

Lee Sharp

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: Planning Commission

DATE: December 6, 1984

FILE NO. ZC-16-84

FROM: Tim Maguire *TM*
Planner III

SUBJECT: Zone Change Request
Professional Plaza

General Information

Applicant: The Professional Plaza

Property Owner: Same

Requested Action: To rezone this 5.63 acre parcel from R-7 Residential to C-1 Neighborhood Commercial

Purpose: To allow the property to be developed at a higher intensity

Legal Description: Lot 1 and 4, Block 44 and lot 1 through 4, Block 45, Mendenhall Acres Subdivision

Location: 9309 Glacier Highway

Site Size: 5.63 acres

Proposed Lot Size: N/A

Access: Currently restricted to Glacier Highway

Existing Land Use: Two professional office buildings

Surrounding Land Use: North - Residential
South - Airport, Fuel Storage
East - Residential, Totem Park
West - Commercial

Current Zoning: R-7 Residential, Professional Offices are allowed as a Conditional Use.

Comprehensive Plan Designation: Commercial/Low Density Residential

Utilities: Sewer and Water

ATTACHMENT D

Findings:

1. The Planning Commission, at its March 13, 1979 meeting, approved a conditional use permit to allow professional offices to be located on this site subject to eleven conditions. (See Attachment)
2. The southeast corner of this site is shown as low-density residential in the Comprehensive Plan. It is staff opinion that this is a boundary error. A professional office building is currently located on this site.
3. The comprehensive plan designates the remainder of the site for commercial use. This area, however, would be handled under the permit system rather than by traditional zoning (use by right) according to the proposed development regulations. This would allow Planning Commission review of specific projects.

Analysis:

The conditional use permit for Professional Plaza points out a number of concerns with development in the area, including setbacks from Duck Creek, buffering the neighboring residential areas and traffic/access.

The following are three approaches that can be taken to this zone change request and how these concerns would be treated.

- A. If the property were not rezoned, it could continue to be developed for professional offices. Any expansion would be governed by all of the existing conditions.
- B. A simple zone change to C-1 Commercial would allow the property to be developed under the current regulation for that zoning district. Uses which are allowed outright in this district would not be reviewed by the Planning Commission or fall under the conditions of the original conditional use permit.
- C. A third option is to require approval of a specific site plan prior to rezoning. This allows landscaping, access, buffering, etc. to be addressed before the zoning becomes effective. No site plan has been submitted with this zone change request.

Staff Recommendation:

In the absence of a specific site plan for the property, staff would not recommend that the zoning be changed at this time.

The property can continue to be developed as professional offices, or site plan with building location, dimensions and proposed intensity of uses can be submitted for review.

ATTACHMENT B

Presented by: The Manager
Introduced: 01/07/85
Drafted: G.L.S

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 35-02

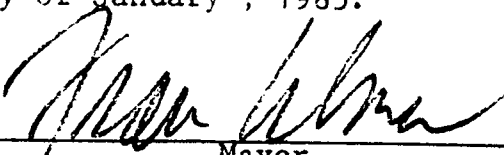
AN ORDINANCE AMENDING CBJ 49.25 BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF APPROXIMATELY 5.6 ACRES IN THE MENDENHALL ACRES SUBDIVISION CONTAINING THE PROFESSIONAL PLAZA BUILDING FROM R-7, RESIDENTIAL, TO C-1, NEIGHBORHOOD COMMERCIAL.

* Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city and borough code.

* Section 2. Amendment to Zoning Map. The City and Borough Official Zoning Map is amended to change the zoning of Lots 1 and 4, Block 44 and Lots 1 through 4, Block 45 of the Mendenhall Acres Subdivision from R-7, Residential to C-1, Neighborhood Commercial.



* Section 3. Restriction of Access. Access to the property rezoned is limited to one access to Glacier Highway. No access to other streets may be allowed.

Adopted this 21st day of January , 1985.



Mayor

Attest:

Clerk

run a major corridor down through the center of this subdivision. He said he didn't feel it was necessary because there is public land right behind this area.

Mr. Champion asked the location of the water tank. Mr. Youngquist responded that his understanding is that it will be at the 575' level, which is approximately on the back corner, on State property. An access road will be built up to the water reservoir. The original easement is null and void as of the first of the year.

Ms. Clark asked the possible density of the proposed replat as opposed to what was originally possible. Mr. Youngquist replied that 77 units was the potential for the earlier plat. The proposed plat has 36 lots and a possible maximum of 20 units of multi-family on the large tract.

There being no further testimony, public participation was closed on this item.

COMMISSION ACTION

MOTION - by Champion to recommend approval of the zone change to the Assembly with the condition recommended by staff.

AMENDMENT - by Williamson that the zone change be enlarged to show the additional area shown by the roughly straight, dashed line on the top of the plat. There being no objection, it was so ordered.

There being no objection to the motion as amended, it passed by unanimous consent.

4
Plats 1 and 4
Pl
The Professional Plaza

Applicant: The Professional Plaza

Mr. Campbell declared a conflict of interest and vacated his seat at this time.

STAFF REPORT

Mr. Maguire reviewed the analysis portion of the staff report included in the packet. In the absence of a specific site plan for the property, staff would not recommend that the zoning be

changed at this time. The property can continue to be developed as professional offices, or site plan with building location, dimensions and proposed intensity of uses can be submitted for review.

Mr. Maguire noted that since the staff report was written, a question has come up regarding the existing conditional use permit. It appears that since the ordinance was passed which limits the extension of existing conditional use permits, it is possible that the continuation of the development of professional offices would require a new conditional use permit to be submitted to the Planning Commission for review.

Ms. Bottge asked about the access on Berners Avenue. Mr. Maguire stated that when the work on Glacier Highway was taking place, the applicants were allowed temporary use of that access. It should be blocked again at this time.

PUBLIC PARTICIPATION

Fred Baxter, one of the owners of the Professional Plaza complex, stated that in 1979 several scenarios on a detailed site plan were brought before the Commission. All the proposals had approximately 42,000 square feet of office space, and parking for approximately 170 vehicles. The Commission approved a proposal that allowed for four buildings, approximately 42,000 square feet. That site plan has been the basis for development of Phase I and II.

Mr. Baxter stated that it is the position of the Professional Plaza that they came in with a total concept, that's what was approved, and they have developed based on that site plan. He stated that they have followed that site plan and it is their intent to continue following that site plan.

Mr. Baxter spoke regarding the June 1, 1984, memo from the staff to the Commission wherein the staff recommended that if a request for a zone change conforms with the Comprehensive Plan designation that the zone change be approved but that the zoning designation be the most restrictive category under the present ordinance which complies with the Comprehensive Plan. He said that he felt the precedent had been set, by the Planning staff's own recommendation, and action by the Commission for the Commission to act favorably on this zone change request.

Mr. Baxter commented that the Duck Creek area is within the jurisdiction of the Corps of Engineers and they have control over how close any development takes place to the stream. He also noted that the access on Berners Avenue was reopened during the time the Glacier Highway construction was going on. It was

(subsequently closed. It has been reopened recently to bring in the heavy equipment necessary to clear the trees blown down in the Thanksgiving storm.

Ms. Bottge asked why the applicants are requesting a zone change. Mr. Baxter stated that they plan to go forward with their development and the zone change would make a difference in their plans for a development. He stated that although they have approval for four buildings under the conditional use permit, there is a corner section that was left open and they have given some consideration to coming back to request a commercial type development for that area.

Mr. Champion asked if the applicants had contacted any other property owners in the area to see if they would be willing to join in this zone change request. Mr. Baxter said they did not contact anybody because they look at their situation as already having a conditional use on the residential zoned land whereas the other property owners are residential land proposed to go commercial.

There was no further testimony and public participation on this item was closed.

COMMISSION ACTION

MOTION - by Williamson to recommend to the Assembly the rezoning of the subject property to C-1.

Ms. Bottge asked if there is no more restrictive zone than C-1 in the current zoning. Mr. Maguire stated that C-1 is the lowest intensity use.

ROLL CALL:

Yeas: Reinke, Williamson, Champion, Minch, Samaniego

Nays: Bottge, Clark

↑ The motion passed, 5-2.

↑ Mr. Campbell resumed his seat at this time.

↑ The meeting recessed briefly from 8:55 to 9:15 p.m.

CU-50-84

4. An application for a conditional use permit to construct a two thousand nine hundred twenty-four (2,924) square foot professional office building on Lot 4, Block 14, Douglas Townsite (201 "F" Street).

Partial Transcript

January 21, 1985

- CLERK: Ordinance No. 85-02. An ordinance amending CBJ 49.25 by amending the official zoning map to change the zoning of approximately 5.6 acres in the Mendenhall Acres Subdivision containing the Professional Plaza Building from R-7, Residential, to C-7, Neighborhood Commercial.
- MANAGER: Mr. Mayor, the Planning Commission at its December 11th meeting recommended approval of a request to rezone a 5.63 acre parcel in Mendenhall Acres Subdivision from R-7 to C-1 without conditions. This is the site of the existing Professional Plaza Office Building complex which is currently allowed under a conditional use permit. The comp plan has designated this area as commercial and adoption is recommended.
- MAYOR: Thank you. Mr. Davidson.
- DAVIDSON: Well, Mr. Mayor, I would like to declare a conflict of interest in this as I'm a partner in the Plaza.
- MAYOR: Thank you. Is there any objections that Mr. Davidson abstain from voting? Mr. Sharp does Mr. Davidson have to leave his assembly seat during testimony?
- ATTORNEY: Mr. Mayor, it's not required. It's sometime done - sometimes done as a matter of form just so there's no confusion.
- MAYOR: Thank you. Whatever decision you'd like to make. So, any - there's no objections.
- DAVIDSON: What's been the practice?
- MAYOR: Hasn't happened since I've been on the assembly. Okay, so proceed with public testimony and we have Mr. Warren Wild who'd like to testify on this item. Mr. Wild.
- WILD: Thank you, Mr. Mayor. I'm Warren Wild representing the Professional Plaza. This change will - is for the purpose of allowing us to pursue our long range goals to fully develop the property. We nothing immediate however and I think with that I am just here to answer any questions that might arise with the - furnish any other information that may be needed. Thank you.
- MAYOR: Thank you. Questions of Mr. Wild. This -

DIEBELS: I do have one question.

