

Staff also solicited comments from the City Police Chief, Greg Browning. Mr. Browning stated that he did not have any emergency service concerns. He also provided the following statement:

“There have been 12 accidents on that block since Jan 2011, 3 with injuries. That is not a particularly low number. The question is whether the new drive would increase or decrease the likelihood of collisions and I suppose it could be argued either way. Overall, I don’t oppose the driveway because I think their bottleneck argument makes some sense.”

The applicant has stated concerns about how the single driveway affects emergency response. This concern does not seem to be supported by the Police Chief or Fire Marshall.

Based on comments from JPD and the Fire Marshall, staff finds the proposed driveway would not negatively affect the health or safety of the public. Also, they did not state that the driveway was needed to enhance public safety.

Habitat

There are no known habitat concerns for this project at this time.

Property Value or Neighborhood Harmony

As stated earlier, the property owners along Berners Avenue and nearby streets have long opposed the proposed driveway due to concerns of increased commercial traffic and noise from Professional Plaza. The neighborhood believes this increase in commercial traffic will harm the ambiance and character of the neighborhood.

Traffic volume has increased along Berners Avenue for many reasons, as stated above under Traffic. While reviewing the staff report and Planning Commission meeting minutes of Conditional Use permit CU-58-94, the applicant indicated that traffic using the proposed driveway would not likely travel through the neighborhood to Radcliffe Street, but instead turn left on Berners Avenue toward Glacier Highway. In this scenario, the increase in traffic along Berners Avenue will be noticeable in the small portion of the truck route where there are no homes. Vehicle queuing will likely continue along Glacier Highway at Professional Plaza, and additional queuing may form at the intersection of Berners Avenue & Glacier Highway. This is not expected to affect property value or harmony. As stated earlier under Background, during the review of the phases of development of Professional Plaza the Planning Commission did not find it appropriate to open the driveway access along Berners Avenue as it may lead to commercial activity encroaching into the residential neighborhood. The driveway restriction is a way to keep some separation between the commercial and residential uses and reduce impacts to the residential neighborhood. Therefore, staff finds the proposed driveway on Berners Avenue will reduce the separation element between the commercial and residential uses which will negatively impact the character of the neighborhood.

Conformity with Adopted Plans

The 2008 Comprehensive Plan was reviewed for policies pertinent to the project. The neighborhood along Berners Avenue is split into several different land use designations of the Comprehensive Plan. A map showing these designations is provided under Attachment K. The Professional Plaza property is overlaid by the General Commercial (GC) and Urban Low Density Residential (ULDR) designations. These two designations are defined below.

General Commercial (GC) 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- to 60-units per acre are appropriate in this area. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

Urban/Low Density Residential (ULDR) These lands are characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood.

Properties west of, or behind, Professional Plaza are in a ULDR designation. While the properties to the north and east (across Glacier Highway), are in a GC designation. Having commercial uses along a high volume road and residential uses along narrow, bisecting roads or behind commercial uses is common throughout the borough. Creating a buffer or other separating feature between the two uses is often used. However, regulating traffic circulation of public roads can be challenging, such as discouraging commercial traffic from using a residential street as a thru-street. With the reconstruction of Berners Avenue with narrower travel lane and road with stop signs, commercial traffic may be discouraged to use it as a thru-street.

The Plan addresses resident's concerns with land uses that may be incompatible with residential neighborhoods. The following policies indicate a need to minimize conflicts between residential and commercial development.

POLICY 10.4 IT IS THE POLICY OF THE CBJ 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.

10.4.IA2 Maintain and consider enhancing Title 49 Land Use Code requirements for

buffering and screening between residential and commercial/industrial uses and careful review of site development plans. Great care should be taken to incorporate design features, materials and good neighbor operating practices into the non-residential development permit in order to mitigate potential adverse noise, dust, odor and glare impacts to adjacent residential neighbors. Such operating practices should be incorporated as conditions of any permit for a non-residential land use located within 200 feet of a residential use or neighborhood.

10.5.SOP4 Encourage the location and design of small-scale commercial developments that provide convenient shopping and personal services within or near residential neighborhoods. The building and parking siting and design should ensure mitigation of noise, light and glare, odor and litter impacts to adjacent residential neighborhoods. Any neighborhood-commercial development should be accessible via improved pedestrian and bicycle routes and should provide secure and dry bicycle racks.

Professional Plaza has been developed with offices over several phases, each of which have been reviewed and approved with conditions to minimize conflicts with the adjacent residential neighborhood, including the restriction on vehicle access. During the review of each building phase and the overall growth of the site and increase in traffic demand, the Planning Commission did not find that the opening of a driveway along Berners Avenue was appropriate. Keeping the driveway restriction was found to be an important element in helping to separate activity generated by Professional Plaza from the residences farther down Berners Avenue. Therefore, opening the driveway access along Berners Avenue would not be consistent with the policies of the 2008 Comprehensive Plan.

Title 49, Land Use Code

The Land Use Code permits land uses according to zoning districts through specific permits, as delineated on the official zoning map and stated in Table of Permissible Uses. The subject proposal would amend a past Conditional Use permit. This type of permit is explained below from the Land Use Code.

CBJ § 49.15.330

A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

Therefore, the Planning Commission determined that by controlling commercial traffic with the access restriction, the Professional Plaza office project would be appropriate in the area. By removing this restriction, the impacts to the neighborhood would not be overcome.

As stated above in this subsection, the Land Use Code permits certain types of uses according to the zoning district. Professional Plaza is in a Light Commercial district, as well as properties to the north and east. Behind the Plaza, the properties are in a D-5 residential district. A zoning map of this area is provided under Attachment L. The D-5 and LC districts are defined below.

D-5

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.

Light Commercial (LC)

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 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.

Regulating future turning movements at the proposed driveway will be very difficult and would result in some commercial activity encroaching into residential areas. According to the LC definition shown above, this district is primarily located adjacent to residential areas and therefore, some allowable uses may require Commission review to determine compatibility with surrounding land uses. The Planning Commission made the determination that the access restriction allows Professional Plaza to operate adjacent to the residences in a compatible manner.

Therefore, staff finds that removing the access restriction will not comply with the Land Use Code.

PUBLIC COMMENTS

Staff received comments from residents along Berners Avenue. Their letters can be read under Attachment M. They are concerned about increased traffic and speeds with the proposed driveway, safety of pedestrians and children, and negative affects to their property values. One of the comments suggested a compromise that the proposed driveway be restricted to exit only and, left-hand turn only. The applicant has not indicated any limitations of the proposed driveway. As stated earlier, staff explained that enforcing this type of circulation restriction may be difficult.

FINDINGS

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

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

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

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 3.400 for the Light Commercial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the August 3rd and 13th issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right-of-Way.

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

No. As stated earlier, based on comments received from the Juneau Police and Fire Departments, allowing a new driveway access would not materially endanger the public health or safety. Staff notes, neither department indicated that adding a second driveway would enhance the public's health or safety.

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

Yes. As mentioned in the subject memorandum, past Planning Commission findings have concluded that a driveway along Berners Avenue for Professional Plaza will result in commercial traffic and noise entering the residential neighborhood which would cause the office complex to be incompatible with the residential neighborhood. This is out of harmony with property in the neighboring area.

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

No. As discussed earlier, the access restriction was included to mitigate external impacts and help separate commercial activity from the residential neighborhood; thereby allowing Professional Plaza to operate with little to no impact to adjacent residences.

Therefore, removing this restriction will not be in conformance with the Land Use Code and 2008 Comprehensive Plan.

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

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

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and deny the requested Conditional Use permit to allow a driveway to be constructed from Professional Plaza to Berners Avenue.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>USE20120012</u>	Date Received
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TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☒ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)
 Please list the Table of Permissible Uses Category: 17.300 Driveway

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

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.
New Secondary access from Professional Plaza onto Bernes Avenue

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☐ NO ☒ YES - Case # CU-4-79

CURRENT USE OF LAND OR BUILDING(S): Office building

PROPOSED USE OF LAND OR BUILDING(S): no change

UTILITIES PROPOSED: **WATER:** ☐ Public ☐ On Site NA **SEWER:** ☐ Public ☐ On Site NA

SITE AND BUILDING SPECIFICS:
 Total Area of Lot 136,940 square feet Total Area of Existing Structure(s) 23,500 square feet
 Total Area of Proposed Structure(s) N/A square feet

EXTERNAL LIGHTING:
 Existing to remain ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☒ No ☐ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

<input checked="" type="checkbox"/> Site Plan <input type="checkbox"/> Floor Plan of proposed buildings <input type="checkbox"/> Elevation view of existing and proposed buildings <input type="checkbox"/> Proposed Vegetative Cover	<input type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation <input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
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For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>750</u>	<u>3993</u>		<u>7/6/12</u>
	Admin. of Guarantee	\$ _____			
	Adjustment	\$ _____			
	Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>	<u>3995</u>	<u>0244</u>	<u>7/9/12</u>	
Total Fee	\$ <u>900</u>				

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

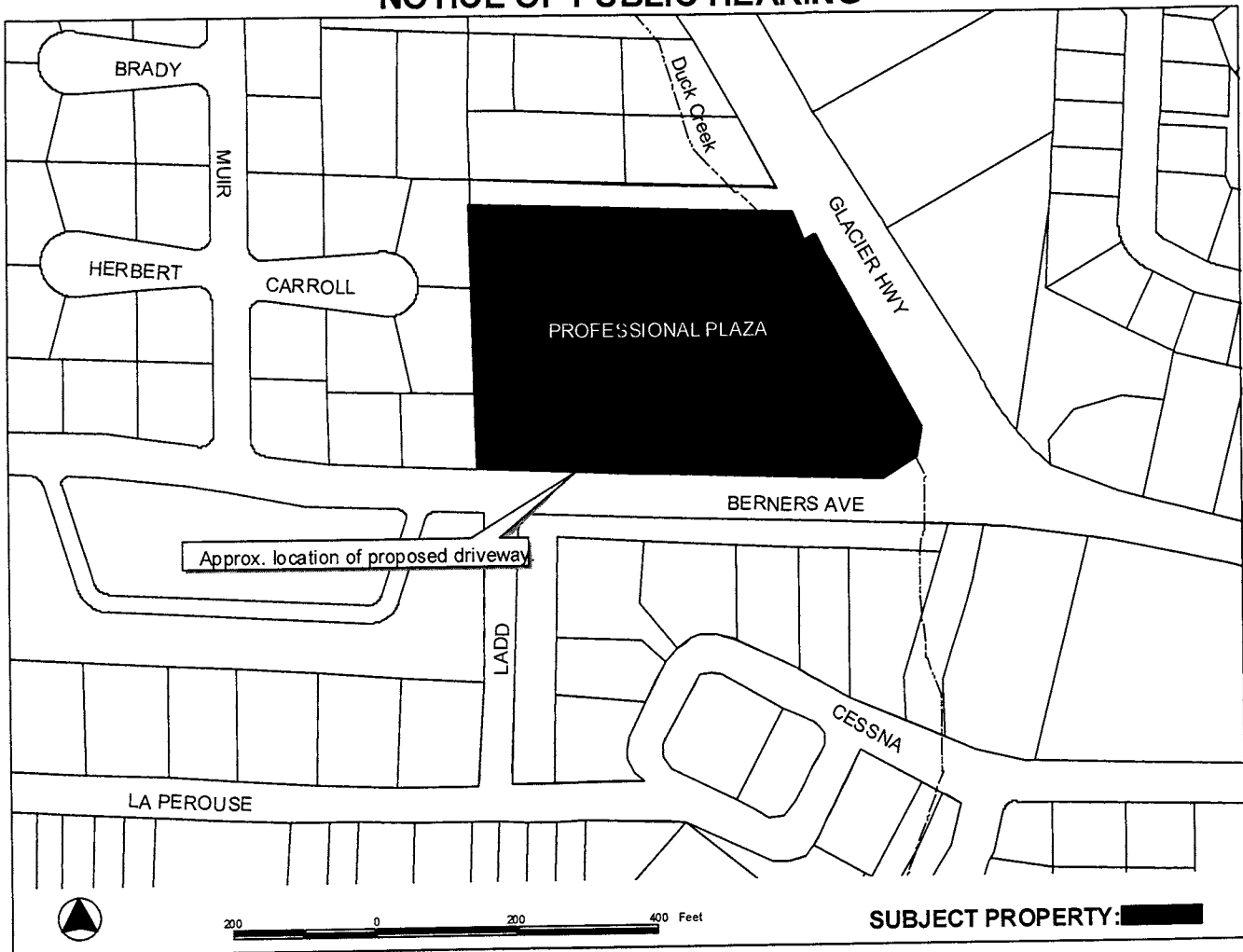
DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>7/6/12</u>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <u>Secondary access from Professional Plaza onto Barnes Avenue.</u>		
	PROPERTY LOCATION		
	Street Address <u>9309 Glacier Highway</u>	City/Zip <u>Juneau 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>Lot 1, 2, 3 & 4 Bk 45 Mendenhall Acres Subdivision. A Fraction of US5381</u>		
	Assessor's Parcel Number(s) <u>5B1601140110 + 5B1601140045</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>Professional Plaza Building A & B.</u>	Contact Person: <u>Ted Bartel / George Elger</u>	Work Phone: <u>321-3515/321-0922</u>
	Mailing Address <u>9309 Glacier Highway</u>	Home Phone: <u>321-3515/321-0922</u>	Fax Number:
	E-mail Address <u>t.bartel@gmail.com / george@ermcra.com</u>	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X <u>[Signature]</u> Landowner/Lessee Signature Date _____ X <u>[Signature]</u> 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 <u>Same</u> Mailing Address E-mail Address Contact Person: Home Phone: Fax Number: Other Contact Phone Number(s): X <u>[Signature]</u> Applicant's Signature <u>7/6/12</u> Date of Application			

STAFF APPROVALS	<input checked="" type="checkbox"/>	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) <u>not filled in</u>	X	7-6-12	USE20120012	
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials <u>CNH/EE</u>

NOTICE OF PUBLIC HEARING



PROPOSAL: Adding Second Access for Professional Plaza on Berners Avenue.