MAYOR: Okay. Ms. Diebels.

DIEBELS: I should have read this more carefully and I forgot about this question. The stipulation in the original conditional use permit that required only one entrance, that being off Old Glacier Highway and none off Berners Avenue. Was there any stipulation to that effect put in this zone change?

WILD: I believe that there are no stipulations in the zoning change.

DIEBELS: Okay. Thank you.

MAYOR: Any other comments. Thank you, Mr. Wild. No one else signed up to talk on this item, so public participation is closed. Assembly action. Mr. Poor.

POOR: I'll move adoption of Ordinance 85-02.

MAYOR: Ask unanimous consent?

DIEBELS: Mr. Mayor.

MAYOR: Ms. Diebels.

DIEBELS: I'd like to ask the attorney if it would be appropriate to add that condition at this time. That only one entrance since this would be changed to a commercial use rather than a - the stipulation was put on when the use was going to be for professional buildings only and now that it's going to be commercial use and that area is off Berners is residential it would seem even more appropriate possibly now to have that stipulation. And - Is that a reasonable thing to do? To add.

MAYOR: Mr. Attorney.

ATTORNEY: Yes. Those are the type of restrictions you have put on as condition of prior zone changes in other areas. If you know the location of the access or can adequately describe the limitation we could put that on now. If we can't, you could possibly refer it back to the planning department or the commission for their recommendation.

DIEBELS: I - well, I would - how would the wording that access to the complex be restricted to the Glacier Highway with no access allowed onto Berners Avenue. How's that grab you. That's on page three.

ATTORNEY: And there would only be one access? Am I reading something into what you're saying?

DIEBELS: You were going further than I was thinking.

ATTORNEY: Okay. Excuse me.

DIEBELS: Actually that's probably reasonable given the amount of BS, yes. That there be one access and that access be restricted to Glacier Highway.

ATTORNEY: Mr. Mayor.

MAYOR: Mr. Sharp.

ATTORNEY: Could I suggest that you perhaps go on to the next item and I can draft some language for this.

MAYOR: Is there other - the chair would ask if there's other opportunity to - before another building is built, to address this issue or is it - If we approve this tonight with no stipulations there's never another check.

DIEBELS: That's it.

ATTORNEY: That would - It would probably be one of those situations where somebody applies for a building permit and then the problem arises and we attempt to wade into the middle of it and correct things that should have been corrected at this point. If you want to add the condition it should be added now.

MAYOR: Okay. Someone like to suspend - move to suspend the rules.

DIEBELS: I was going to suggest an amendment that I thought would work so we could move ...

MAYOR: All right, go ahead. The floor is yours.

DIEBELS: That access to the complex be restricted to one access from Glacier Highway with no access allowed onto Berners Avenue. And I would so move that amendment. That would be Section 3. I would ask unanimous consent. Except I think Mr. Sharp has a better one.

ATTORNEY: May I suggest slightly different language. This would be a Section 3. Restriction of Access. Access to the property rezoned under this ordinance is limited to one access to Glacier Highway. No other access to other streets may be allowed.

MAYOR: That's a new Section 3.

ATTORNEY: Yes.

DIEBELS: I would so move that be my amendment substituting for my original amendment and ask unanimous consent.

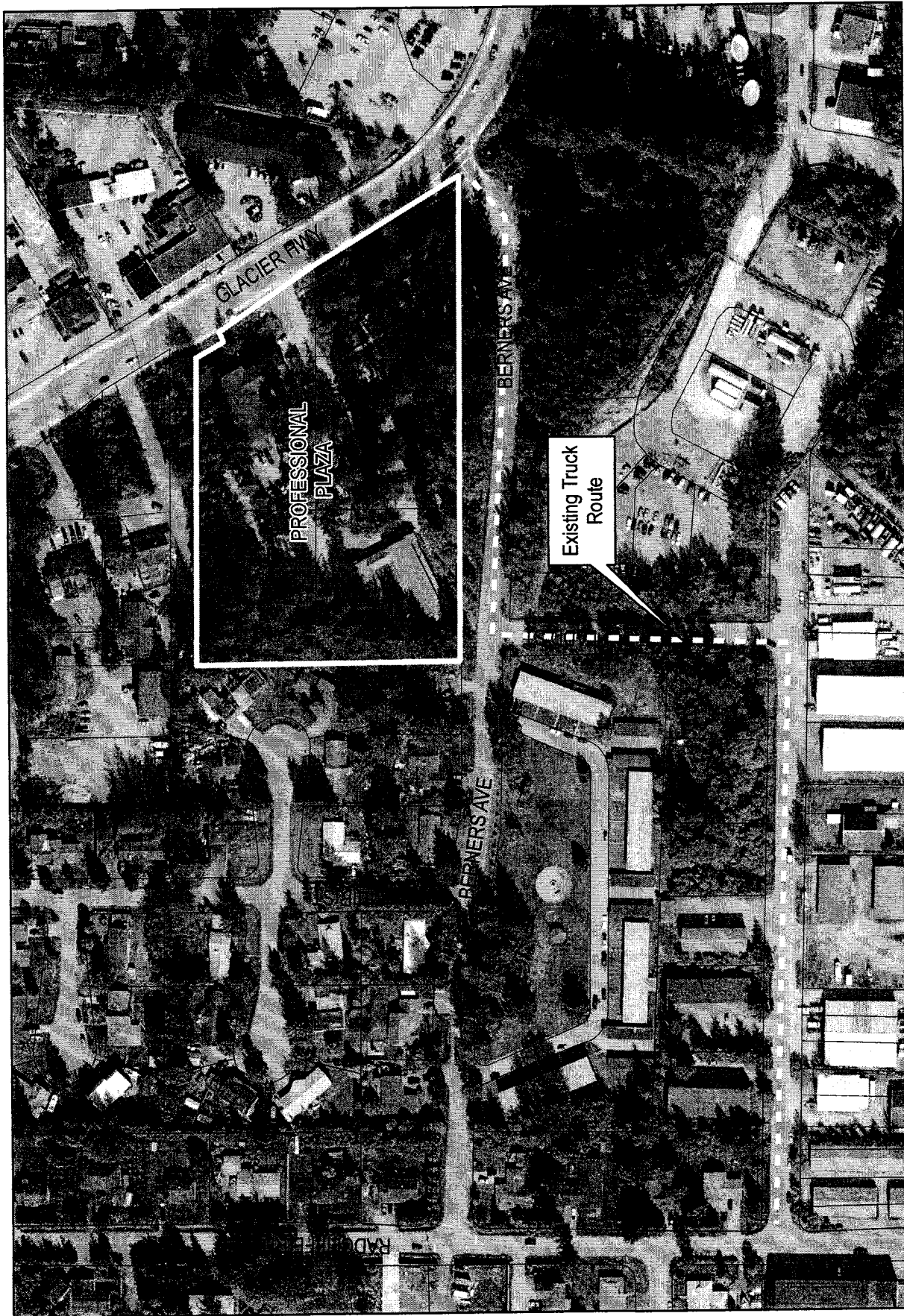
MAYOR: Any objections. No objections amendment is approved.

CLERK: Ordinance No. 85.....

MAYOR: Just a - one moment please.

DIEBELS: I was going to ask unanimous consent.

MAYOR: The motion is to approve 85-02 as amended. Any objections? So ordered. Ms. Garrison.



Imagery Date: June 2006



EXISTING TRUCK ROUTE
BERNERS AVE

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

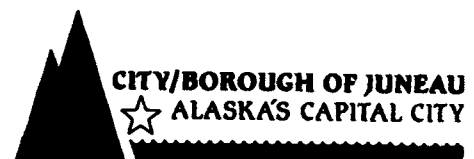
DATE: December 13, 1994
TO: Planning Commission
FROM: Bill Smith, Planner
Community Development
FILE NO.: CU-58-94

PROPOSAL: An application for amendment to an existing conditional use permit to allow development of additional parking spaces.

REQUEST FOR RECOMMENDATION: Applicant requests Planning Commission recommendation to the Assembly on amendment to CBJ Ordinance Serial No. 85-02, to allow access to the parcel from Berners Avenue.

GENERAL INFORMATION

Applicant: Professional Plaza Partnership
Property Owner: Professional Plaza Corporation
Property Address: 9309 Glacier Highway
Legal Description: Lots 3 and 4 of Block 44, Mendenhall Acres Subdivision
Parcel Code No.: 5-B16-144-004-007, -011
Site Size: 42,025 square feet
Zoning: LC-Light Commercial
Utilities: CBJ water and sewer
Access: Glacier Highway
Existing Land Use: Professional Offices
Surrounding Land Use: North - Light Commercial (residential use)
South - Industrial
East - Light Commercial
West - Residential



ATTACHMENT G

PROJECT DESCRIPTION

This application requests two types of Planning Commission action. The following discussion will distinguish them.

Amendment to existing CU-04-79

The applicant's request seeks approval for amendment to the existing conditional use permit (CU-04-79) to allow construction of a parking lot, adding a net of ten additional spaces to existing parking. The Notice of Decision for CU-04-79 is attached (see "Attachment A").

Request for Planning Commission Recommendation

The applicant requests Planning Commission recommendation to the Assembly on amendment to CBJ Ordinance Serial 85-02 (see Attachment B"), to allow access to the site from Berners Avenue. Section 3 of the ordinance states that "access to the property rezoned is limited to one access to Glacier Highway. No access to other streets may be allowed."

BACKGROUND

The regulatory structure under which Professional Plaza currently operates requires some background, which is the subject matter of these preliminary paragraphs.

In 1979, the six acre parcel known as Professional Plaza was zoned residential. CU-04-79, issued March 15, 1979, was required for approval of a phased professional office project, hereafter referred to as Professional Plaza.

In 1985, still treating Professional Plaza as a single project, CBJ ordinance Serial 85-02 changed the zoning from residential to neighborhood commercial, and restricted access. During the zoning update in 1987, the zoning map for the parcel was changed to an analogous zoning, Light Commercial.

Late in 1993 the appropriate regulations governing the site were tested when CBJ instituted an enforcement action against Professional Plaza for (1) violation of CBJ ordinance Serial 85-02 by opening access to the site from Berners Avenue, and (2) clearing trees on the site, in violation of at least two conditions of CU-04-79. The ensuing case, a dispute over the appropriate regulation on the site, has been settled. No part of that action is in question here. However, the settlement agreement from that action sets out the specific regulatory structure under which Professional Plaza now operates. Aspects of the settlement relevant to the current application are as follows:

"...with respect to existing structures in the Professional Plaza and their appurtenances such as parking, [Professional Plaza] will follow the conditions set forth in the conditional use permit CU-04-79. Any changes to the current use of these facilities are to be reviewed by the CBJ Planning Commission as amendments to the conditional use permit.

and,

"With respect to access onto Berners Avenue from the Professional Plaza, [Professional Plaza] will, within ninety days from the execution of this agreement, either (a) request through the CBJ Planning Commission an amendment to CBJ ordinance [Serial No. 85-02] to allow such access, or (b) remove and revegetate the bermed driveway entirely."

The clear intent of the settlement agreement is that various specific uses, wherever they occur on the site, are governed by three mechanisms. The existing conditional use permit (CU-04-79) regulates existing buildings and their appurtenances; the current zoning regulates new development; and CBJ ordinance (Serial 85-02) regulates access.

ANALYSIS OF REQUEST TO AMEND CU-04-79 TO ALLOW ADDITIONAL PARKING

The applicant requests amendment to CU-04-79 to allow construction of a parking pad of approximately 450 square feet, adding 10 net spaces. (12 added and 2 lost to the access aisle). The applicant's site plan shows that the size of the spaces exceed code dimensional requirements. No lighting or other improvements are indicated on the applicant's site plan.

Landscaping and Screening

Condition 1 of CU-04-79 requires that a detailed site and landscaping plan be approved by the Planning Commission for each building or parking lot prior to any clearing or construction. Condition 4 requires "that a dense evergreen planting be placed between the complex and the adjoining residences (north and west property lines)."

New landscaping is generally identified on the applicant's site plan as "New Growth Alder and Spruce." A letter from the applicant dated November 18, 1994, further specifies this new growth as a few new trees generally North of the proposed parking lot area, in the area field identified by CBJ.

Reconstruction of the record shows agreement that approximately 4 new trees would provide an appropriate amount of screening on the north. A field inspection on December 1, 1994, positively identified at least 2 of these trees, one of which appears to have died.

The applicant should be required to show that 4 trees have been planted in the appropriate areas. Snow has precluded close inspection of the landscaping, and paving will probably not occur until spring. Final acceptance of the screening trees required by this amendment should be reserved until CBJ inspectors can field approve the work prior to issuing a grading permit to pave the parking pad.

The applicant's site plan also indicates dense trees, approximately 90 feet wide near the western property line. These trees should remain, as they provide support for each other and screening to the residential zoning on that side.

JCMP REVIEW

A review of the Juneau Coastal Management Program was made for the proposed amendment to CU-04-79. No provisions of the JCMP apply to the proposed amendment.

FINDINGS

The director of Community Development shall make findings on an application for conditional use permit. The Planning Commission shall review and adopt the findings unless it finds by a preponderance of the evidence that the findings are in error. As to the requested amendment to CU-04-79 the Director's findings are:

1. Is the requested permit proper according to the Table of Permissible Uses?

Yes. The requested permit is proper according to the Table of Permissible Uses, §3.400.

2. Is the application complete?

Yes. The application is complete.

3. Does the proposed development follow the other requirements of Chapter 49.15?

Yes. The proposed amendment follows the other requirements of Chapter 49.15.

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

No. No evidence was found that would indicate that the proposed conditional use permit amendment would materially endanger public health or safety.

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

No. No evidence was found that the proposed conditional use permit amendment would substantially decrease value or be out of harmony with property in the neighboring area.

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

Yes. The proposed project is in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

7. Will the proposed project require conditions of approval?

Yes. The necessary conditions for approval are listed in the staff recommendation below.

The Planning Commission may, regardless of the above findings, conditionally approve or deny the permit. The commission's own independent review of information submitted at the public hearing provides the basis for the decision. The decision needs supportive findings based on the following factors.

1. Will the proposed project materially endanger the public health or safety?

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

3. Will the proposed project not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

STAFF RECOMMENDATION ON AMENDMENT TO CU-04-79

As to the request to amend CU-04-79 to allow construction of a parking lot with ten net new spaces, we recommend adoption of the above findings, and approval of the amendment. The approval includes the following conditions.

1. The conditions of CU-04-79 continue in full force and effect with respect to existing structures and their appurtenances.
2. Amendment to the conditional use permit CU-04-79 is expressly limited to construction of a parking pad of approximately 450 square feet, to be contiguous with existing parking area north of existing Building "B." No additional removal of trees or foliage shall be allowed as part of this approval.
3. Applicant shall bond for, install or prove the existence of four (4) evergreen trees with such maturity and spacing as to form an effective visual barrier to the north property line within two years. Evidence of compliance with this condition shall be approved by Community Development Inspectors prior to issuance of a grading permit.
4. Applicant shall apply for and receive a grading permit prior to commencement of construction.

ANALYSIS OF REQUEST FOR PLANNING COMMISSION RECOMMENDATION ON DRIVEWAY ACCESS FROM BERNERS AVENUE

Pursuant to the settlement agreement, the applicant is requesting Planning Commission recommendation on amendment to CBJ ordinance 85-02, to allow access to Professional Plaza from Berners Avenue. This request would require deletion Section 3, which states, "Restriction of Access. Access to the property rezoned is limited to one access to Glacier Highway. No access to other streets may be allowed."

The record shows that Section 3 was added to the ordinance 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. This is why a driveway with bermed entrance exists today. In a letter dated December 7, 1994, (see "Attachment C"), the applicant states that they were "led to believe" that the restriction on access would be temporary, to allow a smooth transition from residential to commercial uses. The record does not support this contention.

Changes in Traffic and Circulation Patterns

In the December 7 letter the applicant cites increased traffic on both Glacier Highway and Berners Avenue since CBJ ordinance Serial 85-02 was adopted. The inference is that increased traffic on Berners Avenue compromises the value of a buffer to the residential area. "Attachment D" is a map of the vicinity covered by the applicant's letter. The highlight mark shows how trucks currently access the Mendenhall Valley Sewage Treatment Plant via Ladd Street and La Perouse Avenue. Ladd Street was recently constructed to provide access to the Sewer Plant without entering the residential area in the Totem Park Subdivision west of Professional Plaza. The purpose of this road was to protect the residential area from trucks traveling to and from the Sewer Plant.

The implication of the letter is that allowing access to Professional Plaza from Berners Avenue will increase traffic primarily on the section of Berners Avenue east of the proposed driveway (toward Glacier Highway). As a practical matter, this access would be more likely to increase traffic from Professional Plaza westbound through the subdivision, to avoid the left turns at either the existing Glacier Highway entrance to Professional Plaza, or at the intersection of Berners Avenue and Glacier Highway.

Glacier Highway is a commercial corridor with a speed up and slow down lane. The purpose of this lane is to facilitate access to commercial parcels on roads with increased flow. Attached to the applicants December 7 letter are average annual daily traffic counts from the portion of Glacier Highway on which Professional Plaza is located. These show three years of daily counts that around 10,400 per day, fluctuating by about 1,200 cars per day in 1992. Although the three years of data do not unequivocally support an increase in traffic, such an increase was not unforeseen, considering the road construction, and commercial designation.

Public Interest

Regardless of the applicants claim that the residential area is already compromised, the purpose of prohibiting access from Berners Avenue was to serve the public interest by maintaining a buffer between the commercial uses and nearby residential uses still exists. Denial of access from Berners Avenue would not significantly harm the applicant. All parcels have access to the Glacier Highway driveway, either directly or indirectly through easements. The Berners Avenue driveway does not significantly improve access to Professional Plaza. Public safety concerns, including increased traffic through the residential area and danger to children, continue to supersede any incremental benefit from this access.

Knowledge of Regulations

Any changes in the ownership patterns have taken place with full knowledge of the regulatory structure governing individual parcels within the Professional Plaza site. These changes should not be considered, since planning permits and regulations run with the land, not ownership.

STAFF RECOMMENDATION ON REQUEST FOR PLANNING COMMISSION RECOMMENDATION RE ORDINANCE AMENDMENT

As to the request for Planning Commission recommendation to the Assembly regarding amendment to CBJ ordinance Serial 85-02, we recommend that the Planning Commission recommend against any amendment to CBJ Serial 85-02.

If the Planning Commission chooses to agree with this position, then their recommendation to the Assembly might include the following points.

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.

RECOMMENDATION
FOR THE PLANNING COMMISSION
FOR THE ASSEMBLY
FOR THE CITY OF DENVER

ALLOWABLE/CONDITIONAL USE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

DPA No: 14-0-20	Project Identifier PROFESSIONAL PLAZA	AU/CU App. No. CU-53-11	Hearing Date 11/15/94	Date Received: 12/25/94
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DESCRIBE WHY YOU NEED AN ALLOWABLE OR CONDITIONAL USE APPROVAL:

Seeking approval to gain additional access to the property via a driveway onto Berners Avenue & A

MODIFICATION OF EXISTING APPROVAL?

☒ Yes

☐ No

EXISTING USE OF LAND AND/OR BUILDING(S):

Professional office complex together with parking area.

PROPOSED USE OF LAND AND/OR BUILDING(S):

Continued use as a professional office complex with additional parking spaces added and additional access to property via a driveway onto Berners Avenue.

UTILITIES PROPOSED

WATER:

☐ Public

☐ On Site

SEWER:

☐ Public

☐ On Site

SITE DIMENSIONS:

Width _____ ft.