FILE NO: USE2012 0012 TO: Adjacent Property Owners HEARING DATE: August 14, 2012 HEARING TIME: 7:00 PM PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	APPLICANT: Professional Plaza Buildings A & B Property PCN: 5-B16-0-114-014-6 5-B16-0-114-014-1 5-B16-0-114-010-0 5-B16-0-114-011-0 5-B16-0-114-004-5 Owners: ERMB LLC Huna Totem Corp. Eric G. Paulson et al Zoned: Light Commercial Size: 5.5 Acres Site Address: 9301 Glacier Hwy 9309 Glacier Hwy Accessed via: Glacier Hwy
--	---

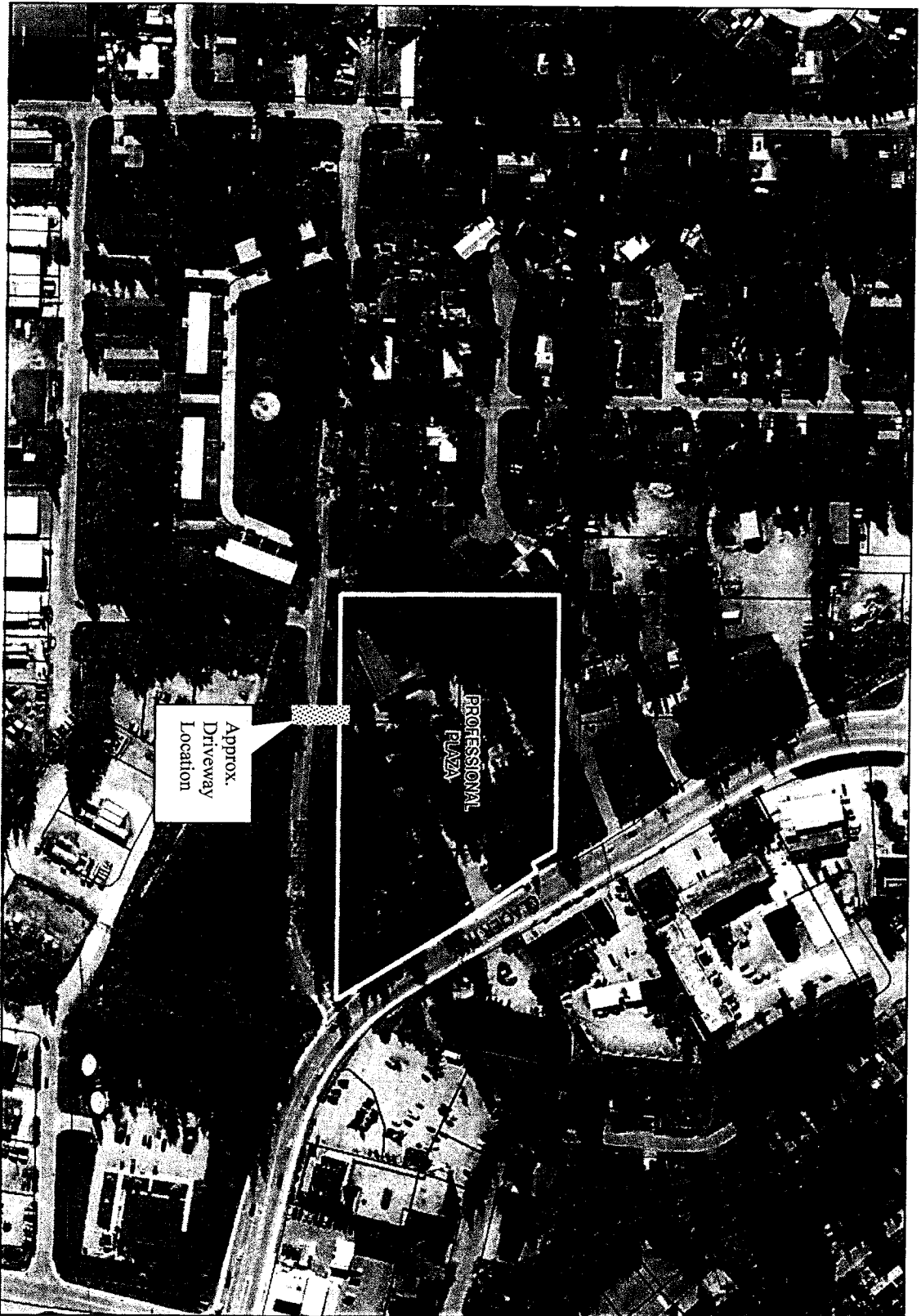
PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

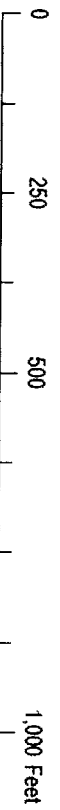
If you have questions, please contact Eric Feldt 586-0764 ERIC_FELDT@CI.JUNEAU.AK.US

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

Date notice was printed: August 2, 2012



BERNIERS AVE
VICINITY



Imagery Date: June 2006



PROFESSIONAL PLAZA

CONDITIONAL USE PERMIT

Site Plan

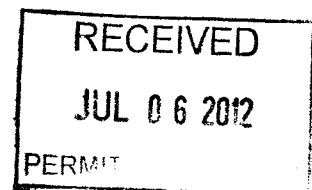
Property ID#

Ordinance Serial No. 2012-26

Conditional Use Permit 3/15/1979

CU-4-79

Handout for Planning Commission



ATTACHMENT B

Answers to questions asked by Community Development Department Staff.

1. Details of the proposed access and its use. When Professional Plaza Office Condominiums (Professional Plaza) first submitted its development plan in 1979, the professional office complex was just in the process of being developed. The first building (Building A-the building closest to Glacier Highway) was occupied during the mid-1980. At that time, it was unknown what impact if any would be created by vehicles driving through the adjoining subdivision..

Professional Plaza currently has approximately 100 employees who work in the three office buildings. There have been numerous occasions when employees have been unable to exit the office complex due to vehicle accidents on Glacier Highway in the vicinity of the existing Professional Plaza driveway. In fact, several years ago there was a shooting at the pawn shop located across from Professional Plaza that resulted in all employees being contained within Professional Plaza for over an hour without a way to exit with their vehicles. A second access point would help to solve this problem.

Over the years, the adjoining neighborhood has claimed that Professional Plaza employees would drive through their subdivision. This is an unfounded complaint. A review of all employees working at Professional Plaza shows that approximately 85% of the employees live in downtown Juneau, in Douglas, out north Douglas or in the Valley having no need whatsoever to drive through the adjoining subdivision. Of the approximate 15% of the employees who live out the road, they all travel via Old Glacier Highway to the stop sign closest to Brotherhood Bridge or via Egan Expressway. None of the employees drive through the subdivision as that route is longer and requires four stop signs (five stops signs when the Berners project is completed) as opposed to Old Glacier Highway which is shorter and only requires one stop sign. In the thirty plus years that one of the original developers of Professional Plaza has worked at Professional Plaza, not once has he accessed Glacier Highway through the neighboring subdivision as it is longer and requires more stops for stop signs

Currently, the Berners Avenue street widening project is underway. This project widens Berners Avenue and adds sidewalks along the entire length of the Professional Plaza Berners Avenue property line. This project increases the safety of this section of Berners Avenue. The project further reduces the width of Berners Avenue through the subdivision thereby hopefully restricting the commercial vehicles that currently drive through the subdivision. That section west of Ladd Street will have a reduced traffic lane width along with another stop sign to slow vehicle use. The inclusion of an additional stop sign further reduces the probability that vehicles from Professional Plaza will want to drive through the subdivision to gain access to Glacier Highway.

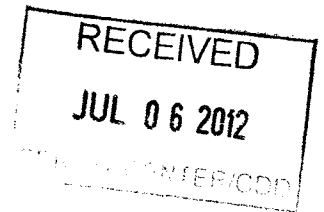
The addition of a driveway onto Berners Avenue will also greatly increase the safety of the accessing Old Glacier Highway from the Professional Plaza. The current driveway has been highly impacted from a safety standpoint by the volume of traffic entering and leaving the office complex, by the bus stop and bus that completely obstructs viewing oncoming vehicles from the north forcing accidents and driver

confusion as to when the traffic lanes are clear to allow ingress and egress to the office complex. Further, the driving distance from the two driving lanes exiting at Professional Plaza is greatly hindered by the short driving distance to the curve by the Best Western Hotel. By being able to use a second driveway to access Old Glacier Highway across from the Travelodge, a driver has a greater view of oncoming traffic and can more safely access Old Glacier Highway going north or south.

2. Driveway Plan. The Staff have asked for a grading and drainage plan for the new access road. When Professional Plaza originally purchased the property for development, a dedicated street existed on the subdivision plat in the location of the proposed driveway access point. The street was subsequently vacated; however, the location for the driveway was retained and in fact, when the Professional Plaza parking lots were paved approximately 25 plus years ago, the driveway to access Berners Avenue was paved to the existing right-of-way line. The driveway currently has a dirt berm located on top of the driveway to prevent use of the driveway. Removal of the dirt berm upon granting of a CU permit will open the driveway for use and will connect to the sidewalk curb cut.

3. Landscaping Plan. Professional Plaza does not have a landscaping plan for the professional subdivision. There currently exists plenty of natural vegetation on either side of the proposed driveway in the form of large and well developed trees. The only landscaping activity that will be necessary is to cut down the weeds and trim back any branches of the trees and shrubs that might be restricting the view plane to the new sidewalks or driving lanes of Berners Avenue.

Michael Satre, Chairman
Planning Commission
155 S. Seward St.
Juneau, AK 99801



Dear Mr Satre,

This letter comes to you to express support for a secondary access / exit from Professional Plaza. Originally constructed in the 1980s with only one point of entry, Professional Plaza currently consists of three office buildings with a total of 93 employees.

As you consider the Berner's Avenue improvement project, we urge you to include a secondary access / exit from Professional Plaza for reasons of safety. In the event that a traffic collision or other emergency blocks the Glacier Highway entrance, employees of Professional Plaza and the clients that visit by appointment are left with no means of exit from the property. This poses serious safety concerns for all involved.

There has been some opposition to the secondary access due to a misconception that it would add to the volume of commercial traffic on Berner's Avenue. In truth, the secondary access / exit would serve only as an emergency route for passenger vehicles in the event that the primary exit was blocked. Only a small fraction of Professional Plaza employees live out the road, so the majority would have no reason to use the secondary access / exit during their daily commute. Additionally, Berner's Avenue is a less efficient route than the primary Glacier Highway entrance, so the secondary access would be an unlikely choice even for those few employees who live out the road.

As Engineering Director Rorie Watt has pointed out, the blocks immediately surrounding Professional Plaza are zoned light commercial or industrial. The reconstruction project includes plans to upgrade Berner's Avenue by building pedestrian sidewalks, thereby making the street safer for residential users while better accommodating the pre-existing traffic that uses the road to access the Mendenhall Wastewater Treatment Plant, Radcliffe neighborhood and Airport Dike Trail.

The City & Borough of Juneau Engineering Department has recommended a secondary access / exit onto Berner's Avenue for the reasons outlined above. A secondary access is common practice for commercial and residential developments, and it is an anomaly that one was not included in the original plans for Professional Plaza. The Berner's Avenue reconstruction project offers an opportunity to provide Professional Plaza employees and clients with the type of emergency exit that typically exists in commercial developments, and would have minimal impact on traffic in the surrounding neighborhood. Including a secondary access / exit from Professional Plaza in the Berner's Avenue improvement project just makes sense.

ATTACHMENT B

Sincerely,

Professional Plaza Business Owners and Employees
Huna Totem Corporation and Employees
9309 Glacier Hwy.
Juneau, AK 99801

Professional Plaza Building A

Baxter Bruce & Sullivan

PRINTED NAME

SHIRLEY DAVENPORT
Mary Holonaba
Rhodolie Yadao
Christine Ann Hildebrand
Laura Syron
Megan Wallace
Keri Baxter
Todd J. Araujo
Renée O. Wallace
KAYLEIGH RIESEL
Mark Luchini
Daniel Bruce

SIGNATURE

Shirley Davenport
Mary Holonaba
Rhodolie Yadao
Christine Hildebrand
Laura Syron
Megan Wallace
Keri Baxter
Todd J. Araujo
Renée O. Wallace
Kayleigh Riesel
Mark Luchini
Daniel Bruce

Lifetime Eye Care

PRINTED NAME

Michael Bennett
Elizabeth Hunt
DIANNE BENNETT
Danielle Feero
Michelle Elmore
Martha Miller
Kristine Lowry

SIGNATURE

Michael Bennett
Elizabeth Hunt
Dianne Bennett
Danielle Feero
Michelle Elmore
Martha Miller
Kristine Lowry

Mark Riederer, DDS

PRINTED NAME

MARIC RIEDERER
TANYA NIZICH
MELODY W. FLOCK
Kimberly Worley
Kathleen Williamson
SAMMY ROGUSKA

SIGNATURE

Mark Riederer
Tanya Nizich
Melody W. Flock
Kimberly Worley
Kathleen Williamson
Sammy Roguska

Edward Jones Investments

PRINTED NAME

Lisa Greenough
CAROL VALENTINE

SIGNATURE

[Signature]
CAM VALENTINE

International Union of Operating Engineers Local 302

PRINTED NAME

KELLY S. GRANT
Corey Barker

SIGNATURE

Kelly S. Grant
Corey Barker

Professional Plaza Building B

Elgee Rehfeld Mertz, LLC

PRINTED NAME

George Elgee
Bridget Lujan
Theresa Harris
Janelle Anderson
Tyson Lee
Michelle Lee
RONA MAY BORJA
Xavier Dunn
DANTE REYES
Karen Tarver
Ashley Ahrens
Emily Walker
Robert L Rehfeld
Ieresa Schimanski
Ryan Beason
Mark Mesolag
Adam Syks
Gayle Starbom
MAX MERTZ
Kela Beason
Sarah Huebschen
Sam Roche

SIGNATURE

George Elgee
Bridget M. Lujan
Theresa Harris
Janelle Anderson
Tyson Lee
Michelle Lee
RONA MAY BORJA
Xavier Dunn
Dante Reyes
Karen Tarver
Ashley Ahrens
Emily Walker
Robert L. Rehfeld
Ieresa Schimanski
Ryan Beason
Mark Mesolag
Adam Syks
Gayle Starbom
MAX MERTZ
Kela Beason
Sarah Huebschen
Sam Roche

Aurora Chiropractic Center

PRINTED NAME

STEVEN D. MESSERSmith
Kara K. Messerschmidt
Stefanie Mbo
Dany Jones

SIGNATURE

Steven D. Messerschmidt
Kara K. Messerschmidt
Stefanie Mbo
Dany Jones

John Krehlik MD

PRINTED NAME

John Krehlik MD
Shannon E. Erickson
Jennifer Clafflin

SIGNATURE

John Krehlik
Shannon E. Erickson
Jennifer Clafflin

Huna Totem Corporation Building

PRINTED NAME

ALGIA N. PULLIAFIGO

Debbie Held

Ruth Banaszak

Johan A. Dybdahl

Amber Starbard

Stuart Campbell

ELEANOR FRITZ DAVENPORT

Kathryn Huttley

Mario Fulmer

Edie Maass

LAWRENCE GAFFAWY

★ Tlingit + Haida HEADSTART:

NANCY SCOTCHMAN

Danya Focht

Melanie A. Zahasky

Cher Buschman

Glen Searand

MARK MCKERNAN

Tyler Hickman

★ HOPE Community:

Nancy Lennon

James Dew

Angela Cox

★ Monique Ulick

SIGNATURE

Algia N. Pulliafigo

Debbie Held

Ruth Banaszak

Johan A. Dybdahl

Amber Starbard

Stuart Campbell

Eleanor Fritz Davenport

Kathryn Huttley

Mario Fulmer

Edie Maass

Lawrence Gaffawy

Tlingit + Haida Headstart:

Nancy Scotchman

Danya Focht

Melanie A. Zahasky

Cher Buschman

Glen Searand

Mark McKernan

Tyler Hickman

HOPE Community:

Nancy Lennon

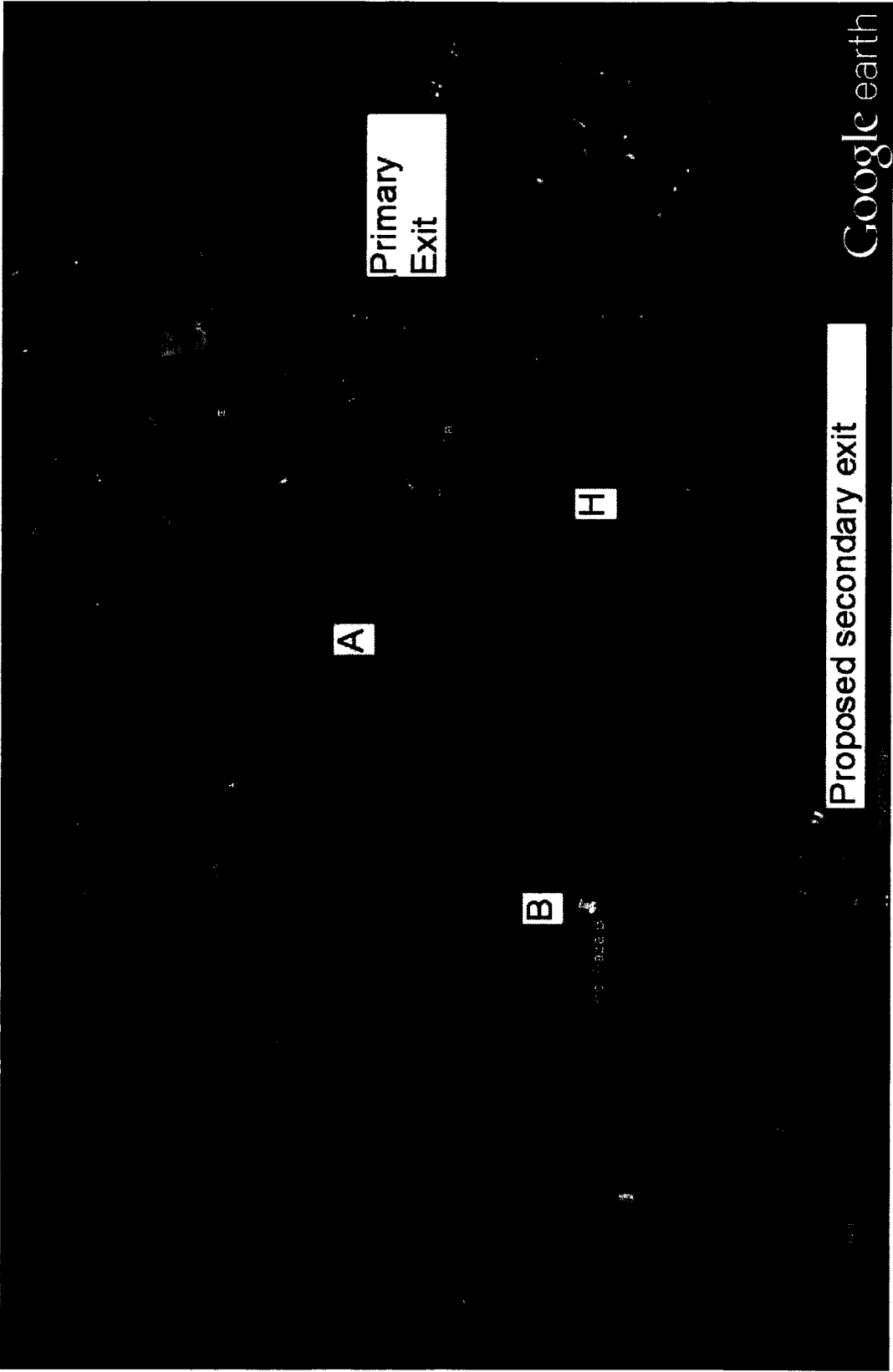
James Dew

Angela Cox

★ Monique Ulick

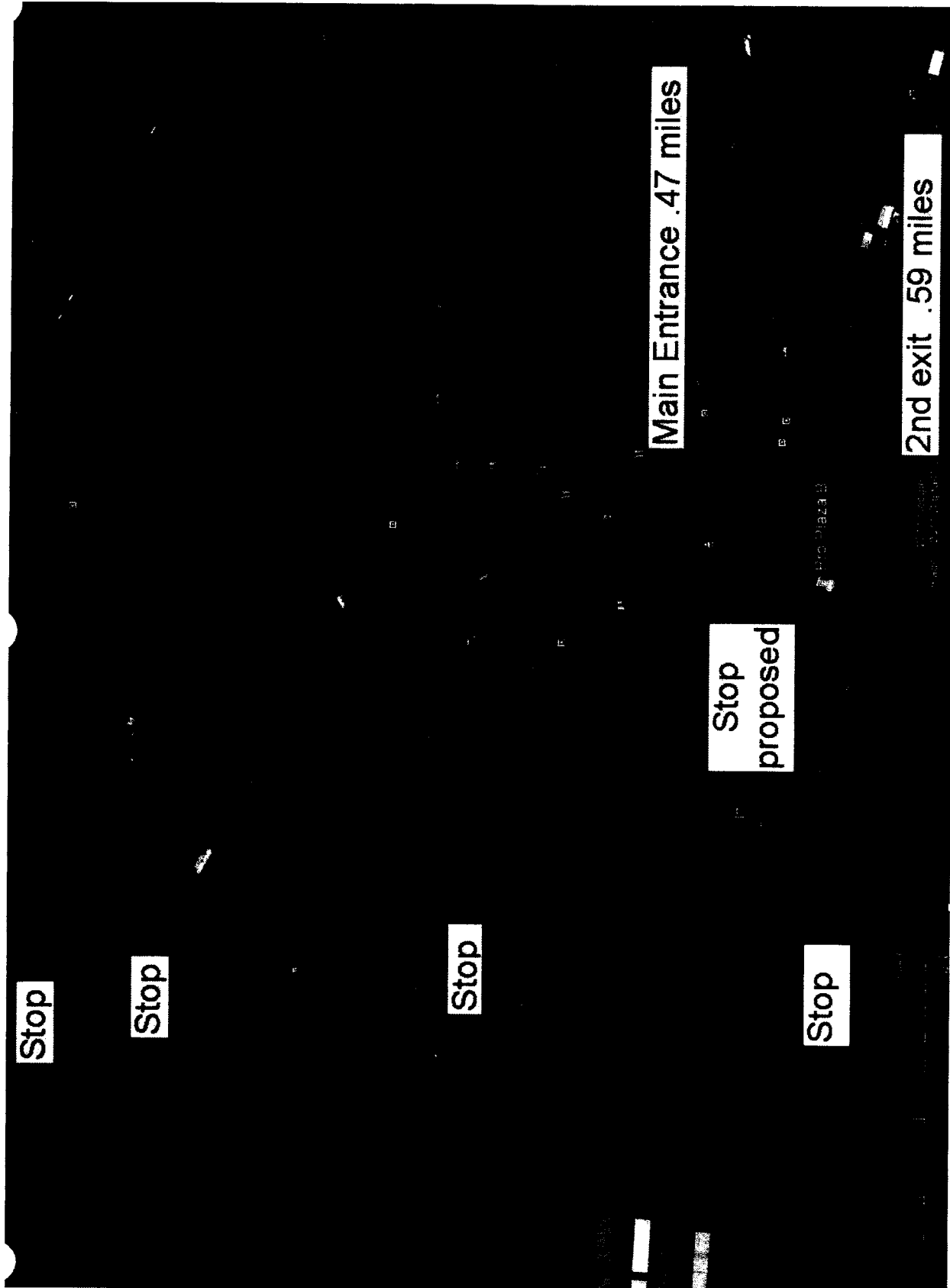
Besides Huna Totem Corporation employees and shareholders, we have the following tenants & their clients who use our building:

- 1.) HOPE Community Resources
- 2.) Tlingit + Haida Headstart



	Total Employees	# of Employees who live out the road
Pro Plaza Building A	32	4
Pro Plaza Building B	35	13
Huna Totem Corporation Bldg	26	0

RECEIVED
 JUL 06 2012
 PERMIT CENTER/CDD



Google earth

Main entrance is .47 miles from Radcliff road using Glacier Hwy, with no stop signs between the entrance / exit and the start of Radcliff Road.

2nd exit is .59 miles and has 3 stops signs at present, with another as part of the proposed improvements.

RECEIVED

JUL 06 2012

PERMIT CENTER/CDD

RECEIVED

JUL 06 2012

PERMIT CENTER/CDD

Businesses Located Within the Parking Lot



9301 GLACIER HIGHWAY



9309

PROFESSIONAL PLAZA

Building
A

International Union of Operating Engineers
Local 302

Baxter Bruce & Sullivan
Attorneys At Law

Lifetime EyeCare

Edward Jones Investments

MARK S. RIEDERER, D.D.S.
General Dentistry

Building
B

ELGIE REHFELD MERTZ, LLC
CERTIFIED PUBLIC ACCOUNTANTS

Dr. STEVEN MESSERSCHMIDT
1940 Avenue Champlain Center

Hope Community Resources
Suite 100



RECEIVED

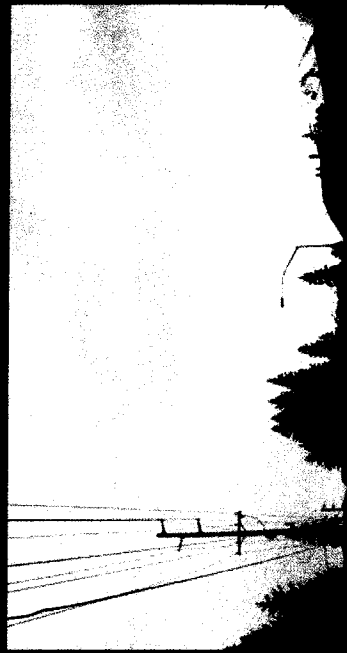
JUL 06 2012

PERMIT CENTER/CDD

Current and Only Entrance/Exit



VIEW FROM ACROSS THE STREET

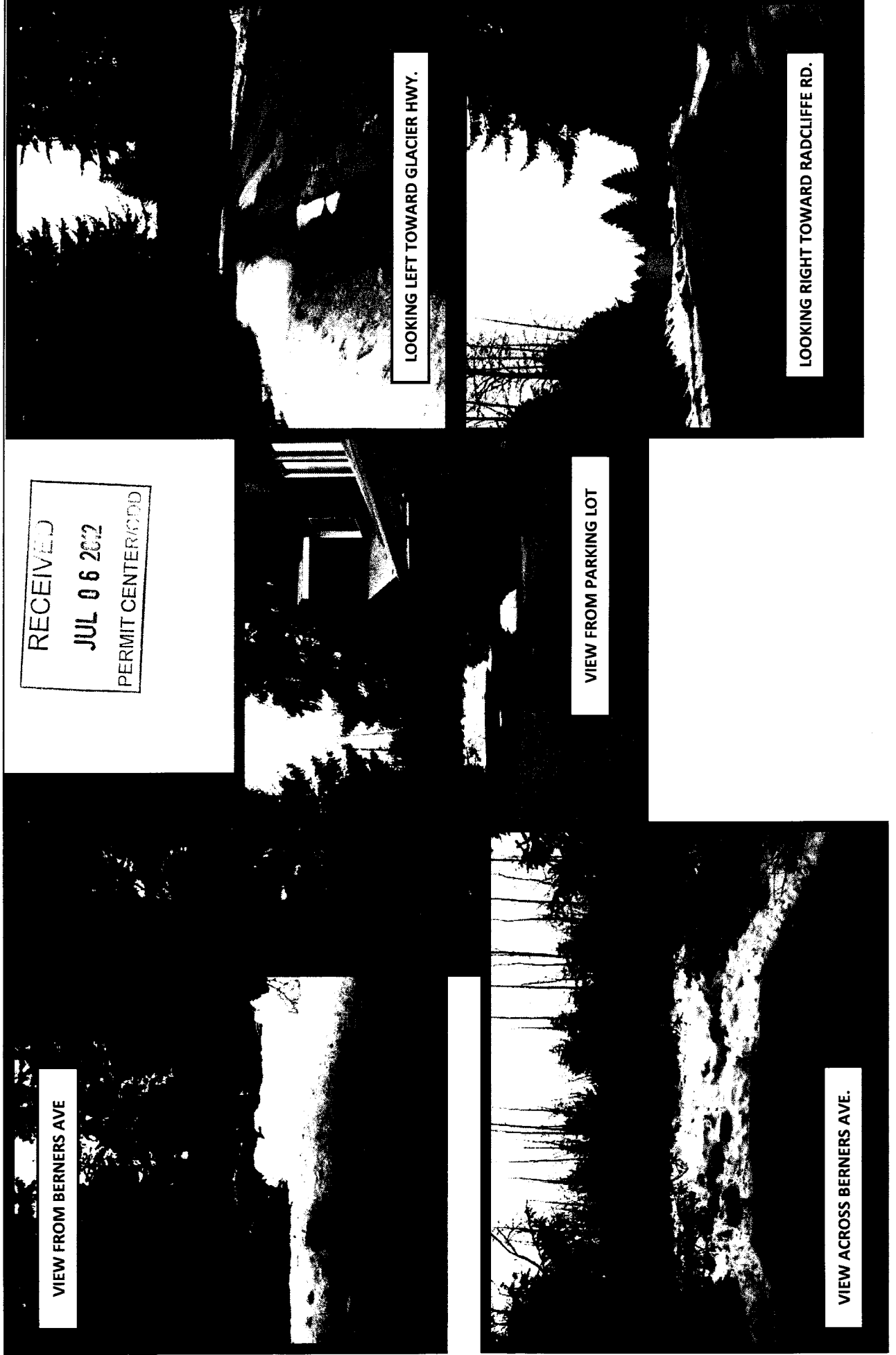


LOOKING LEFT



LOOKING RIGHT

Proposed Additional Entrance/Exit



RECEIVED
JUL 06 2012
PERMIT CENTER/CDD

VIEW FROM BERNERS AVE

LOOKING LEFT TOWARD GLACIER HWY.

VIEW FROM PARKING LOT

LOOKING RIGHT TOWARD RADCLIFFE RD.

VIEW ACROSS BERNERS AVE.



City and Borough of Juneau
Engineering Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: November 4, 2011

TO: Eric Feldt, Planner, Community Development Department

FROM: Rorie Watt, Engineering Director
Engineering Department

RE: Berner's Avenue Reconstruction – Professional Plaza Driveway

This memo is written regarding the possible inclusion of a secondary access to the Professional Plaza complex on the proposed Berner's Avenue Reconstruction project. It is not uncommon to have this type of disagreement about how to build and manage our local roads. In this case, we propose a change that we think is better for the community, we have received comments from immediate neighbors about the view from the neighborhood.