Depth _____ ft.

Total Area _____ S.F.

DIMENSIONS OF STRUCTURE:

(Outside Dimensions)

Length _____ ft.

Width _____ ft.

Height _____ ft.

Total Area _____ S.F.

SIGNAGE

Existing:

Style

Size

Proposed:

LIGHTING

Existing:

Style

Size

Proposed:

PARKING

Existing Spaces:

Proposed Spaces: nine (9) additional parking spaces

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION AND WILL BE RETURNED TO THE APPLICANT FOR COMPLETION.

REVIEW APPROVALS

	Initials	Date
Buildings	NA	11-1-94
Engineering	✓	11-15-94
Planning		

ALLOWABLE/CONDITIONAL USE FEES

Application Fees
Adjustment
Total Fee

Fees
\$ 250-
\$
\$

Check No.
8281

Receipt
134315

Date
11/25/94

* 11 parking spaces to be added

A see existing CU for Professional Plaza CU-4-79

✓ driveway & grading permits required if CU request is approved.



155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

November 8, 1994

File No. CU-58-94

Dan Bruce
Professional Plaza Partnership
P.O. Box 32819
Juneau, AK 99803

Dear Mr. Bruce:

The purpose of this letter is to request additional information on the application for conditional use permit CU-58-94. So that the department can be sure that the application accurately reflects the intentions of Professional Plaza, a letter or additional drawings should be submitted. The following issues need to be addressed:

1. Amendment to existing CU-04-79. The current application, CU-58-94 should specifically request an amendment to existing conditional use permit CU-04-79 as to parking. The Berners Avenue access must follow a different process, but it can proceed concurrent with the conditional use application,
2. Berners Avenue access. By the terms 2.0 D, of Settlement of Case No. 1JU-93-1580, access to Berners Avenue is only possible through amendment to CBJ ordinance (Serial No. 85-02). The decision to modify CBJ ordinances rests with the Assembly. Therefore, this application should request Planning Commission comment to that body, rather than approval by conditional use permit. Language regarding the purpose of the proposed Berners Avenue access is needed for staff evaluation,

Additional information is necessary to evaluate the proposed parking:

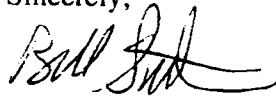
1. Dimensions of proposed parking area. Show how the 20 foot setback from the north and west property lines is retained. Show that the dimensions of spaces and aisles meet the parking ordinance requirements and the pad size,

Professional Plaza Partnership
File CU-58-94
November 15, 1994
Page 2

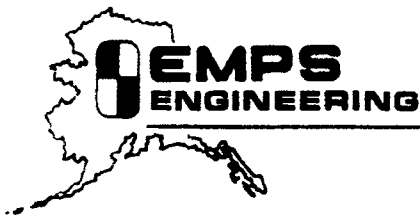
2. Van accessible spaces. If applicable to your project, drawings should show how van accessible spaces are incorporated into the plan.
3. Landscape plan. Drawings must show the location of existing trees in the project area, and show or describe how the sufficient screening to the north and west is maintained.

Please provide this information as soon as possible, so that the application can be reviewed in the most expeditious manner. If you have any questions or comments, please call me at 586-5230.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Smith", with a stylized flourish at the end.

Bill Smith, Planner
Community Development



P.O. Box 52317, Juneau, Alaska 99803 Phone (907) ~~789-2152~~ ⁵⁸⁶⁻³⁵⁶⁵

November 18, 1994

Mr. Bill Smith
Planner
CB of Juneau,
Community Development
155 S. Seward St.
Juneau, AK. 99801

Dear Mr. Smith.

Re: Professional Plaza

Thank you for the time you spent with me yesterday going over the request of the Professional Plaza to modify their conditional use and access permits. Please accept this letter as a modification of the earlier request and application. It is the intention of the Professional Plaza to proceed with whatever process is required to legally reopen the Berners Ave. entrance. If that process is for us to request that the planning commission review and provide a recommendation for the Assembly, then that is what we want. You indicated to me yesterday that this letter would suffice to start the process on the proper track.

You also raised several questions regarding the new parking lot and its separation from the north and west property lines. I prepared the attached plat to show the dimensions, separations, general tree location and areas of general natural growth. The requirement of the settlement of the law suit between the Prof. Plaza and CBJ was completed earlier and approved by the CBJ. It consisted of planting of a few new trees in the area identified by the CBJ in the field. While their exact location is not shown on the plat they were located to the North of the parking lot within the area shown as the new growth area.

We trust this will clarify and fulfill all of the requirements of the CBJ so that the Prof. Plaza request can be processed. I will be out of town until December 1, 1994, and any questions that come up before that date should be directed to Dan Bruce our Attorney.

Thank you for your assistance.

Sincerely,



George W. Davidson PE, & LS.

ATTACHMEN A

FROM PUGUES COMPLAINT FOLDER
5 6-0-114-004 -D

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:

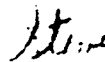
This is to formally advise that the Planning Commission, at its meeting of March 13, 1979, approved your plans for a professional office plaza at the intersection of Berners Avenue and Glacier Highway subject to the following conditions:

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

ATTACHMENT B

Presented by: The Manager
Introduced: 01/07/85
Drafted: G.L.S

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 35-02

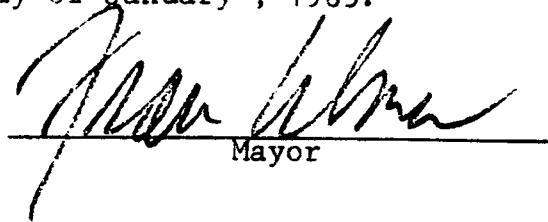
AN ORDINANCE AMENDING CBJ 49.25 BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF APPROXIMATELY 5.6 ACRES IN THE MENDENHALL ACRES SUBDIVISION CONTAINING THE PROFESSIONAL PLAZA BUILDING FROM R-7, RESIDENTIAL, TO C-1, NEIGHBORHOOD COMMERCIAL.

* Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city and borough code.

* Section 2. Amendment to Zoning Map. The City and Borough Official Zoning Map is amended to change the zoning of Lots 1 and 4, Block 44 and Lots 1 through 4, Block 45 of the Mendenhall Acres Subdivision from R-7, Residential to C-1, Neighborhood Commercial.

* Section 3. Restriction of Access. Access to the property rezoned is limited to one access to Glacier Highway. No access to other streets may be allowed.

Adopted this 21st day of January , 1985.



Mayor

Attest:



Clerk

BAXTER, BRUCE & BRAND

PROFESSIONAL CORPORATION

RECEIVED DEC

8 1994

P.O. BOX 32819
JUNEAU, ALASKA 99803
(907) 789-3166 (Telephone)
(907) 789-1913 (Facsimile)

FRED J. BAXTER
DANIEL G. BRUCE
CHRYSTAL SOMMERS BRAND
LISA M. KIRSCH
JEFFREY F. SAUER
LINDA T. MCKINNEY
KEVIN J. SULLIVAN

December 7, 1994

VIA FACSIMILE TO (907) 586-3365 AND US MAIL

Mr. Bill Smith, Planner
Community Development
City and Borough of Juneau
155 So. Seward Street
Juneau, AK 99801

Re: Professional Plaza, Berners Avenue Access
Our File 1533-000

Dear Mr. Smith:

The Professional Plaza Partnership is applying for the reopening of the drive access to Berners Avenue. You asked that the partnership put into writing some of the thoughts behind this reopening.

The Professional Plaza Partners purchased the subject site for development and had two options for use of the property. The first option was to develop the site as a residential area, which was allowed outright in accordance with the then existing zoning code. A housing development would have allowed complete clearing of all trees and the continued use of the Berners Avenue access. The traffic impact and noise impact on the adjacent neighborhood would have far exceeded those of an office complex. The partners felt that the development of the office complex would have a less significant impact on the existing neighborhood.

The partnership's goal became that of developing an office complex that set a development standard for the community, a goal accomplished by the partnership. The plans called for limited clearing, the development of architecturally pleasing buildings, reasonable set-backs and convenient parking for clients and staff. The CBJ liked all of these ideas, but still modified them to what they felt provided better compatibility with the neighbors. One of the changes the CBJ made was to limit access to Glacier Highway only, and have the partnership close the existing Berners Avenue access. Apparently, CBJ requested this because the neighbors felt that the access on Berners Avenue would increase traffic into the neighborhood and adversely affect their quality of life. The partnership did not object as they were led to believe that the condition was not intended to be permanent, but more to allow for a smooth transition from the existing undeveloped state of the land into the new developed state.

The partnership is also quite proud of the project. Since you have visited the site, you can appreciate the "park" like setting. The property is very aesthetically pleasing to tenants and business guests. There is no demonstrable adverse impact on surrounding properties from the development of this property.

Mr. Bill Smith, Planner
December 7, 1994
Page 2

In addition, the traffic on Glacier Highway at the time of development was considerably less congested with less complicated traffic movements. After the partnership developed the project, traffic on Glacier Highway increased in volume to almost 11,000 vehicles per day in October, 1994. (Can you imagine what the count would be during the busy tourist season?) In addition to the increase in traffic volume there is also an increase in the complexity of traffic movements since the project was developed, due in part to the development of various other projects in the area. These development changes include the Travelodge Hotel, the Best Western Motel, the Valley Restaurant, Mi Casa Restaurant (formerly Fernando's), a paint store, the CBJ expanded Valley Sewage Plant (which induced the beginning of regular trips to the treatment plant with heavy trucks), and the industrial and residential development on La Perouse Avenue.

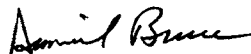
What does all this have to do with the reopening of Berners Avenue access? It simply points out that the hazards of accessing Glacier Highway by patients to the medical facilities and by office staff has greatly increased, and the restricted residential atmosphere of the Berners Avenue area has greatly decreased. The traffic on Berners Avenue has increased to the point that the CBJ has constructed a new road, Ladd Street, connecting between Berners Avenue and La Perouse. Ladd Street was also built since the partnership developed the Professional Plaza project. The access point on Berners Avenue is closer to the Berners/Glacier intersection than is the Ladd Street/Berners intersection. No residences exist between the Plaza's drive access and the Berners/Glacier intersection. Furthermore, due to the location of the proposed access, there will not be any visual impact upon the neighborhood.

To continue to restrict traffic access for the Plaza to the Glacier Highway entrance will place clients and employees at greater and greater risk of a traffic accident. At the time the project began, there may have been some limited justification for temporarily closing off the Berners Avenue access. Now, however, the situation has changed, and for safety and convenience, the time has come for the reopening of the second access point for this development. All factors, particularly safety, clearly indicate that the Berners Avenue access should be reopened.

Thank you for your time and consideration on this matter.

Best regards,

BAXTER, BRUCE & BRAND



Daniel G. Bruce

DGB/pc
Enclosure
cc: Professional Plaza Partners

DEC-27-1994 13:01

ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC UTILITIES

TWVRM13

12/06/94

SUMMARY DATA - ADT

14:10:41.4

STATION ID 60496000 EAST-WEST ROUTE 296031 MILEPOINT 0.580
 GLACIER HWY BTW YANDUKIN & GLACIER HWY NORTH

YEAR	AADT	PERCENT OF ANNUAL AVERAGE DAILY TRAFFIC						
		MON	TUE	WED	THU	FRI	SAT	SUN
1991	10324	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1992	11657	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1993	10460	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00

PF1 - INQUIRY
 PF5 - SELECTION

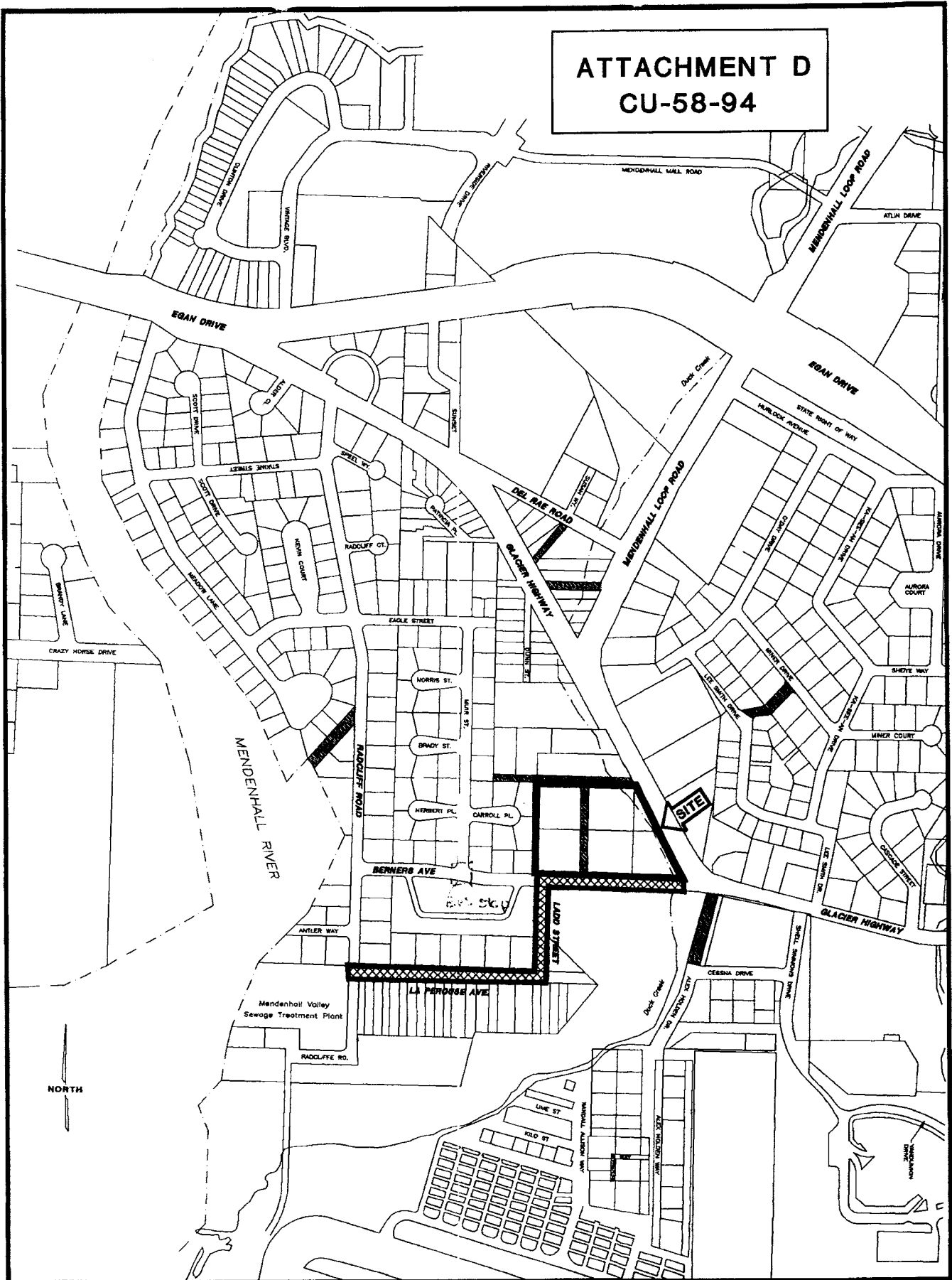
PF2 - HELP
 PF10 - NEXT STATION

PF3 - QUIT

PF4 - TDS MENU

JG. ANNUAL DAILY TOTALS

ATTACHMENT D
CU-58-94





55 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: December 15, 1994

File No.: CU-58-94

Professional Plaza Partnership
9309 Glacier Highway,
Juneau, Alaska 99801

Application For: Conditional Use Permit

Legal Description: Lot 1 and 5, Block 44, Mendenhall Acres Tract

Parcel Code No.: 5-B16-0-114-004-1, -004-4

Hearing Date: December 13, 1994

The Planning Commission, at its regular public meeting, approved your application for an amendment to conditional use permit CU-04-79 to allow construction of a parking lot with ten net new spaces, subject to the following conditions:

1. The conditions of CU-04-79 continue in full force and effect with respect to existing structures and their appurtenances.
2. Amendment to the conditional use permit CU-04-79 is expressly limited to construction of a parking pad of approximately 450 square feet, to be contiguous with existing parking area north of existing Building "B." No additional removal of trees or foliage shall be allowed as part of this approval.
3. Applicant shall bond for, install, or prove the existence of four (4) evergreen trees with such maturity and spacing as to form an effective visual barrier to the north property line within two years. Evidence of compliance with this condition shall be approved by Community Development Inspectors prior to issuance of a grading permit.
4. Applicant shall apply for and receive a grading permit prior to commencement of construction.

Professional Plaza Partnership
File No.: CU-58-94
December 15, 1994
Page 2

Effective Date: January 6, 1995.

Expiration Date: June 13, 1996, unless a building permit has been issued and remains valid, and substantial construction progress pursuant thereto has been made in accordance with the plans for which the development permit was authorized.

The Planning Commission, at its regular public meeting, forwarded a recommendation to the Assembly regarding amendment to CBJ ordinance Serial 85-02, as follows:

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.

Project Planner:



William A. Smith,
Planner

RECEIVED BY CITY CLERK



12-16-94

cc: Debra J. Purves, CDD
Gary Gillette, CDD
Building File

housing development in addition to getting land on the tax rolls, so she feels it is appropriate to attach certain conditions.

Mr. Williams noted that there have been several proposals recently which have been brought before the Commission and have met vigorous public objection. Ms. Bomengen noted the public process involved prior to the lands actually being put on the market, which she feels could help in promoting better housing opportunities.

Mr. Sorensen interjected that there was previously a good deal of discussion about land being held for speculative reasons, and it was the consensus of the group at that time that speculation be deterred. He feels the recommendation that was developed builds in enough latitude for the CBJ to wield the stick if necessary, but also allows flexibility for the CBJ to sit back and allow the property to not be developed.

Ms. Bomengen asked if the intent is to incorporate a statement addressing the concern regarding existing trails. Mr. Maguire responded affirmatively.

MOTION - by Eaddy, seconded by Sorensen, to amend the Land Management Plan to reflect the recommendations presented in the staff memorandum dated December 6, 1994, and the corrections and clarifications noted in Errata #3, and adopt the plan as amended; also to submit the amended plan to the Assembly and recommend adoption of the plan by resolution.

ROLL CALL:

Yeas: Williams, Eaddy, Dybdahl, Bomengen, George, Sorensen,
Bavard, Ricker, Lawson

The motion was adopted unanimously, 9-0.

V. REGULAR AGENDA

1. CU-58-94

A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW ADDITIONAL PARKING; AND REQUEST FOR PLANNING COMMISSION COMMENT TO ALLOW MODIFICATION OF ZONING ORDINANCE PROHIBITING ACCESS VIA BERNERS AVENUE FOR PROFESSIONAL OFFICE COMPLEX LOCATED AT 9309 GLACIER HIGHWAY.

Applicant: Professional Plaza Partnership

Staff Report: Mr. Smith reviewed the staff report included in the packet. With regard to the amendment to CU-04-79 to allow construction of a parking lot with ten net new spaces, staff recommends adoption of the staff findings, and approval of the amendment. The approval includes the following conditions:

1. The conditions of CU-04-79 continue in full force and effect with respect to existing structures and their appurtenances.

continued for several days, until everything was cleared. The driveway was finally disconnected from Berners Avenue and a berm placed there to restrict traffic. This illegal work resulted in a lawsuit by CBJ against the developers of Professional Plaza. She noted condition 2.2(d) of the settlement agreement with regard to access onto Berners Avenue which required one of two actions within 90 days; the agreement was signed June 4 and the condition was not complied with. She asked the Commission and Assembly to affirm the wisdom of their predecessors and keep intact all of CU-04-79, and continue to restrict access to Berners Avenue as specified in Ordinance 85-02, Section 3.

Ms. Stone also presented several pages of signatures with regard to this issue.