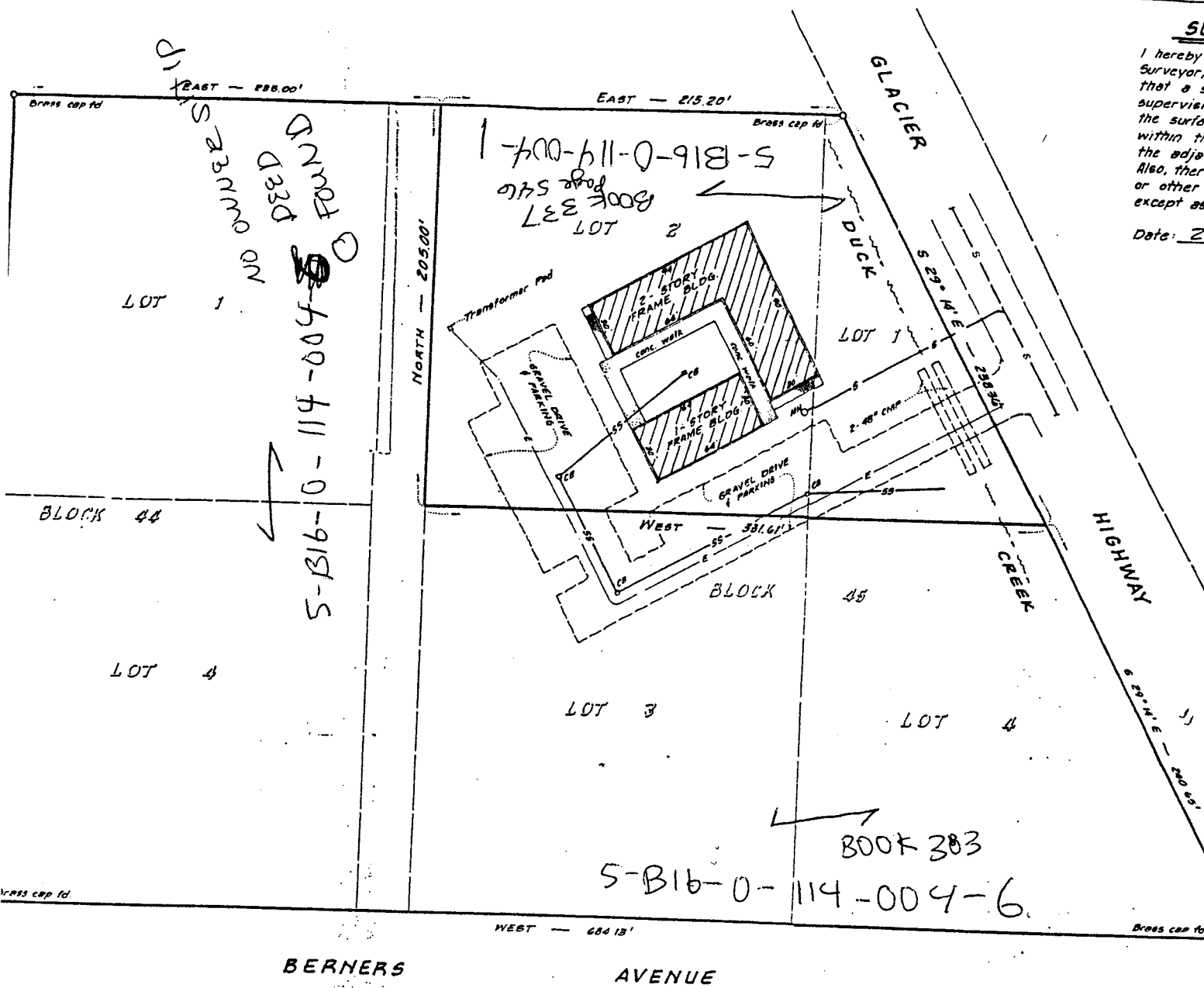
As part of the reconstruction of the roadway, we think it makes sense to include a second driveway into the Professional Plaza complex for the following reasons:

1. Traffic Safety Improvement – Left turns from Berner's onto Glacier are safer than from the existing driveway. A second access allows drivers that choice.
2. Secondary Access to Professional Plaza – We support a second access for all of the same reasons that we support redundant access to land subdivisions, larger public or private development (emergency services, ease of maintenance).
3. Makes sense to coordinate construction – If it is going to happen.

We have had a few neighborhood comments in opposition of the idea. Generally, the comments that we have received express opposition to the addition of commercial traffic onto a residential road. From our view, the first block (at least) of Berner's is not a residential road; it is the truck route to the Mendenhall Wastewater Treatment Plant, is bounded by lands zoned light commercial and Industrial and carries significant traffic to the Radcliffe neighborhoods and to the

50

I hereby
Surveyor,
that a s.
supervise
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the adjac
Also, there
or other
except as
Date: 2



LEGEND

- S- Sanitary Sewer
- SS- Storm Sewer
- E- Underground Electrical

5-1-448-

Statutory Quitclaim Deed BOOK 158 PAGE 156
Juneau Recording District

THE GRANTOR S. GERALD F. McLAUGHLIN and ELAINE McLAUGHLIN,
husband and wife,
residing at 227 Avalon, Los Altos, California.

for and in consideration of One Dollar and other valuable considerations,

conveys and quitclaims to FRED J. BAXTER, JAMES E. DOUGLAS, GEORGE DAVIDSON,

WARREN WILD, LEROY T. FUNK, FRANK S. BAXTER, ROY BOX and GILBERT

H. KEMP, (d/b/a PROFESSIONAL PLAZA) a partnership, whose address is
P. O. Box 2819, Juneau, Alaska 99803, (to Funk & Baxter)

all interest which I (we) have, if any, in the following described real estate: 800 of Ave Sweete

Fourth Avenue between Lot 4, Block 44
and Lot 3, Block 45, Mendenhall Acre
tracts according to the plat recorded
in Deed Book 30, at Page 344, Juneau
Recording District, First Judicial
District, State of Alaska.

5798
5798
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4436
4436
1939
250034

1120, 05-0 47;
2, 440, 352

7 9-5 2 5 2
RECORDED-FILED
JUNEAU REC.
DISTRICT
SEP 28 3 10 PM '79
REQUESTED BY
ADDRESS

situated in the State of Alaska.

DATED this 27 day of September, 1979.
Gerald F. McLaughlin (seal)
Elaine McLaughlin (seal)
Elaine McLaughlin

ACKNOWLEDGEMENT

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

THIS CERTIFIES that on this 27th day of September, 1979
before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared
GERALD F. McLAUGHLIN and ELAINE McLAUGHLIN,
to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and
they (individually) acknowledged to me that they executed the same freely and
voluntarily for the uses and purposes therein mentioned.

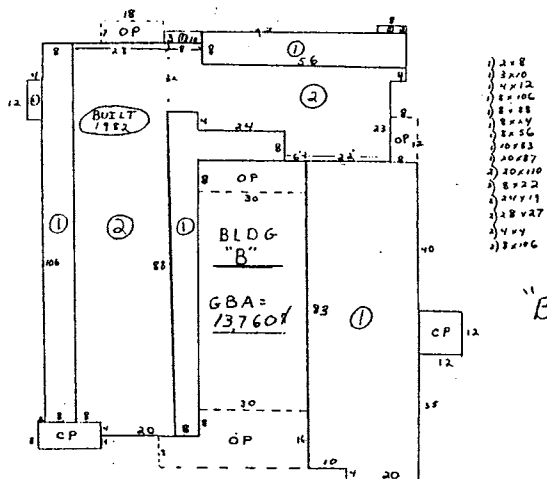
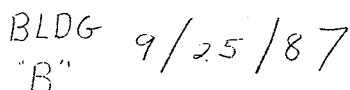
WITNESS my hand and official seal the day and year in this certificate first above written.

Gilliland Dasher
Notary Public for Alaska.
My commission expires: 4-6-83

[illegible][illegible]

REMARKS: 1/1/85 STATE ROW TAKING 2391' @ 19.128 (30 psf)

BUILDING AREA CALCULATION			
Square Feet — Ground Area			
Floor or Part	Width	Length	Area
TOTAL AREA			
Perimeter	Scale		- Ft.



comm: of

Use Code: FOOM

Use Zone: LC

Size:

Area: $64782A = 1.49AC$

Use Zone: LC

General Land Description:

Land Use:

[illegible]

LAND VALUE COMPUTATIONS

APPRAISAL YEAR	(19 <u>11</u>)		19 <u>12</u>		19 <u>13</u>		19 <u>14</u>		19 <u>15</u>	
	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
BASE LOT VALUE										
64782X	4.50	291519								
ITEM 1311 PAULING		23,400								
NET ADJUSTMENT										
ADJUSTED LAND VALUE		313,919								

YEAR	OWNER	ASSESSED VALUATION			REASON FOR CHANGE
		Land	Bldgs.	Total	
1990	SPR 5-BLD-0-4-004-0				
1991		313,900	541,400	855,300	
1992		313,900	541,400	855,300	
1993		313,900	541,400	855,300	SEE CONDO

REMARKS: 1-1-91 275 1920145 Sold 10/1/10 Inv# 337 74 546
SOLD 10/90 #733,500

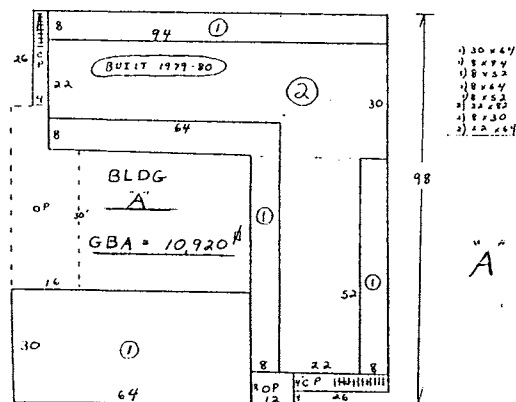
PLACE PICTURE HERE



BLDG. 9/25/87
A"

BUILDING AREA CALCULATION

Square Feet — Ground Area

[illegible]

Section 2. Severability.

The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or enforceability of any one provision or portion hereof shall not affect the validity or enforceability of any other provision hereof.

Section 3. Easements.

Declarant expressly reserves, for the benefit of owners in the project, reciprocal easements for access, ingress and egress over and to all of the common areas, except that the right of access to and from any common areas within a unit shall be limited to the Association or a duly authorized representative thereof. Such easements may be used by Declarant's successors, purchasers and all unit owners, their employees, customers, clients, tenants and invitees temporarily visiting or occupying the project, for pedestrian walkways, vehicular access, and such other purposes reasonably necessary to use and enjoyment of a unit in the project. Such easements shall be appurtenant to, and shall pass with, the title to every unit conveyed. The Declarant expressly reserves, for the benefit of each applicable unit owner, an exclusive easement for use of any areas depicted on the condominium plans as limited common areas, as assigned to each unit owner for his numbered unit. All building walls shall be considered to adjoin and abut the wall of the contiguous unit against the surface from the bottom of the foundation of the building. Such right of use shall be as not to interfere with the use and enjoyment of the owners of adjoining units, and in the event that any such contiguous wall is damaged or injured from any cause other than the act or negligence of one of the owners, the same shall be repaired or rebuilt at their joint expense. In the event any portion of the common elements encroaches upon any unit, or any unit encroaches upon the common elements, as a result of the construction, reconstruction, repair, shifting, settlement or movement of any portion of the

project, a valid easement for the encroachment and for the maintenance of the same shall exist so long as the encroachment exists. The Declarant has entered into an ingress-egress agreement with the owners of Professional Plaza Building B, located on the contiguous parcel of property, said easement which crosses a part of Declarant's common real property and which agreement has been recorded with the District Recorder's Office, Juneau Recording District, State of Alaska.

Section 4. Valuation of Unit and Property and Voting Rights.

Each unit described herein is valued as set forth in Exhibit B, the total value of such units being the value of property comprising the project. The owner of each unit shall have an undivided interest in the common areas and facilities appertaining to each unit for all purposes, including voting as set for in Exhibit B.

Section 5. Service of Process.

The name and address of the person to receive service of process in the cases provided for in the Horizontal Property Regimes Act of the State of Alaska is:

Professional Plaza Building Condominium Association
c/o Fred J. Baxter
Baxter, Bruce, Brand & Rodriguez
P. O. Box 32819
Juneau, Alaska 99803

This Declaration has been executed on the day, month and year first herein written.

HUNA TOTEM CORPORATION

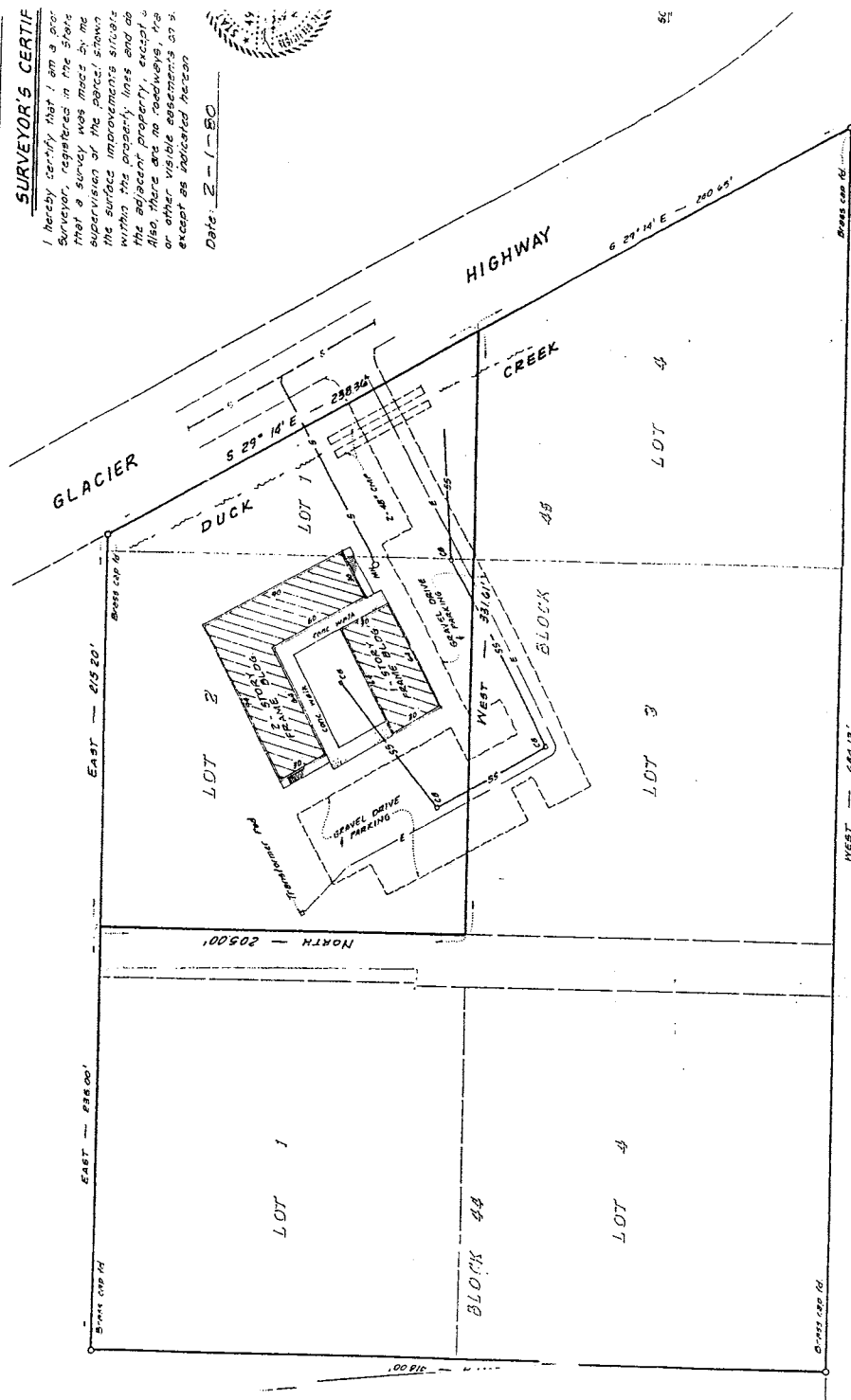
By: George D. Cooper
Title: Chief Executive Officer

BBB & R, an Alaska partnership

By: Fred J. Baxter
Fred J. Baxter, Partner

I hereby certify that I am a "Professional Land Surveyor," registered in the State of _____, that a survey was made by me under the supervision of the parcel owner showing the surface improvement's siting within the property lines and do hereby certify that the subject property, except as shown on the attached plat, is not a "roadway," "highway," or other visible easement or right-of-way as indicated hereon.