Dan Bruce, representing Professional Plaza, asked the Commission to adopt the recommendation of staff on the amendment to the conditional use permit, and to disagree with staff's recommendation regarding driveway access to Berners Avenue. They believe the request for access onto Berners Avenue is reasonable, given the existing nature of traffic and traffic flow on Glacier Highway. Having only one entrance to the property creates a bottleneck on Glacier Highway. He believes it is unreasonable to expect individuals who are trying to get to major arterials to turn right onto Berners Avenue and traverse through the residential neighborhood; he believes they will turn left on Berners Avenue for access to Glacier Highway. He believes there are currently safety concerns existing on Glacier Highway in front of Professional Plaza.

Mr. Williams questioned how left turns onto Glacier Highway would be easier from Berners Avenue than from Professional Plaza. Mr. Bruce feels the view plane is substantially different from Berners Avenue.

Mr. Williams noted that his perception of the problem with the Professional Plaza driveway is that people waiting to make a left turn are blocking the access of people waiting for a right turn; this could be alleviated by clearly delineated lanes in the driveway. Mr. Bruce indicated it is not currently used as a three-lane driveway. Mr. Williams asked whether any consideration has been given to left turns only onto Berners Avenue. Mr. Bruce indicated that would be satisfactory to the property owners. Mr. Williams commented that probably would not be very enforceable.

Mr. Dybdahl noted that he holds 100 shares in Huna Totem Corporation, who is one of the property owners. He vacated his seat.

Mr. Walsh noted that Lot 3 and both Lots 4 are governed by the old ordinance and would not be allowed access onto Berners Avenue.

Janet Nance, 9416 Berners Avenue, stated that from a residence perspective all of the conditions that existed when Professional Plaza was begun still exist. The reasons for Section 3 of Ordinance 85-02 and for the conditions of the conditional use permit were to provide and maintain buffers between the light commercial and residential property, to address safety concerns of the residents, to try and protect and maintain the lower residential speed limits, and to reduce the influx of traffic through the residential area. Now, for the convenience of Professional Plaza, the

intersection. 1st Street should be constructed to provide any additional access for Professional Plaza.

Commission Action:

Ms. Bomengen asked about the testimony regarding a fence on the north and west sides of the property. Mr. Smith is not aware of a condition of that nature. The public indicated it was a condition of the original conditional use permit.

Ms. Bomengen asked whether additional parking is necessary for the existing uses of the office space. Mr. Smith indicated it is discretionary.

Mr. Williams asked the hours of operation in Professional Plaza. Mr. Smith indicated there is not a condition regarding hours. There are not currently any uses, such as a video store, which would have late evening hours.

Ms. Bomengen asked whether the original condition 10 would be met without the construction of wood fences. Mr. Smith feels that it would.

Mr. Sorensen asked whether the new conditions would supersede any of the original conditions. Mr. Walsh stated that, to the extent that the more recent conditions address the same subject as the original condition, the more recent would govern. To the extent there is a conflict, the new condition would govern. Where a new and old condition work together, they both continue to apply. If they cannot get an effective visual screen within two years without building a fence, then they would have to build a fence.

MOTION - *by Eaddy, seconded by George, to approve the amendment to CU-04-79, and adopt the staff findings and recommendations.*

Mr. Eaddy spoke in opposition to the motion. He feels the new conditions would confuse the existing conditions. He is not in favor of awarding the developer in view of the clearing that has taken space.

Mr. Williams spoke in support of the motion. The question before the Commission is whether or not to approve additional parking. He feels the conditions are in place to continue to ensure sufficient protection for the adjacent property owners. Mr. Bavard concurred.

Ms. Bomengen supports the motion. She does not believe she heard testimony which would allow her to make the findings necessary to deny this.

Mr. Sorensen spoke in support of the motion because the original conditions will continue in force; he does not believe any of the new conditions are in conflict with the original conditions of CU-04-79.

Mr. Eaddy noted that condition 3 of CU-58-94 addresses a visual barrier; testimony he found compelling from the adjacent property owners is in regard to visual aspects as well as noise impacts.

Mr. Lawson asked why the original condition 10 was never enforced. Mr. Walsh indicated that he believes there was probably sufficient vegetation at the time so the fence was not required.

ROLL CALL:

Yeas: Williams, Bomengen, George, Sorensen, Bavard, Ricker, Lawson

Nays: Eaddy

The motion was adopted, 7-1.

MOTION - by Williams, seconded by Bavard, to adopt the staff findings and recommendation with regard to the request for an amendment to Ordinance No. 85-02.

Mr. Williams spoke in support of the motion. He feels there is sufficient evidence to indicate there would be an increase of traffic in the residential areas, not only on Berners Avenue, but also on adjacent streets. If the traffic were restricted to left turns only onto Berners Avenue, it would not solve the problem of left turns onto Glacier Highway. He believes a solution to help alleviate the traffic problems at the Professional Plaza driveway intersection would be a better delineation of the three lanes of the driveway. He feels better enforcement of the speed limit in the area would also help the traffic problems. Positive delineation of the center turn lane on Glacier Highway would also be beneficial.

Mr. Bavard agreed that allowing access to Berners Avenue would not solve the left turn problem onto Glacier Highway.

Ms. Bomengen stated that she has used this area a great deal. She finds the left turn onto Berners Avenue to be more hazardous than the left turn into Professional Plaza many hours of the day. She has also used the residential streets, and will now make every effort not to use that area as a through way.

ROLL CALL:

Yeas: Williams, Eaddy, Bomengen, George, Sorensen, Bavard, Ricker, Lawson

The motion was unanimously adopted, 8-0.

Mr. Walsh indicated that staff will report the Planning Commission's action to the Assembly. It is then up to the Assembly to decide the next move. Staff will not prepare a draft ordinance and will not ask for the preparation of a draft ordinance. It is possible that the Assembly could ask for a draft ordinance to make this change. There will not be a requirement for mailed public notice of any Assembly action, unless staff is specifically directed to do so by the Assembly.

Mr. Dybdahl resumed his seat.

R E C E S S
9:23 to 9:38 p.m.


MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: August 5, 1997

TO: Planning Commission

FROM: Bill Smith, Planner 
Community Development Department

FILE NO.: USE97-00049

PROPOSAL: An allowable use permit to construct a 12,736 square foot non-customer serving professional offices building with shared access from the existing Professional Plaza driveway on Glacier Highway.

GENERAL INFORMATION

Applicant: Jensen Yorba Lott, Inc.

Property Owner: Huna Totem Corporation

Property Address: Glacier Highway

Legal Description: Mendenhall Acres, Block 45, Lots 3-4

Parcel Code Number: 5-B16-0-114-004-6

Site Size: 75,794 Square Feet

Zoning: LC, Light Commercial

Utilities: CBJ Water and Sewer Services

Access: Glacier Highway

Existing Land Use: Vacant

Surrounding Land Use: North - Light Commercial, Professional Plaza Bldg. A
South - I, Industrial (airport property)
East - LC, Light Commercial
West - Light Commercial, Professional Plaza Bldg. B

ATTACHMENT H



CITY & BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

The applicant requests an allowable use permit for the development of a two-story office building which will house professional offices on Lots 3 and 4. The upper floor of the building will be occupied by Huna Totem, and the lower level will be leased.

The site is at the corner of Glacier Highway and Berners Avenue. The western portion of the property contains large spruce trees and the eastern portion contains alders, cottonwoods, and shrubs. Duck Creek runs on the eastern edge of the property.

Access to the building will be from the existing driveway on the Glacier Highway side which currently serves buildings A and B. The building is generally parallel to Glacier Highway and Duck Creek.

All but four of the existing trees to the west of the parking lot are to remain. The four or five trees need to be removed in order to construct the parking area.

No lighting is proposed on the side adjacent to the existing Professional Plaza lighting. Soffit lights on the second floor overhang and a parking light approximately 20 feet high would be provided.

There are 12 existing parking spaces on the property. Thirty-two new parking spaces would be added; for a total of 44 spaces.

BACKGROUND

The property now before the Planning Commission stands alone from Professional Plaza. In CU58-94, the Professional Plaza Partnership added ten parking spaces to the existing lot in the south west corner, adjacent to Building B. Approximately twelve spaces that were formerly available to Building B will be used toward calculation of the parking requirement for the new building that is the subject of this permit.

ANALYSIS

Project Site - This project will undoubtedly function integrally with the existing Professional Plaza. This interdependence is especially important in the discussion of parking and circulation below.

Project Design - The building and parking area has been designed to minimize the impacts on Duck Creek to the west and on the large trees to the east. Four or five of the large trees will be removed for construction of the parking lot. The remaining trees that have potential to be impacted by the project will be fenced around the drip line in order to limit damage during construction. To the extent possible, the buffer of natural trees along the Berners Avenue side has been maintained.

Traffic - An estimate of the additional weekday trips that would be generated by the project was obtained from the Institute of Transportation Engineers Trip Generation Manual. The Huna Totem offices were estimated with using the "single tenant office building" standards. The other floor was estimated using the general office calculation. The project would generate approximately 200 new trips. This number is less than the 250 trip benchmark used by the department for deciding when a traffic study will be required.

Parking and Circulation - The parking calculation was run for the entire building to be "non-customer serving" office space, one parking space per 300 square feet. The 12,736 square foot building would therefore require 43 spaces. The site plan shows 44 spaces. Regarding circulation, the three buildings will all use the existing access to Glacier Highway. The Berners Avenue entrance to the property is not available because of a non-code ordinance (CBJ Ordinance 85-2). The existing entrance on Glacier Highway is about 30 feet wide, which should be wide enough to accommodate a lane in, and two lanes out. The outside edge of the driveway is not well defined, so it may need to be widened to accommodate three lanes. Although one might argue that the current applicant is not responsible for solving the circulation problems of adjacent developments, the need for a third lane is clear. So, we are recommending a stipulation that the existing entrance be modified to provide three minimum effective eleven foot wide lanes, constructed such that the outside lanes in particular have the entire width as a useful driving surface.

Design Review - The proposed development requires Design Review Board review and approval. Specific project aspects such as building design, parking lot layout, landscaping, and exterior lighting will be examined during this review process.

Duck Creek - The proposed building would be outside the 50 foot setback from Duck Creek. The area between 25 and 50 feet from the creek will be disturbed during construction. The applicants propose to revegetate this area with native species. The landscape plan submitted with the application lists several native species which might be used for revegetation. The cross-sectional plan submitted with the application provides a schematic of the riparian vegetation. In order to complete this plan, the location for each type of species should be identified, along with the planting schedule. Submittal of this additional detail is one of the recommended stipulations to the permit.

Exterior Lighting - Minimal exterior lighting is proposed, limited to under soffit lighting and parking lot lighting. The specifics of the lighting plan would be reviewed in the design review permit. All parking lot lighting shall be suitable for the purpose of safety. All lighting should be directed away from adjoining uses.

Signage - A separate permit process per CBJ §49.45, Signs, requires that all signs proposed by the development be submitted to CDD staff for review and approval.

Juneau Coastal Management Program - The proposed development was reviewed for compliance with CBJ §49.70.900, the Juneau Coastal Management Program. The analysis reveals that the major issue is the proximity of the development to Duck Creek. The JCMP, CBJ 49.70.950(f), states, "all structures and foundations located adjacent to streams or lakes . . . shall have a fifty-foot setback from each side of the stream or lake measured from the ordinary high water mark, where feasible and prudent. . . . The setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream." In order to be found consistent with the JCMP, the disturbance of the setback area necessary to construct the building must be revegetated. Maximization of shade on the stream is one value that would be considered, although the applicant should consider this particular stretch of the stream and plant according to the actual needs of the stream in this area.

FINDINGS

CBJ §49.15.320 (e), Decision, states that the Planning Commission shall consider the allowable use permit application and shall review the Community Development Director's recommendation with respect to:

1. Whether the application is complete;
2. Whether the requested permit is appropriate according to the Table of Permissible Uses;

3. Whether the development as proposed will comply with the other requirements of this chapter; and,
4. Whether conditions are necessary for approval¹.

The commission shall approve the application and grant the permit unless it finds, by a preponderance of the evidence, that one or more of the criteria have not been met. In either case, the commission shall adopt written findings setting forth the basis for its decision.

Per CBJ §49.15.320 (e)(1 thru 4), Decision, the director makes the following findings on the criteria for granting the requested allowable use approval:

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

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

2. Is the requested permit 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 dimensional standards, setbacks, vegetative cover, parking requirements, aisle widths, and all other requirements of Title 49.

4. Are conditions necessary for approval of the requested allowable use permit?

Yes. As discussed in the preceding staff analysis, several conditions are necessary for approval of the requested permit. The conditions are listed in the following recommendation.

¹CBJ §49.15.320 (f)(1 thru 12), Conditions on Approval, lists a set of conditions that may be placed on the requested allowable use permit approval

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

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

Yes. Based on the preceding staff analysis, the proposed development will comply with the habitat setback requirements of the Juneau Coastal Management Program, found in CBJ 49.70.950(f).

RECOMMENDATION

We recommend that the Planning Commission adopt the director's findings and grant the requested allowable use permit. The permit would allow the development of a 12,736 square foot non-customer serving professional offices building with shared access from the existing Professional Plaza driveway on Glacier Highway. The approval is subject to the following conditions:

1. The applicant shall submit a plant list and planting schedule for the revegetation of the 25-50 foot setback from Duck Creek to the Community Development Department for review and approval prior to issuance of a complete building permit for the project.
2. The applicant shall ensure that the access driveway has three striped lanes, two out and one in, which have an effective surface for travel 33 feet at the right-of-way line.
3. The applicant shall perform all conditions of the design review approval prior to issuance of a building permit.

PLANNING COMMISSION
NOTICE OF DECISION

August 13, 1997

File No.: USE97-00049

Jensen Yorba Lott, Inc.
522 W. 10th Street
Juneau, Alaska 99801

Application For: An allowable use permit to construct a 12,736 square foot non-customer serving professional offices building with shared access from the existing Professional Plaza driveway on Glacier Highway.

Legal Description: Mendenhall Acres, Block 45, Lots 3-4

Parcel Code No.: 5-B16-0-114-004-6

Hearing Date: August 12, 1997

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 5, 1997 and approved the above referenced allowable use permit to be conducted as described in the Project Description and Project Drawing submitted with the application and with the following conditions:

1. The applicant shall submit a plant list and planting schedule for the revegetation of the 25-50 foot setback from Duck Creek to the Community Development Department for review and approval prior to issuance of a complete building permit for the project.
2. The applicant shall ensure that the access driveway has three lanes, two out and one in, which have an effective surface for travel of 33 feet at the right-of-way line.

Attachment: August 5, 1997 memorandum from Bill Smith, Community Development to the CBJ Planning Commission regarding USE97-00049.

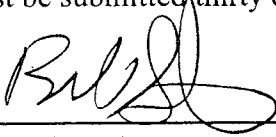
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030(c). Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.05.030.

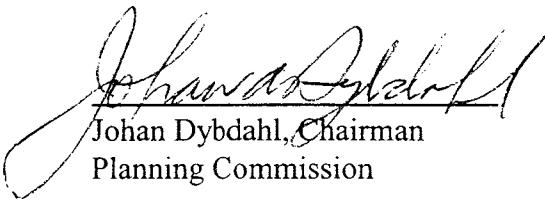
Jensen Yorba Lott, Inc.
File No: USE97-00049
August 13, 1997
Page 2

Effective Date: The permit is effective upon approval by the Commission:
August 12, 1997.


Expiration Date: The permit will expire 18 months after the effective date or February, 12, 1999, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days before the permit expires.

Project Planner:


Bill Smith, Planner


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


August 21, 1997

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice - 202-272-5434, or fax 202-272-5447, NW Disability Business Technical Center - 1-800-949-4232, or fax 360-438-3208.

Staff recommends the Commission adopt the director's findings and make a recommendation to the Assembly that the zoning be changed from Tract A and B of U.S. Survey, the Shrine of St. Therese, from RR, Rural Reserve to D-1 Residential.

Mr. Eaddy asked if the current uses were grandfathered. Mr. Maguire indicated they are and are considered to be, under the code, legal non-complying uses.

Public Participation: None at this time.

Commission Action:

MOTION - by Bavard to approve MAP97-00005, accept staff findings, analysis and recommendations.

ROLL CALL:

yeas: Bavard, Bomengen, Eaddy, Ricker, Skannes, Williamson, Chair
Dybdahl

nays: none

Motion passes 7-0

2. USE97-00049

AN ALLOWABLE USE PERMIT TO CONSTRUCT A 12,736 SQUARE FOOT PROFESSIONAL OFFICES BUILDING WITH SHARED ACCESS FROM THE EXISTING PROFESSIONAL PLAZA DRIVEWAY ON GLACIER HIGHWAY.

Location: 9301 Glacier Highway
Applicant: Jensen Yorba Lott Architects

Chairman Dybdahl handed the chair to Bomengen indicating conflict as he is a Huna Totem shareholder and his wife is in their employ. He stepped down.

MOTION - by Skannes, there be no objection to Chair Dybdahl stepping down.

Ms. Ricker also has a conflict as she has been approached by the applicant to lease the property once it is built.

MOTION - by Skannes, there be no objection to Ms. Ricker stepping down.

Staff Report:

Mr. Bill Smith reviewed the staff report included in the packet. This is a two story, non-customer serving office building with Huna Totem Corporation occupying one floor and leasing the other floor for office space. The site plan shows the required number of parking places, a minimized amount of tree cutting to include 4 large trees and all trees in the buffer of Berners Avenue will remain. The remaining trees near the border of the parking area are to be fenced around for protection during the construction phase.

This project is estimated to generate 200 new trips which is below the threshold considered to necessitate a formal traffic study. Staff recommends the applicant provide a wider entry on Glacier Highway striped with one in and two outs to facilitate left hand

turns. There will continue, under ordinance, to be no access to Berners Avenue from this project.

Mr. Smith stated the recommendation condition no. 3 in the staff report was found to be redundant and not necessary. Staff recommends the Commission adopt the director's findings and grant the requested allowable use permit subject to the following conditions:

1. The applicant shall submit a plant list and planting schedule for the revegetation of the 25-50 foot setback from Duck Creek to the CDD for review and approval prior to issuance of a complete building permit for the project.
2. The applicant shall ensure that the access driveway has three striped lanes, two out and one in, which have an effective surface for travel 33 feet at the right-of-way line.

Mr. Williamson asked to what extend this was wetlands, and if the project will require permitting. Mr. Smith reported there does not appear to be any delineated wetlands on the proposed site but there are adjacent greenbelt wetlands in Duck Creek. Mr. Smith is suggesting it appropriate for the applicant to request delineation from the Corp. of Engineers to confirm whether a federal permit is needed.

Ms. Skannes asked the reasoning behind the developer doing the three lanes. Mr. Smith reported existing roadway is 30 feet wide, the culvert is wider. There is temporary striping for a less than serviceable third lane due to current needs to have access both right and left. Staff recommends the additional lane be widened and formalized making it more serviceable in order to accommodate the new cars.

Ms. Skannes asked how many trips were being generated from the site currently. Mr. Smith had not estimated that number as it would involve a specific multiplier analysis of the individual types of uses.

Mr. Bavard asked if the third access lane would encroach into the no-disturbance zone of Duck Creek. Mr. Smith reported there would be no in-stream work as the culvert is currently wide enough.

Mr. Eaddy commented the existing buildings will benefit from the improvement and asked if it was satisfactory with the applicant to bear the expense. Mr. Smith suggests language in condition no. 2 that the applicant shall *ensure* the driveway is completed which is not a specific requirement they do it, just that they coordinate having it done.

Ms. Bomengen asked how much of a buffer on Berners Avenue would be maintained. Mr. Smith indicated approximately 20 feet of the buffer is in the right-of-way and will stay. The other buffer being kept is approximately 20 feet excluding one corner of the parking area and including the large trees and a 42 inch spruce.