Date: 2-1-80



LEGEND

- Sanitary Sewer
Storm Sewer

STATUTORY WARRANTY DEED

THE GRANTOR, **HUNA TOTEM CORPORATION**, an Alaskan corporation, of 2075 Jordan Avenue, Juneau, Alaska, 99801, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, in hand paid, conveys and warrants to **BBB & R**, an Alaskan partnership, of 9309 Glacier Highway, Suite A-201, Juneau, Alaska 99801, the following described real property to-wit:

An undivided forty percent (40%) of Lots 1 and 2, Block 45, Mendenhall Acre Tracts according to the plat recorded in Deed Book 30 at Page 344, Juneau Recording District, First Judicial District, State of Alaska,

TOGETHER WITH that part of vacated Fourth Avenue between Lot 1, Block 44 and Lot 2, Block 45, said subdivision, which inures to Lot 2, Block 45, said subdivision, by reason of said vacation,

EXCEPT THEREFROM that part conveyed to the State of Alaska, Department of Transportation and Public Facilities by deed recorded December 7, 1984 in Book 248 at Page 758.

EXCEPTIONS:

1. Subject to easements and reservations of record.
2. Subject to the terms of the Ingress-Egress Agreement of record.

DATED this 17 day of October, 1990.

HUNA TOTEM CORPORATION

By George D. Cooper

George D. Cooper,
Chief Executive Officer

STATE OF ALASKA)

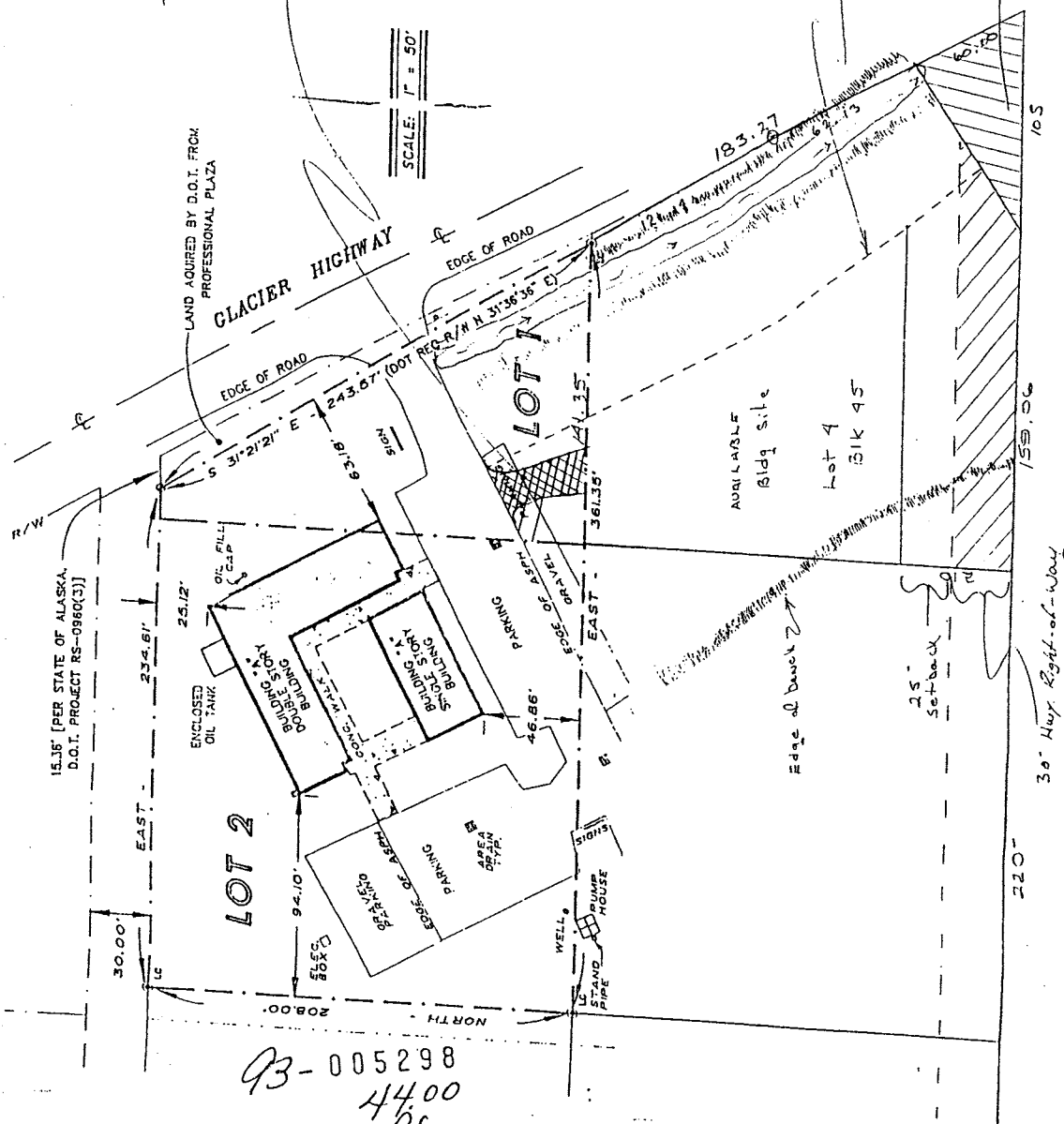
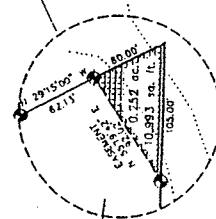
FIRST JUDICIAL DISTRICT)

: ss

THIS IS TO CERTIFY that on this 17th day of October, 1990, before me, a Notary Public in and for the State of Alaska, duly commissioned and sworn, Statutory Warranty Deed, Huna Totem Corp. to BBB & R
Page 1

Approximate location & Access Easement

lot size - original plat 0.99 acre
Less Road Coenke ee-plat - .25 acre
Less 30-Highway R. of Way. - .17 acre

$$\text{Total Lot Size} = 0.62 \text{ weeks} = 27,007 \text{ h}$$


93-005298
4400
cc
JUNEAU REC. DISTRICT
REQUESTED BY TIA

'93 JUL 28 AM 10 58 POOR FILMING QUALITY

STATUTORY WARRANTY DEED

THE GRANTORS, FRED J. BAXTER, JAMES E. DOUGLAS, GEORGE
DAVIDSON, WARREN WILD, FRANK S. BAXTER, ROY BOX, LEROY T.
FUNK and GILBERT H. KEMP, partners doing business as
PROFESSIONAL PLAZA, of 9309 Glacier Highway, Suite A-201,
Juneau, Alaska 99801, for and in consideration of Ten Dollars
(\$10.00) and other valuable consideration, in hand paid, conveys
and warrants to HUNA TOTEM CORPORATION, of 9309 Glacier
Highway, Suite A-103, Juneau, Alaska 99801, the following
described real property to-wit:

Lots 3 and 4, Block 45, Mendenhall Acre Tracts, according to
the plat recorded in Deed Book 30 at Page 344, Juneau
Recording District, First Judicial District, State of
Alaska,

TOGETHER with that part of vacated 4th Avenue which inures
to the above property by reason of vacation.

EXCEPT THEREFROM that part conveyed to the State of Alaska,
Department of Transportation and Public Facilities by deed
recorded December 7, 1984 in Book 248 at Page 758,

TOGETHER WITH an easement for ingress and egress over that
portion of the existing driveway located on Lot 1, Block 45,
Mendenhall Acre Tracts, together with the right to construct
an additional portion of driveway necessary to gain access
to Lot 4, as shown on Exhibit A attached hereto. Upon
completion of construction of the new driveway to be
constructed by Grantee, Grantee agrees to join in execution
of an agreement defining the exact location of the driveway
for the purposes of establishing the location in the public
records.

RESERVING UNTO GRANTOR:

An easement for ingress and egress to Lots 1 and 4, Block
44, Mendenhall Acre Tracts, across the driveway located on
Lot 3, Block 45, Mendenhall Acre Tracts, as the same

Quit Claim Deed - Professional Plaza/Huna Totem Corporation
Page No. 1

ATTORNEYS AT LAW
BAXTER, BRUCE,
BRAND & RODRIGUEZ
P.O. BOX 37819
JUNEAU, ALASKA 99803-2819
Telephone: (907) 789-3146
Teletype: (907) 789-1913

91946A
853776A
LOT 1 B144
LOT 4 B144
LOT 3 B145 = 1.12 AC
LOT 4 B145 = .99 AC
98A
98A

presently exists, subject to the condition that Grantor relocate the driveway so that the same follows, as nearly as possible, the common boundary line between Lots 2 and 3, said Block 45. Upon completion of relocation of the driveway, Grantor and Grantee agree to join in execution of an agreement defining the exact location of the new driveway for the purposes of establishing the location in the public records, and

An easement for the pump house and stand pipe located in the Northeasterly corner of Lot 3, Block 45, Mendenhall Acre Tracts, subject to the condition that Grantor eliminate or relocate the pump house and stand pipe when the driveway is relocated.

SUBJECT TO:

1. Reservations in the U S. Patent.
2. EASEMENT, including the terms and provisions thereof, in favor of the State of Alaska, Department of Transportation and Public Facilities for drainage facilities created by instrument recorded December 7, 1984 in Book 248 at Page 762.
3. EASEMENT, including the terms and provisions thereof, in favor of the State of Alaska, Department of Transportation and Public Facilities for power lines and water main created by instrument recorded July 12, 1985 in Book 258 at Page 491.
4. EASEMENT for ingress-egress as delineated on the plat of multiple lots as described in document recorded October 19, 1990 in Book 337 at Page 543.

DATED this 27th day of July, 1993.

GRANTOR:

PROFESSIONAL PLAZA PARTNERSHIP

Fred J. Baxter

James E. Douglas, Jr. and
through his attorney-in-fact
Fred J. Baxter

ATTORNEYS AT LAW
BAXTER, BRUCE,
BRAND & RODRIGUEZ
P.O. BOX 32819
JUNEAU, ALASKA 99803-2819
Telephone: (907) 789-3166
Telecopier: (907) 789-1913

Quit Claim
Page No. 1

CORRECTIVE
Statutory Quitclaim Deed

BOOK 156 PAGE 621
Juneau Recording District

THE GRANTOR D. FLORINE HOUSEL
residing at 1560 Homewood Road, Apartment 114A, Seal Beach, Ca. 90740
for and in consideration of One Dollar and other valuable considerations
conveys and quitclaims to RICHARD BRUCE BROWN
residing at P.O. Box 2819, Juneau, Alaska 99803

all interest which I (we) have, if any, in the following described real estate:

Lot 4, Block 44, Mendenhall Acre Tracts,
according to the Plat recorded in Deed
Book 30, page 344, Juneau Recording
District, First Judicial District, State
of Alaska.

79-4248
RECORDED-FILED
JUNEAU REC.
DISTRICT
AUG 13 3 25 PM '79
REQUESTED BY THA
ADDRESS _____

Made to correct that deed recorded April 23, 1969 in Deed
Book 91 at page 121, Juneau Recording District, First
Judicial District, State of Alaska.
situated in the State of Alaska.

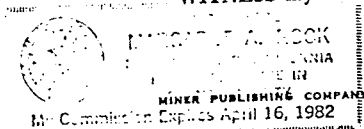
DATED this _____ day of _____, 1979.
D. Florine Housel (seal)
D. Florine Housel (seal)

ACKNOWLEDGEMENT

STATE OF ~~MISSISSIPPI~~ CALIFORNIA
COUNTY OF ORANGE } ss.

THIS CERTIFIES that on this 27 day of August, 1979,
before me, the undersigned, a Notary Public in and for the State of California,
D. FLORINE HOUSEL
to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and
she (individually) acknowledged to me that she executed the same freely and
voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.



Margaret A. Rock
Notary Public for ~~MISSISSIPPI~~ California
My commission expires: MARGARET A. ROCK

THE GRANTOR D. FLORINE HOUSEL

residing at 1560 Homewood Road, Apartment 114A, Seal Beach, Ca. 90740

for and in consideration of One Dollar and other valuable considerations

conveys and quitclaims to GERALD F. McLAUGHLIN and ELAINE McLAUGHLIN, of

227 Avalon, Los Altos, California

all interest which I (we) have, if any, in the following described real estate:

Fourth Avenue between Lot 4, Block 44 and
Lot 3, Block 45, Mendenhall Acre Tracts,
according to the plat recorded in Deed Book
30, page 344, Juneau Recording District,
First Judicial District, State of Alaska.

7 9-4 7 4 6
RECORDED-FILED
JUNEAU REC.
DISTRICT
AUG 13 3 24 PM '79
REQUESTED BY TIA
ADDRESS

situated in the State of Alaska.

DATED this June 25th day of June, 1979

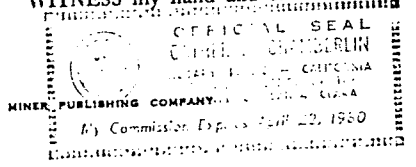
D. Florine Houssel (seal)
D. Florine Houssel (seal)

ACKNOWLEDGEMENT

STATE OF ~~ALASKA~~ CALIFORNIA
COUNTY OF ~~ORANGE~~ SANTA CLARA } ss.

THIS CERTIFIES that on this _____ day of _____ California, 1979,
before me, the undersigned, a Notary Public in and for the State of ~~Alaska~~, personally appeared _____
D. FLORINE HOUSEL
to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and
she (individually) acknowledged to me that she executed the same freely and
voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.



Catherine Chamberlin
Notary Public for ~~Alaska~~ California
My commission expires: _____

AN
ZONED
THE M.
PLAZA
COMMERCIAL
* Sect.
general and
and borough cou
* Section 2.
ough Official 2c
and 4, Block
Mhall Acres Sub
rhood Commercial.
Adopted this

1984
JUN 25 1979
JUN 25 1979

THE GRANTOR MARGARET McCORMICK, who took title as MARGARET
GOODWIN BROWN
residing at 9072 N.E. 41st Street, Bellevue, Washington
for and in consideration of One Dollar and other valuable considerations
conveys and quitclaims to GERALD F. McLAUGHLIN and ELAINE McLAUGHLIN,
husband and wife, of 227 Avalon, Los Altos, California

all interest which I (we) have, if any, in the following described real estate:

Lot 4, Block 44, Mendenhall Acre Tracts,
according to the Plat recorded in Deed Book
30, page 344, Juneau Recording District,
First Judicial District, State of Alaska.

7-9-4249
RECORDED-FILED
JUNEAU REC.
DISTRICT
AUG 13 3 25 PM '79
REQUESTED BY TRA
ADDRESS

situated in the State of Alaska.

DATED this 29 day of June, 1979
Margaret McCormick (seal)
Margaret McCormick (seal)

ACKNOWLEDGEMENT

STATE OF ~~ALASKA~~ WASHINGTON

COUNTY OF King

ss.

THIS CERTIFIES that on this day of Washington, 1979,
before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared
MARGARET McCORMICK
to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and
she (individually) acknowledged to me that she executed the same freely and
voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska Washington
My commission expires: 10/5/81

48-044-001-0381
48-045-001-0381
028

Statutory Warranty Deed

BOOK 156 PAGE 629
Juneau Recording District

THE GRANTOR MARGARET MCCORMICK, who took title as MARGARET
GOODWIN BROWN, a married woman
residing at 9072 N.E. 41st Street, Bellevue, Washington
for and in consideration of Ten Dollars and other valuable considerations
in hand paid, conveys and warrants to FRED J. BAXTER, JAMES E. DOUGLAS, GEORGE
DAVIDSON, WARREN WILD, LEROY T. FUNK, FRANK S. BAXTER, ROY BOX and
GILBERT H. KEMP, d/b/a PROFESSIONAL PLAZA, a partnership, whose
address is P.O. Box 2819, Juneau, Alaska 99803
the following described real estate:

Lot 1, Block 44 and Lots 1 and 2, Block 45,
Mendenhall Acre Tracts, according to the
plat recorded in Deed Book 30 at page 344,
Juneau Recording District, First Judicial
District, State of Alaska

Together with Fourth Avenue between Lot 1,
Block 44 and Lot 2, Block 45.

7-9-4250
RECORDED-FILED
JUNEAU REC.
DISTRICT
AUG 13 3 26 PM '79
REQUESTED BY
ADDRESS

situated in the State of Alaska subject to reservations in the U.S. Patent.
DATED this 29th day of June, 1979
Margaret McCormick (seal)
Margaret McCormick (seal)

ACKNOWLEDGEMENT

STATE OF ~~ALASKA~~ WASHINGTON
COUNTY OF King
CITY OF Seattle

THIS CERTIFIES that on this 29 day of June, 1979,
before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared
MARGARET MCCORMICK
to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and
voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Alaska Washington
My commission expires: 10/15/81

044204-001
045003
-004

Statutory Warranty Deed

BOOK 156 PAGE 631
Juneau Recording District

THE GRANTOR S. GERALD F. McLAUGHLIN and ELAINE McLAUGHLIN, husband and wife
residing at 227 Avalon, Los Altos, California
for and in consideration of Ten Dollars and other valuable considerations
in hand paid, conveys and warrants to FRED J. BAXTER, JAMES E. DOUGLAS, GEORGE DAVIDSON, WARREN WILD, LEROY T. FUNK, FRANK S. BAXTER, ROY BOX and GILBERT H. KEMP, d/b/a PROFESSIONAL PLAZA, a partnership, whose address is P.O. Box 2819, Juneau, Alaska 99803
the following described real estate:

Lot 4, Block 44 and Lots 3 and 4, Block 45, Mendenhall Acre Tracts, according to the plat recorded in Deed Book 30 at page 344, Juneau Recording District, First Judicial District, State of Alaska.

79-4752
12
RECORDED-TITLED
JUNEAU REC.
DISTRICT
Aug 13 3 27 PM '79
REQUESTED BY ITA
ADDRESS _____

situated in the State of Alaska.

DATED this July 9th day of July 1979
Gerald F. McLaughlin (seal)
Gerald F. McLaughlin
Elaine McLaughlin (seal)
Elaine McLaughlin

ACKNOWLEDGEMENT

CALIFORNIA
STATE OF ~~ALASKA~~
COUNTY OF _____
CITY OF _____ ss.

THIS CERTIFIES that on this _____ day of _____ California 1979, before me, the undersigned, a Notary Public in and for the State of ~~Alaska~~, personally appeared _____
GERALD F. McLAUGHLIN and ELAINE McLAUGHLIN
to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and
they (individually) acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

My Commission Expires April 21, 1980
MINER PUBLISHING COMPANY

Catherine Chamberlain
Notary Public for ~~Alaska~~ California
My commission expires: _____

ZC-16-84 THE PROFESSIONAL PLAZA

EXISTING R-7 COMPREHENSIVE PLAN - COMMERCIAL

EAST - 469.97

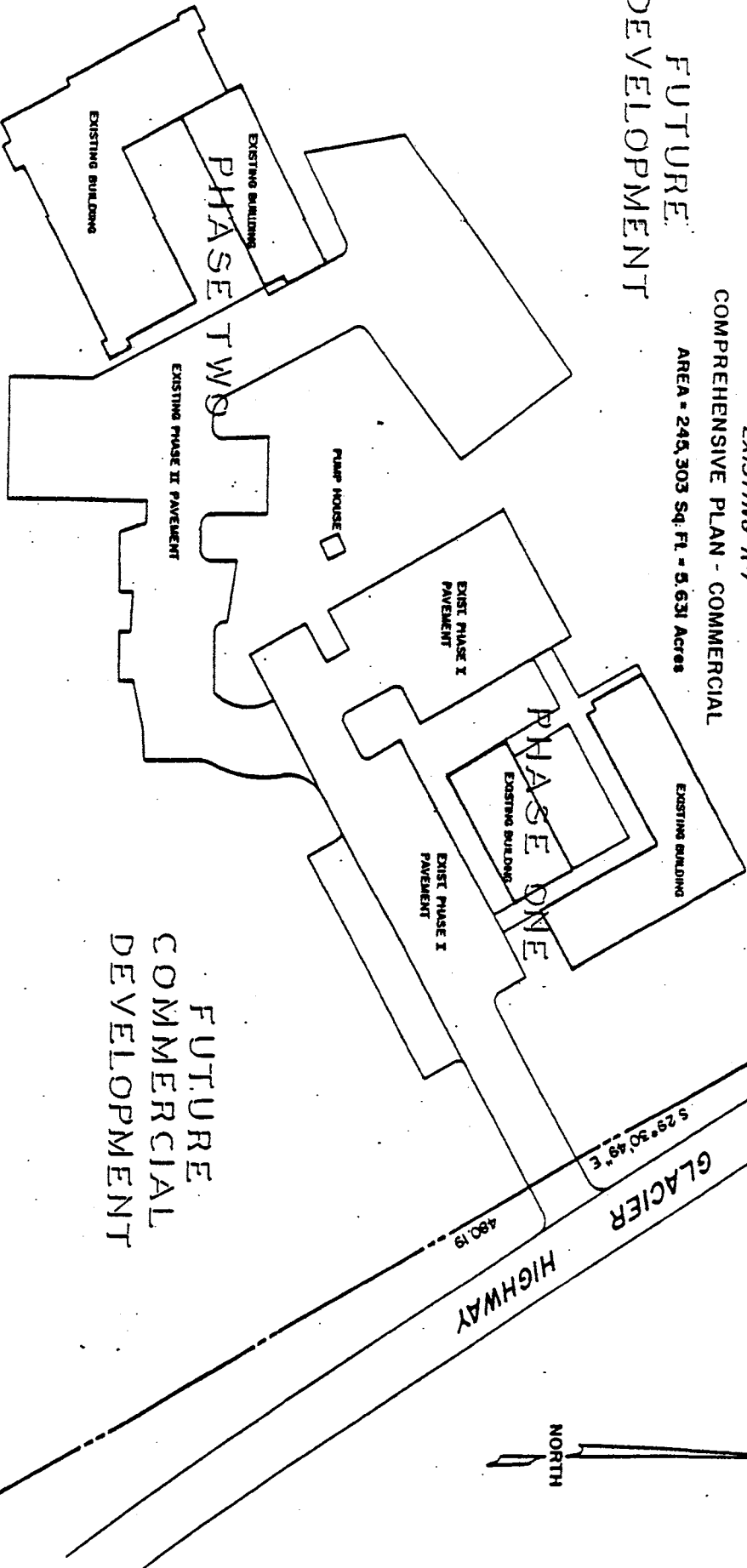
SITE PLAN

EXISTING R-7

COMPREHENSIVE PLAN - COMMERCIAL

AREA - 245,303 Sq. Ft. - 5.631 Acres

FUTURE
DEVELOPMENT



FUTURE
COMMERCIAL
DEVELOPMENT

EXISTING R-7 COMPREHENSIVE PLAN - COMMERCIAL

N 0° 20' 18" W - 417.89

WEST - 70° 40'S

BERNERS AVENUE

**City and Borough of Juneau**

Office of the Assessor
155 South Seward Street
Juneau, Alaska 99801
(907) 586-5220

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
PERMIT NO. 98
JUNEAU, ALASKA

IDENTIFICATION #		Real Property Value	
5B1601140110		S I T E 366,600	B L D G 659,900
PROPERTY TAX YEAR 2012		\$ 1,026,500 Total Real Property Value	
MAILING DATE 4/13/2012		\$ Business Personal Property Value	
BOARD OF EQUALIZATION FILING DEADLINE 5/14/2012		TOTAL EXEMPT 0	
BOARD OF EQUALIZATION MEETING DATE 5/17/2012		TOTAL TAXABLE 1,026,500	

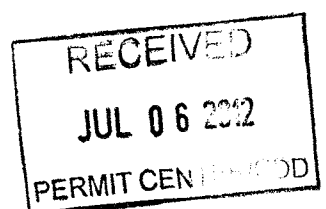
***** IMPORTANT *****

Please review the back of this notice for information regarding your valuation and the appeal procedure. Make sure you keep this notice for your records. Please contact us if your mailing address is incorrect.

***** THIS IS NOT A TAX BILL *****

***** 5-DIGIT 99801

ERMB LLC
PROFESSIONAL PLAZA UNIT B 201
9309 GLACIER HWY STE B200
JUNEAU AK 99801-9300





City and Borough of Juneau
 Office of the Assessor
 155 South Second Street
 Juneau, Alaska 99801
 (907) 586-5220

PRESORTED
 FIRST CLASS MAIL
 U.S. POSTAGE PAID
 PERMIT NO. 98
 JUNEAU, ALASKA



City and Borough of Juneau
 Office of the Assessor
 155 South Second Street
 Juneau, Alaska 99801
 (907) 586-5220

PRESORTED
 FIRST CLASS MAIL
 U.S. POSTAGE PAID
 PERMIT NO. 98
 JUNEAU, ALASKA

IDENTIFICATION #

5B1601140049

Real Property Value

46,000

125,000

IDENTIFICATION #

5B1601140043

Real Property Value

37,000

99,000

PROPERTY TAX YEAR

2012

PROPERTY TAX YEAR

2012

\$

\$

Total Real Property Value

Business Personal Property Value

136,000

MAILING DATE

4/13/2012

MAILING DATE

4/13/2012

BOARD OF EQUALIZATION
 FILING DEADLINE

5/14/2012

BOARD OF EQUALIZATION
 FILING DEADLINE

5/14/2012

BOARD OF EQUALIZATION
 MEETING DATE

5/17/2012

BOARD OF EQUALIZATION
 MEETING DATE

5/17/2012

TOTAL TAXABLE

171,000

TOTAL EXEMPT

0

TOTAL TAXABLE

136,000

***** IMPORTANT *****

***** 5-DIGIT 99803

BBS2D LLC
 PROFESS PLAZA BLDG C UNIT 202
 PO BOX 32819
 JUNEAU AK 99803-2819

***** 5-DIGIT 99803

BBS2D LLC
 PROFESS PLAZA BLDG A UNIT 102
 PO BOX 32819
 JUNEAU AK 99803-2819

Please review the back of this notice for information regarding your valuation and the appeal procedure. Make sure you keep this notice for your records. Please contact us if your mailing address is incorrect.
 *** THIS IS NOT A TAX BILL ***

Please review the back of this notice for information regarding your valuation and the appeal procedure. Make sure you keep this notice for your records. Please contact us if your mailing address is incorrect.
 *** THIS IS NOT A TAX BILL ***



City and Borough of Juneau
 Office of the Assessor
 155 South Second Street
 Juneau, Alaska 99801
 (907) 586-5220

PRESORTED
 FIRST CLASS MAIL
 U.S. POSTAGE PAID
 PERMIT NO. 98
 JUNEAU, ALASKA



City and Borough of Juneau
 Office of the Assessor
 155 South Second Street
 Juneau, Alaska 99801
 (907) 586-5220

PRESORTED
 FIRST CLASS MAIL
 U.S. POSTAGE PAID
 PERMIT NO. 98
 JUNEAU, ALASKA

IDENTIFICATION #

5B1601140047

Real Property Value

28,000

76,000

IDENTIFICATION #

5B1601140045

Real Property Value

151,000

405,000

PROPERTY TAX YEAR

2012

PROPERTY TAX YEAR

2012

\$

\$

Total Real Property Value

Business Personal Property Value

556,000

MAILING DATE

4/13/2012

MAILING DATE

4/13/2012

BOARD OF EQUALIZATION
 FILING DEADLINE

5/14/2012

BOARD OF EQUALIZATION
 FILING DEADLINE

5/14/2012

BOARD OF EQUALIZATION
 MEETING DATE

5/17/2012

BOARD OF EQUALIZATION
 MEETING DATE

5/17/2012

TOTAL TAXABLE

104,000

TOTAL EXEMPT

0

TOTAL TAXABLE

556,000

***** IMPORTANT *****

***** 5-DIGIT 99803

BBS LLC
 PROFESS PLAZA BLDG A UNIT 104
 PO BOX 32819
 JUNEAU AK 99803-2819

***** 5-DIGIT 99803

BBS LLC
 PROFESS PLAZA BLDG A UNIT 201
 PO BOX 32819
 JUNEAU AK 99803-2819

Please review the back of this notice for information regarding your valuation and the appeal procedure. Make sure you keep this notice for your records. Please contact us if your mailing address is incorrect.
 *** THIS IS NOT A TAX BILL ***

Please review the back of this notice for information regarding your valuation and the appeal procedure. Make sure you keep this notice for your records. Please contact us if your mailing address is incorrect.
 *** THIS IS NOT A TAX BILL ***

Presented by: The Manager
Introduced:
Drafted by: J.W. Hartle

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2012-26

**An Ordinance Amending the Official Zoning Map of the City
and Borough to Remove the Restriction on Berners Avenue
Access To and From Professional Plaza.**

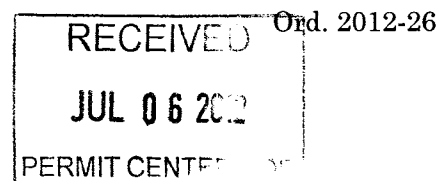
WHEREAS, CBJ Ordinance Serial No. 85-02 restricted the access to and from Professional Plaza to one access on Glacier Highway, prohibiting access on Berners Avenue; and

WHEREAS, the owners of Professional Plaza have stated a strong desire to have a secondary access into their property; and

WHEREAS, property owners on Berners Avenue have long been concerned about cut-through traffic, traffic speeds, and pedestrian safety in their neighborhood; and

WHEREAS, the CBJ is reconstructing Berners Avenue this summer, and in response to the neighborhood concerns, the Assembly has directed staff to narrow the driving lanes, build sidewalks, and install a mid-block sign; and

WHEREAS, the Engineering Department has come to the conclusion that, along with the other roadway improvements, a second access from Professional Plaza onto Berners Avenue would promote safety and public convenience; and



1 WHEREAS, to legally install a second access, the owners of Professional Plaza will
2 be required to modify their existing use permits which will necessitate that the
3 proposed access be considered and approved by the Planning Commission.

4

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

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

9

10 **Section 2. Repeal of Restriction.** Section 3 of CBJ Ordinance Serial No. 85-02,
11 adopted January 21, 1985, restricting access from Professional Plaza to one access on
12 Glacier Highway, is hereby repealed.

13

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

16 Adopted this day of 2012.

17

18

19

Bruce Botelho, Mayor

20

Attest:

21

22

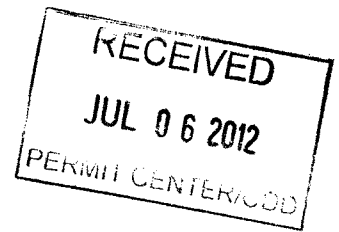
Laurie J. Sica, Clerk

23

24

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March 15, 1979

Conditional Use Permit

George Davidson and Roy Box
The Professional Plaza
800 Glacier Avenue, Suite C
Juneau, Alaska 99801

Gentlemen:

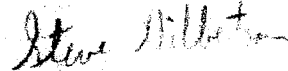
This is to formally advise that the Planning Commission, at its meeting of March 13, 1979, approved your plans for a professional office plaza at the intersection of Berners Avenue and Glacier Highway subject to the following conditions:

1. That you submit a detailed site and landscaping plan to be approved by the Planning Commission for each building and parking lot before any clearing or construction takes place. It will be necessary that existing mature trees be field located and plotted on the site plan in order to allow for adjustments to the site layout that will maximize the retention of the trees.
2. That access to the complex be restricted to the Glacier Highway with no access allowed onto Berner's Avenue.
3. That a setback area of 25 feet be retained from the bank of Duck Creek that is to be free of any structures and within which clearing would not be allowed.
4. That any outside lighting be designed to minimize its visibility from adjoining properties.
5. That a signing plan be submitted for approval.
6. That the exterior color of the buildings be of a subdued tone that will blend in with the residential setting.
7. That a dense evergreen planting be placed between the complex and the adjoining residences (the north and west property lines).
8. That a setback of at least 20 feet be retained along the north and west property lines for both structures and parking lots.

9. That the individual building plans for the four future buildings be brought back for Planning Commission review for the purpose of assuring architectural compatability and parking capacity.
10. That wood fences be erected between all perimter parking areas and the property lines until such time that landscaping obscures the view of the parking area.
11. That landscaping proceed concurrently with adjacent buildings.

If you are in need of clarification on the above conditions, please don't hesitate to call on me.

Sincerely,



Steve Gilbertson
Zoning Administrator

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST.

JUNEAU, ALASKA 99801

TO: Planning Commission

DATE: March 9, 1979

FILE NO.

SUBJECT: Professional Offices

FROM: Planning Department *CA*

This is an application for a Conditional Use Permit to allow the construction of a professional office complex on a 5 1/2 acre tract of land located at the intersection of Berners Avenue and the Old Glacier Highway near the airport. Attached is a letter from the applicants that explains their intentions concerning this development.

Land use in the vicinity consists of single family homes in Totem Park and Mendenhall Acres Subdivision, the Thunderbird Terrace Condominiums, the airport fuel storage tanks, the Little League baseball field, and the Madsen-Shaw commercial area.

The subject property is zoned R-7 Residential which allows professional offices to be considered as a Conditional Use. In land use terms professional offices are distinguished from business offices and other commercial uses by the nature of the professions allowed (i.e., doctors, dentists, engineers, attorneys, architects, accountants, etc.).

Surrounding zoning patterns consist of R-7 Residential zoning for Totem Park and Mendenhall Acres Subdivisions, RM Garden Apartment zoning for Thunderbird Terrace, Industrial zoning for the adjacent property and ballfield, and C-1 Neighborhood Commercial zoning for the area on the other side of the Glacier Highway.

Staff Comments

The staff is of the opinion that construction of a professional office plaza can be compatible with adjoining properties if the following conditions are considered:

1. That the applicants submit a detailed landscaping plan to be approved before any clearing or construction takes place. The applicants have indicated that existing mature trees will be field located and plotted on the site plan. The intensity of site development will obviously necessitate the removal of a substantial portion of this old growth timber stand. Because there may have to be adjustments to the site layout, the landscaping plan should be reviewed before final approval is given. Our past experiences with Commission imposed landscap-

ing/screening requirements indicated it is best to resolve this issue before any site work is done.

2. That access to the complex be restricted to the Glacier Highway with no access allowed onto Berner's Avenue.
3. That a setback area of 25 feet be retained from the bank of Duck Creek that is to be free of any structures and within which clearing would not be allowed.
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ATTACHMENT C

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9. That the individual building plans for the four future buildings be brought back for Planning Commission review for the purpose of assuring architectural compatability.

PLANNING AND ZONING COMMISSION

March 13, 1979



The March 13, 1979 meeting of the Planning and Zoning Commission was called to order by Chairman Kay Diebels at 7:32 p.m. in the Assembly Chambers of the Municipal Building with the following roll noted:

Present: Tripplette (arrived 7:35 p.m.), Minch, Beadle, Grant, Gorsuch, Samaniego and Diebels.

Excused: Menzies and Quinn.

Staff Present: Steve Gilbertson, Zoning Administrator; Tim Maguire, Planner.

APPROVAL OF MINUTES - February 27, 1979

Mr. Beadle moved for approval of the minutes as submitted. Ms. Gorsuch seconded the motion which carried unanimously.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: None.

UNFINISHED BUSINESS:

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PUBLIC HEARING ON CONDITIONAL USE APPLICATION TO CONSTRUCT A PROFESSIONAL OFFICE PLAZA AT THE NORTHWEST CORNER OF THE INTERSECTION OF BERNERS AVENUE AND THE OLD GLACIER HIGHWAY. APPLICANT: THE PROFESSIONAL PLAZA.

Mr. Gilbertson gave the staff report on this application to allow construction of an office complex. Land use in the vicinity consists of single family homes, a nearby condominium, airport fuel storage tanks, a baseball field and a commercial area. The subject property is zoned R-7 which allows consideration of this type of use. The staff is of the opinion that this structure can be compatible with adjoining properties if the following conditions are considered: (1) That the applicants submit a detailed landscaping plan to be approved before any clearing or construction takes place. Indications are that a substantial portion of the timber stand will be affected. The landscaping plan should be reviewed before final approval is given and past experience indicates that this issue should be resolved before any site work is done. (2) Access should be restricted to the Glacier Highway. (3) A setback area of 25 feet should be retained from the bank of Duck Creek. (4) Outside lighting should be designed to minimize visibility from adjoining properties. (5) A signing plan should be submitted for approval. (6) The exterior of the buildings should be of subdued tones and should blend in with the residential setting. (7) A dense evergreen planting should be placed between the complex and adjoining residences. (8) A setback of at least 20 feet should be retained along the north and west property lines for structures and parking lots. (9) Individual building plans for future buildings should be brought back for Commission review to assure architectural compatibility. Mr. Gilbertson noted information on this item in the Commission packets.

He also read into the record letters received concerning this item which came in recently. The Thunderbird Terrace Condominium Association indicated that the proposal was the best alternative to leaving the area unused or turning it into a public park. Harry Swanke, adjoining property owner, expressed opposition to the proposal because of possible access on Berners, because of the danger to the trees, possible flooding as a result of narrowing the channel and a desire to have the area remain in a natural state. Donald & Marie McKinnon expressed opposition to the proposal because it would destroy the natural state of the area and would decrease property values. Vicki Johnson indicated that the area should be left in a natural state for the benefit of the community.

Mr. Gilbertson noted that the applicants were in the audience.

Mr. Minch asked whether the boundaries indicated were accurate and Mr. Gilbertson indicated that it was assumed the plats are accurate. Ms. Gorsuch asked if there is a flooding problem and Mr. Gilbertson stated that no floodplane has been established for Duck Creek. Most of the problems are the result of inadequate culverts and sufficient fill can alleviate the situation.

Ms. Diebels asked about the creek path and Mr. Gilbertson located this on a local map.

Public Hearing:

Roy Box, one of the applicants, addressed the Commission. He stated that other locations had been investigated but were found to be inadequate, unavailable or too expensive. Similar facilities were looked at in Seattle and a garden-type professional office plan is envisioned. Pictures of similar facilities were distributed to the Commission and Mr. Box said that the proposal will provide local economic advantages and profit for the community. He stated that some of the local residents had been contacted and the applicants had discussed the plans with them.

George Davidson distributed photographs of the area and, utilizing local maps and sketches, explained the proposal to the Commission. Two designs were discussed both of which presented garden-type structures with more parking spaces than would be required by the zoning. Plan "A" would have at least 20 feet from the development to the property line on all sides, access for both would be from Glacier Highway, and both are "self contained" units. During meetings with the local residents, concerns were expressed about development close to private properties, however, it was felt that most concerns were addressed in the proposals (i.e. a reduction in parking places and preservation of trees).

Plan "B" allows for retention of more trees and moves parking closer into the center of the property. This plan would also allow more of a screen between the proposed development and adjoining properties. The applicants prefer Plan "A" but are willing to follow either one presented. The conditions noted by staff are agreeable except that the requirement for dense evergreen planting would not be compatible with Plan "B."

Ms. Diebels asked about snow storage and Mr. Davidson indicated that this could be done on the lot in excess parking areas.

Ms. Diebels commented that it might be better to forfeit some parking places for trees if the area is intended for snow storage. She asked about the effect of wind on the trees left standing in the middle of the complex and Mr. Davidson indicated that it was felt this would not be a problem.

Ms. Gorsuch asked about the square footage of the buildings. Mr. Davidson said that Plan "A" has 38,656 square feet and Plan "B" has 41,312 square feet. He noted that the building closest to Glacier Highway will be constructed first. Mr. Samaniego asked how many residential owners share property boundaries with this area and Mr. Davidson stated that there are four. In response to a question from Mr. Minch, he told the Commission that Plan "B" requires 103 parking spaces.

Ms. Diebels questioned Mr. Davidson about narrowing the channel of Duck Creek. Mr. Davidson stated that a Corps study had indicated the problems were mostly generated by restrictions at culvert and bridge locations. A drainage program would help alleviate the problems and the proposal will meet Fish & Game requirements.

George Porter expressed a preference for Plan "A." He suggested that there be a 20 foot setback and that some parking spaces be eliminated. Concern was expressed regarding preservation of Duck Creek and possible flooding. Mr. Porter commented that other commercial areas are available but this may be the lesser evil of the possible alternatives. He noted that he would like to have screening between the properties and would prefer to have buildings rather than excess parking areas close to his property.

Harry Swanke told the Commission that he had heard this development would narrow Duck Creek to 25 feet which apparently is not the case. He said he would rather see this development than some others and expressed appreciation that the applicants had made an effort to contact local residents and explain their proposal.

Linda Simpson stated that Plan "A" only needs to have 97 parking spaces rather than the 169 proposed. She indicated that the difference would allow for moving the building in and providing better screening for adjoining properties.

Julius Brecht expressed concern about the possibility of allowing access from Berners Avenue, about a source of water, the sewage system, drainage and preservation of the trees and natural landscaping. He suggested that there are alternate sites in the community for such a development and stated that he would like to have a high hedge or similar screening between the project and adjoining properties.

Bill Baxendahl stated that local residents had hoped that this area would be utilized for park purposes. He told the Commission that he prefers Plan "B" because it allows for preservation of more trees and provides a better buffer. He said that properties in Totem Park do not have adequate setbacks so that the proposed development would not really be the stated distance from residences. Mr. Baxendahl questioned the number of parking spaces proposed and suggested the possibility of exchanging property so that the bus barn property could be used for this development.

Ms. Diebels observed that the residents in the bus barn property neighborhood had strong feelings about the area.

Rex Taylor expressed concern about preserving the trees and the natural state of the property. He also suggested that a land swap might be possible.

Dan Wetherall questioned whether the Fire Department could force an access from Berners Bay. He asked how many occupants would be using this facility indicating that it seems to be almost unlimited. Mr. Wetherall commented on retention of the trees and questioned whether there is a demonstrated need for such a facility in this particular area. He said there is no other place for local children to play and that the people of Totem Park have not enjoyed any improvements (such as bike paths) although they help pay for them.

Ms. Gorsuch asked if there is any open space in Totem Park and Mr. Wetherall stated that there is not to his knowledge.

John Simpson spoke in support of preserving the trees, reducing the parking, and prohibiting access onto Berners Avenue.

George Davidson noted that access is contemplated only onto Glacier Highway, that water will be obtained from a well, the facility will be using a community sewer system, and the applicants prefer to leave as much natural vegetation as possible. He also noted that Plan "B" would leave more trees and they will preserve the mature trees within the parking areas where possible under both proposals.

Ms. Gorsuch asked about a proposed time schedule for development. Mr. Davidson stated that four of the partners need office space now and the rest can be developed as demand indicates. He also observed that the applicants would not make an effort to restrict foot traffic through the area or prohibit local use. Ms. Gorsuch expressed concern about the trees blowing down in strong winds and Mr. Davidson commented that they have shallow root systems but may or may not blow down.

In response to a question from Mr. Triplette, Mr. Davidson stated that the setbacks of the parking lots in one plan are about 5 feet and that providing more would not be a major problem. He again indicated that the applicants would not object to continuation of the present use of the undeveloped area as long as there is no vandalism. Mr. Samaniego asked about a time frame for the first building and Mr. Davidson stated that it is hoped construction could begin about May.

Ms. Diebels stated that proposals to buy this property and develop a park have not materialized. Other developments could be more traumatic than this particular one. This area is zoned "residential" which means that it could be replatted and 7,000 square foot lots created. This kind of development would eliminate all the trees. A conditional use would provide for some manner of control of what is ultimately developed on the land, however, residential development would not have any controls.

Ms. Gorsuch asked if there were any recent surveys regarding parking requirements for professional buildings and Mr. Gilbertson indicated that there are not. Requirements are based on square footage of office space for some professions. Mr. Minch commented that he felt the parking requirements are not high enough and that a major concern in this development is preservation of the exterior trees along the perimeters.

Mr. Triplette observed that the proposed developments will be monitored and shouldn't be a problem as far as parking is concerned. Ms. Diebels observed that if this is what the Commission wants, it should make that known and not necessarily approve the whole layout at this time. She noted that staff had recommended that each building be approved for architectural compatibility but that is different from approving the entire proposal.

Mr. Minch moved to grant the conditional use with the conditions noted by staff with the following additions: that Item 1 be amended by adding the words "for each building" to the end of the first sentence, that an Item 10 be added which states that "wood fences be erected between all perimeter parking areas and the property lines unless or until such time as the landscaping obscures the parking as determined by staff, and that an Item 11 be added which states, "that landscaping proceed concurrently with adjacent buildings."

Ms. Diebels asked about parking and Mr. Minch added the words "and parking lot" to the amendment at the end of the first sentence in Item 1. This sentence would then read, "That the applicants submit a detailed landscaping plan to be approved before any clearing or construction takes place for each building and parking lot." Mr. Samaniego seconded the motion and Ms. Diebels commented that she would rather see this development in this area than some others that could take place. Ms. Gorsuch observed that this points up the need for open space planning in subdivisions.

Mr. Minch moved to amend the motion by adding the words "and parking capacity" to the end of Item 9. Mr. Beadle commented that one professional building is allowed to build by a creek and another must be 25 feet from it. He expressed objection that requirements are not the same for developments. Mr. Grant seconded the motion for amendment.

Ms. Diebels expressed concern that the Commission would be approving the entire layout with this action. She questioned the potential placement of the structures and asked how that would be controlled. Mr. Gilbertson noted that Item 1 addresses this subject. Mr. Minch stated that he assumed from staff's recommendation that the proposals are not final and the applicants will do more work and come back to the Commission. There were no objections to the amendment which carried unanimously.

Mr. Minch moved to amend Item 1 by including the words "site and" between the words "detailed" and "landscaping" and between the words "the" and "landscaping" in the first and eighth lines, to substitute the word "must" for the word "should" in line eight, and insert the words "by the Commission" between the words "reviewed" and "before" in line eight. Mr. Beadle seconded the motion for amendment which carried unanimously. A roll call vote on the main motion was recorded as follows:

Yeas: Triplette, Minch, Beadle, Grant, Gorsuch, Samaniego and Diebels.
Nays: None.

↑ The motion carried 7-0.

BOARD OF ADJUSTMENT: None.

PLATTING BOARD:

STREET VACATION, TLINGIT DRIVE, BLOCK 68A, ALASKA TIDELANDS SURVEY, JUNEAU.

Mr. Maguire told the Commission that the applicants had requested this be continued because they were not prepared yet. No action was taken at this time.

WAIVER, LOT 1, BLOCK 2, VINCENT ACRES SUB., U.S.S. 3268, 7 1/2 MILE GLACIER HIGHWAY.

Mr. Maguire gave the staff report on this request for a waiver to subdivide a .92 acre parcel into two lots. Present zoning is R-12 and staff recommendation is for approval when a small shed on Lot 1B is removed because it will encroach into the sideyard setback area. Mr. Maguire stated that a representative of the owner was contacted and agreed to have the shed removed.

Public Participation: None.

Mr. Beadle moved for approval of the waiver. Ms. Gorsuch seconded the motion which carried unanimously.

WAIVER, U.S.S. 2293, 6 1/2 MILE MENDENHALL LOOP ROAD.

Mr. Maguire gave the staff report on this request for a waiver to subdivide into two lots. Currently two dwellings are located on the property, however, one is proposed to be removed. The purpose of the lot division is to create a second building site at the location shown on the attached sketch. Present zoning is R-12 and staff recommendation is for approval as both newly created lots will adequately meet platting and zoning requirements.

Mr. Maguire noted that this application is for a subdivision on an arterial. He requested direction from the Commission regarding holding action pending an ordinance change or continuing to evaluate applications as has been done. Ms. Diebels commented that she would not like to see things held pending review of the entire subdivision ordinance. She asked how close to completion an ordinance change is and Mr. Maguire stated that the draft has not been prepared yet. Ms. Diebels stated that if there is no rush, she would like to see these applications held but also would like to see the ordinance change proceed so that the Commission can be acting legally with respect to accesses on arterials.

Mr. Grant asked if the property has access now and Mr. Maguire stated that there is one access and this action would create an access onto Loop Road. Mr. Grant commented that the people in the existing dwelling could use the side road.

Mr. Maguire noted also that there is no dedicated right-of-way in this area but there is Borough land for snowmobile access. Ms. Gorsuch asked about other options. Mr. Gilbertson stated that the present ordinance does not differentiate between waivers and large scale subdivisions and that this should be clarified. He said that the Commission policy has been to grant waivers along arterials but to treat subdivisions differently in access requirements.

Mr. Triplette observed that the Commission is concerned with limiting driveways onto arterials and that easements can be granted. He suggested that action on this item could be postponed to investigate this alternative.

Public Participation: None.

Mr. Minch moved to continue this item and advise the applicants (property owners) of the discussion that took place this evening. Mr. Grant seconded the motion. Mr. Samaniego asked if there was any urgency on this application and Mr. Maguire indicated that there was not. Ms. Gorsuch requested clarification of the motion and Mr. Minch indicated that the applicants should be advised that if they approve an easement on the center property line, it will probably get past the Commission. There were no objections to the motion which carried unanimously.

Ms. Diebels requested that staff pursue an ordinance change which addresses this subject.

RESUBDIVISION, BLOCK E AND F, RIVERWOOD SUBDIVISION, U.S.S. 1284, MENDENHALL VALLEY.

Ms. Diebels noted that the applicants requested that this item be continued. No action was taken.

WAIVER, LOT 23, BLOCK M, VALLEY CENTER SUBDIVISION, MENDENHALL VALLEY.

Mr. Maguire gave the staff report on this proposal to subdivide into two tracts for the creation of a commercial site for sale. Present zoning is C-3 and staff recommendation is for approval as both proposed tracts will meet platting and zoning standards.

Public Participation: None.

Mr. Grant moved for approval. Mr. Triplette seconded the motion. There was Commission discussion regarding the sketch maps presented and regarding the subdivision impact in the Airport Boulevard area. Mr. Triplette noted that a new road will be developed behind this area on airport property and Mr. Grant observed that the application complies with the regulations. There were no objections to the motion which carried unanimously.

PLANNING DIRECTOR'S REPORT:

Mr. Gilbertson noted that copies of the hearing draft on the Coastal Zone Management program had been distributed which includes input from the Auke Bay workshop. He added that the April 19 public hearing schedule may not be firm as the Assembly will determine the schedule for this.

Mr. Gilbertson told the Commission that a public workshop regarding the Mendenhall Peninsula Subdivision will be held on March 20 at 7:30 p.m. at the Auke Bay Elementary School. Affected owners will be notified by mail.

He further commented that the professional building located near a creek as previously mentioned by Mr. Beadle was allowed to do so because the zoning was such that the Planning Department has no control. No conditional use was needed in this case.

NEW BUSINESS:

PRELIMINARY REVIEW OF PROPOSED SEAFOOD RESTAURANT ON MUNICIPALLY OWNED PROPERTY ADJACENT TO JUNEAU COLD STORAGE.

Mr. Gilbertson gave the staff report on this proposal to allow the use of a portion of the old steamship dock for a proposed seafood restaurant. No specific development plans now exist for the use of this facility, however, staff feels that it would not be desirable to reduce options in development of this valuable property until a decision is made on the types of uses to be encouraged for the site. The Police Chief has reviewed the proposal and concurs with the observations of staff. He also mentioned that the Cold Storage has an access easement from the dock to the water side of their building which would have to be considered.

The Public Works Department felt it would not be prudent to commit portions of the dock for a restaurant at this time. They also indicated that the dock is in need of redecking and presently is not in safe enough condition to support vehicles. Commission comments on this proposal are requested and will be incorporated into the Planning Department's recommendation to the Manager.

Mr. Gilbertson noted that the applicant was in the audience. He located the subject area on a local map for the benefit of the Commission.

Public Participation:

Karen Diakanoff briefly explained her plans for a small seafood restaurant which will serve fresh seafood at reasonable prices on a "fast food" basis. She said she had discussed the Cold Storage easement with the people in Public Works and had been told this would be no problem. Ms. Diakanoff indicated that the problem of congestion in the area would have to be resolved but this area was felt to be the best location for such a proposal. She noted that plans for this year are to utilize a van rather than a permanent facility which is being requested for future use.

Ms. Triplette asked if the proposal is to construct a building on property owned by the City-Borough and staff indicated that it is. Mr. Gilbertson noted that issues such as parking have not been addressed, however, the proposal is informal at this time and use of property is what is being discussed. He added that no determination has been made on development of the dock area other than interim uses for cruise ships and tour buses.

Ms. Gorsuch asked if land would be leased for this structure and Ms. Diakanoff indicated that it would and that there might have to be competitive bidding. She added that the dock is to be redecked gradually doing one section at a time so that access would not be prohibited entirely during the work. She said the City Clerk had told her that she could not use the van on the dock but could use any public parking place. Ms. Diebels commented that the Assembly should be the body to make policy decisions concerning this subject.

Mr. Triplette observed that he didn't think the City would be interested in leasing a small portion of the dock for any extended period of time. He expressed support for a mobile service and Mr. Grant indicated that a lease of this property would be quite expensive. Ms. Diakanoff commented that she had planned an awning on the building similar to establishments in Seattle. She said she had been told that parking was not necessary and she could design the structure with a counter for fast service rather than a seated eating area.

Mr. Minch commented that a permanent structure is probably not a good idea and that it would be in order to allow use of the dock for mobile facilities. Ms. Diebels stated that she likes to see proposals such as this and that established facilities should be given preference if dock space becomes available. Ms. Gorsuch said she could see no reason why Ms. Diakanoff shouldn't be given an opportunity to try her plan and Mr. Triplette expressed agreement stressing portable or mobile aspects of such a proposal on a short term basis. Mr. Samaniego spoke in support of a short term arrangement and commented that the City may restrict dock development due to lack of waterfront property in the Borough.

DISCUSSION ON CONCEPT OF ALLOWING COMMERCIAL ZONING NEAR THE INTERSECTION OF VALLEY BLVD. AND THE MENDENHALL LOOP ROAD.

Mr. Gilbertson stated that a proposal has been received for a convenience store to be located in the Valley which would require a zoning change. The applicant is in the audience. There is no policy with respect to neighborhood commercial developments or zoning requirements and it would be appropriate to address this subject at this time on an areawide basis. The lowest intensity commercial zoning is C-1, Neighborhood Commercial, which includes developments like the Mendenhall Shopping Mall rather than small neighborhood stores. C-1 would allow all kinds of other uses without control and would not accomplish the concept being contemplated by the applicant and others who have come in with similar ideas.

Mr. Gilbertson noted that strip development along the Loop Road was not considered desirable although there has been some discussion about having a convenience store in the Valley. He stated that he had contacted Seattle which has a "neighborhood business zone" allowing this type of use. Mr. Minch asked if these types of stores are allowed as a conditional use in residential zoning and Mr. Gilbertson stated that they are not.

Ms. Gorsuch moved that staff pursue the development of the neighborhood business zoning concept with possible standards that might be used and report back to the Commission. Mr. Minch seconded the motion, Ms. Gorsuch commented that she would not like to see commercial zoning in the subject area, and the motion carried unanimously.

Ms. Diebels cited the Comprehensive Plan noting that the portion referring to the Northeast Mendenhall Valley cites the land use as primarily residential and refers to this portion as a large neighborhood. She stated that the changes did not concern neighborhood commercial areas but talked about commercial centers. Ms. Diebels observed that she felt the Comprehensive Plan did not have the kind of plans for neighborhood commercial that is being discussed and that the Plan does not lock the Borough into commercial zones of any kind. She also noted that not all ideas that were brought forth by the citizens were finally put into the Comprehensive Plan. There was further brief discussion on the neighborhood commercial concept and Ms. Diebels stated that she felt all alternatives should be explored.

Mr. Gilbertson told the Commission that a number of people have come into the Planning Department with similar ideas for a convenience store, however, none have reached the stage of actual application such as this one. He indicated that this may set a precedent and policies and guidelines should be set before a number of applications are received or considered.

Public Participation:

Tom Horn addressed the Commission stating that a neighborhood grocery store would not fit in with a large complex. He said the facility would be an asset to the community in providing services when other facilities are closed. At this time there is no such facility in the Valley and it is felt that the area will be able to support at least one store in the proposed location.

Ms. Diebels asked if other kinds of businesses would be appropriate for this kind of development and Mr. Horn stated that he couldn't think of any.

Joanne Miller indicated that the population of the Valley could probably support one convenience store at this time. She stated that the proprietors and hours of opening make a difference in the success of a business.

Margaret Dindinger stated that she lives next door to the proposed store location. She expressed support for the development indicating that she understood no liquor will be sold and Mr. Horn has satisfied most of her concerns.

Mr. Gilbertson noted that there is an application before the Commission. The Commission took no action on the application at this time but directed staff to pursue alternative zoning concepts for consideration in draft form at the next Commission meeting. Ms. Gorsuch asked that the draft take into consideration the nature of the Juneau community and Mr. Gilbertson commented that this would be important.

COMMISSION COMMENTS AND QUESTIONS:

Ms. Gorsuch requested a copy of Mr. Jim King's comments regarding Coastal Zone Management. Ms. Diebels asked that copies be distributed to all Commission members. Ms. Gorsuch requested that staff compile information from the past two years regarding Commission action, status and numbers of appeals, disposition of appeals to the Assembly and related information. She suggested that the

Commission should get together with the Assembly and review this information and discuss possible ways of dealing with hearing matters. Ms. Diebels commented that the Assembly may be seeing the role of the Commission differently than the Commission is and this should be discussed so that the Commission will be acting appropriately. She stated that there may not be evidence that the Commission is considering many items and denying very few and Ms. Gorsuch indicated that the Commission may not be clearly enunciating its bases for making decisions. Mr. Samaniego suggested that a work shop format be utilized for this discussion with the Assembly. Mr. Minch observed that the Assembly often makes decisions based on the total political picture in the community and that the Commission's job is to advise the Assembly on what the best planning principles are. There were no objections to scheduling a meeting with the Assembly.

Mr. Minch commented that conditional uses for City projects should be reviewed as strictly as all other conditional uses before the Commission.

Ms. Gorsuch asked about the results of the planning priorities that were presented to the Assembly during its budget considerations. She noted that the priorities were presented differently than when they were discussed by the Commission. Mr. Gilbertson indicated he would check on this. Mr. Minch said that no money is being allocated for an update of the Comprehensive Plan at this time. He suggested that Commission members may wish to attend the Finance Committee meetings in support of this update which is already past the five year update requirement by the State. There was brief discussion about the updating cycle.

Ms. Gorsuch asked about the \$50,000 that was supposed to be used for the update. Mr. Minch noted that this was Community Development funds which had been deleted from the priorities.

ADJOURNMENT:

The meeting adjourned at 11:06 p.m.

March 15, 1979

Conditional Use Permit

Cu-4-79

George Davidson and Roy Box
The Professional Plaza
800 Glacier Avenue, Suite C
Juneau, Alaska 99801

Gentlemen:

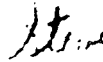
This is to formally advise that the Planning Commission, at its meeting of March 13, 1979, approved your plans for a professional office plaza at the intersection of Berners Avenue and Glacier Highway subject to the following conditions:

1. That you submit a detailed site and landscaping plan to be approved by the Planning Commission for each building and parking lot before any clearing or construction takes place. It will be necessary that existing mature trees be field located and plotted on the site plan in order to allow for adjustments to the site layout that will maximize the retention of the trees.
2. That access to the complex be restricted to the Glacier Highway with no access allowed onto Berner's Avenue.
3. That a setback area of 25 feet be retained from the bank of Duck Creek that is to be free of any structures and within which clearing would not be allowed.
4. That any outside lighting be designed to minimize its visibility from adjoining properties.
5. That a signing plan be submitted for approval.
6. That the exterior color of the buildings be of a subdued tone that will blend in with the residential setting.
7. That a dense evergreen planting be placed between the complex and the adjoining residences (the north and west property lines).
8. That a setback of at least 20 feet be retained along the north and west property lines for both structures and parking lots.

9. That the individual building plans for the four future buildings be brought back for Planning Commission review for the purpose of assuring architectural compatability and parking capacity.
10. That wood fences be erected between all perimeter parking areas and the property lines until such time that landscaping obscures the view of the parking area.
11. That landscaping proceed concurrently with adjacent buildings.

If you are in need of clarification on the above conditions, please don't hesitate to call on me.

Sincerely,



Steve Gilbertson
Zoning Administrator