Public Testimony:

Wayne Jensen, applicant representing Huna Totem Corporation. They are in concurrence with the two conditions staff recommends and will work with the other members of the Professional Plaza to address the entry condition. They have made every

effort to minimize the amount of trees being cut as they consider the trees to be an asset to the property and destroying any more than necessary would be detrimental to the project.

Commission Action:

MOTION - by Williamson, to grant USE97-00049 permit, adopt staff analysis and findings and the first two staff recommendations.

ROLL CALL:

yeas: Skannes, Bomengen, Williamson, Eaddy, Bavard

nays: none

Motion passes 5-0



Chairman Dybdahl and Commission Ricker returned to their seat.

2. USE97-00063

A CONDITIONAL USE PERMIT TO ALLOW AN ADDITION TO THE EXISTING DWELLING TO WITHIN 10 FEET OF THE ADJOINING PUBLIC LAND.

Location: 426 Judy Lane

Applicant: Phillip Moritz and Lisa Kirsch

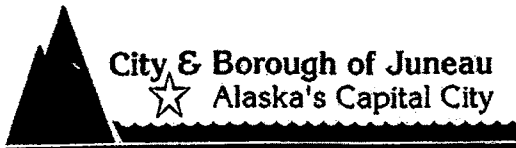
Staff Report: Mr. Korosie reviewed the staff report. The addition is in an area that is now classified as subject to severe avalanche hazard so the applicant is required to address this. The applicant has hired an engineer to do a geophysical hazard analysis and expects to be able to demonstrate to the Engineering Department the severe avalanche hazard does not affect the site of this proposed addition. The adjoining land is owned by CBJ and because of the topography and geophysical hazard is considered to be in a restrictive management classification.

Staff recommends the Commission adopt the director's findings and grant the requested conditional use permit subject to the following conditions:

1. Prior to submitting a building permit application, the applicant must provide information acceptable to the CBJ Engineering Department which clearly establishes that the avalanche hazard map boundary is inaccurate and that the subject site is outside of the severe avalanche area.

2. The applicant shall obtain all necessary grading and other building permits from the CBJ Engineering Department and Building Division, and follow design and construction practices to assure site stability and to minimize erosion.

Chair Dybdahl questioned how the applicants are to establish that this hazard map boundary is inaccurate. Mr. Korosei believes a hazard analysis involves looking at a specific site more closely than the general area study that was done to establish the hazard boundaries initially. It will look at standing vegetation and site specific contours and make some assessment of the likelihood that this particular location will be impacted by an avalanche.



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 Airport Dike Trail. For those reasons, we have proposed sidewalks on both sides of the road, propose to build Berner's Avenue to standards necessitated by higher use roads.

In our view, adding in the second access to Professional Plaza would be a betterment to the Berner's Avenue Reconstruction project.

CSP20110008

ATTACHMENT I

Presented by: The Manager
Introduced: 06/04/2012
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

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

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

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

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

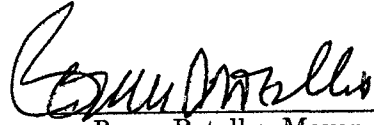
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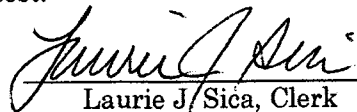
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Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 25th day of June, 2012.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk

Administrative Report: Attached. The manager recommended Resolution 2618 be adopted.

b. Resolution 2619

A Resolution Reaffirming The City And Borough Assembly District Boundaries Based On The 2010 Census Data.

Administrative Report: Attached. The manager recommended Resolution 2619 be adopted.

c. Resolution 2620 – removed from the agenda and no action was taken.

A Resolution Adopting A Municipal Drinking Water Supply Plan.

3. Bid Award

a. Bid Award 12-256

Diesel Generator

Administrative Report: Attached. The manager recommended award of this project to Cobra Power Systems, in the total amount bid, for an award of \$239,000.

4. Liquor Licenses

a. Liquor License - Transfer

**FROM: 64 Thunderbird LLC d/b/a 64 Thunderbird LLC, location:
No Premises.**

**TO: 64 Thunderbird LLC d/b/a The Thunderbird, location:
9109 Mendenhall Mall Road , Suite #4B.**

Administrative Report: Attached. The manager recommended the Assembly waive its right to protest the above liquor license action.

VII. PUBLIC HEARING

A. Ordinance 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.

Administrative Report: Attached. The manager recommended Ordinance 2012-26 be adopted.

Public Comment:

Nathan Young said he lived on Berners Avenue and objected to the ordinance. This was a residential area and had a high volume of traffic, as one of the primary entrances to a large residential area with access to the airport's Emergency Vehicle Access Road (EVAR) and to the Mendenhall Waste Water Treatment Plant (MWWTP). The Engineering Department acknowledges this traffic and posted speeds from 35 – 45 mph. He said his family accepted this when they bought their house, but they are not accepting of additional traffic. He spoke with the Fire Chief, who told him there were no current code violations in the area based on the current traffic configurations.

Janet Thrower said she lived on Berners Avenue, and testified on this issue in 1994. She distributed a copy of a map of the area, discussed the traffic routes, and pointed out stop signs and stoplights. This change would affect many families on Berners Avenue, Radcliffe Road, Muir and Eagle Streets, impacted by cut-through traffic and previously by Professional Plaza traffic. The current ordinance under consideration stated that Professional Plaza desired a secondary access to their property. They stated that most of the traffic would use Berners Avenue to access Glacier Highway, 200 feet south of their current access. There were times during the day in which access to Glacier Highway involved a wait, but this was true of cars from Berners Avenue as well as those from Professional Plaza. Routing traffic onto Berners Avenue would not change the situation on Glacier Highway for those cars turning right. Most of the day there was no waiting time to get on to Glacier Highway. Turning left on Glacier Highway at busy times was the issue, and could be avoided by turning right and using the neighborhood streets. The problem was that an access to Professional Plaza from Berners Avenue acted as a magnet, which pulled a steady stream of commercial traffic through the neighborhood. People would begin to think of the neighborhood as the way to get to Professional Plaza. In the early 1990s, Professional Plaza paved a Berners Avenue access. It drew attention to itself and was not open long because it was so well used. The Engineering Department concluded this access promoted safety and public convenience. She said it was not safer for the neighborhood, even with narrower streets and sidewalks. The rebuilt project will also include truck traffic. Professional Plaza promotes the Berners access as a safety measure in case of emergencies. There have not been emergencies there, which she has observed in her 22 years in the neighborhood, and if this were true, every cul-de-sac would be required to have a second access. All the conditions that existed in 1994 still exist. Section 3 of Ordinance 85-02 was meant to protect the integrity of the residential neighborhood and she asked the Assembly to uphold the buffer between residential and commercial uses in this area.

Ms. Danner said that when it was before PWFC, the proposal was for 12-foot lanes. Ms. Thrower said the project had since been narrowed to ten-foot lanes, and even during the construction, the workers were amazed at the speed at which people traveled through the area. Ms. Danner asked about a stop sign added to the area. Ms. Thrower said that had happened.

Mr. Smith asked Ms. Thrower how she defined commercial traffic. She said any traffic directly related to business at Professional Plaza – such as those having business appointments at Professional Plaza. She was not talking about commercial trucks.

Mr. Kiehl asked if her concern was less about people leaving Professional Plaza and using Berners Avenue to access Glacier Highway than about people at Professional Plaza using the access to go through the neighborhood to head out the road. She said that was true. When the driveway was open before there was steady traffic. She does not know how traffic exiting Professional Plaza could be restricted to only left turns or how that would help the goals of Professional Plaza.

Assembly Action:

MOTION, by Wanamaker, to adopt Ordinance 2012-26.

He asked for unanimous consent. Staff had reviewed this issue thoroughly in committee and addressed the issues.

Mr. Kiehl asked Ms. Kiefer to explain the history of this situation and how the Assembly had arrived at this position. Ms. Kiefer asked Mr. Watt to review his research.

Mr. Watt said he did not know all of the history, but the issue arose during the road construction in the area. The engineers saw the half driveway that had been constructed in Professional Plaza and felt it made sense to connect the driveway to the truck route, so connected it in the early plans. It was later discovered that the Professional Plaza permits prohibited that connection and we suggested that the Planning Commission review the issue as part of the review of the road project. It was later realized there was an ordinance, in addition, that prohibited the access. The Public Works and Facility Committee (PWFC) discussed the matter and drafted this Ordinance 2012-26.

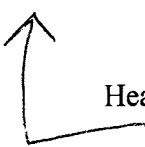
Ms. Becker asked about the safety issue regarding visibility in exiting Professional Plaza. Mr. Watt said, for a sizable complex and in any commercial subdivision of that type, they would recommend a second access for police, fire, maintenance, utility, and repair. Having one access could be problematic. They recognized that Berners Avenue was a well-used road and for that reason, the reconstruction included two sidewalks. The PWFC pursued additional traffic calming measures, which narrowed the lanes and placed an additional four-way stop. The sidewalks protect pedestrians and the other measures reduced the attraction of using the access for cut-through traffic. The improvements on Glacier Highway had also helped traffic in the area. Professional Plaza testified that it took more time to exit the property through the neighborhood and it was not a desirable route.

Ms. Crane asked if Professional Plaza had applied for a modification to the Planning Commission yet. Mr. Watt said Professional Plaza could not apply unless this ordinance was adopted. The Assembly ordinance would allow them to apply for a permit modification, and the Planning Commission would need to review the application prior to construction of the driveway. Ms. Crane said the neighborhood would have an additional opportunity to review the matter in that forum. Mr. Watt said that was correct.

Ms. Becker asked for clarification about a comment Mr. Watt had made about the safety of access to and egress from Professional Plaza. Mr. Watt said that area on Glacier Highway had many driveways entering it and, generally, traffic should be funneled to intersections. Berners Avenue had a better left-turning access onto Glacier Highway than Professional Plaza's driveway. He did not think it was a big difference, but it did have advantages.

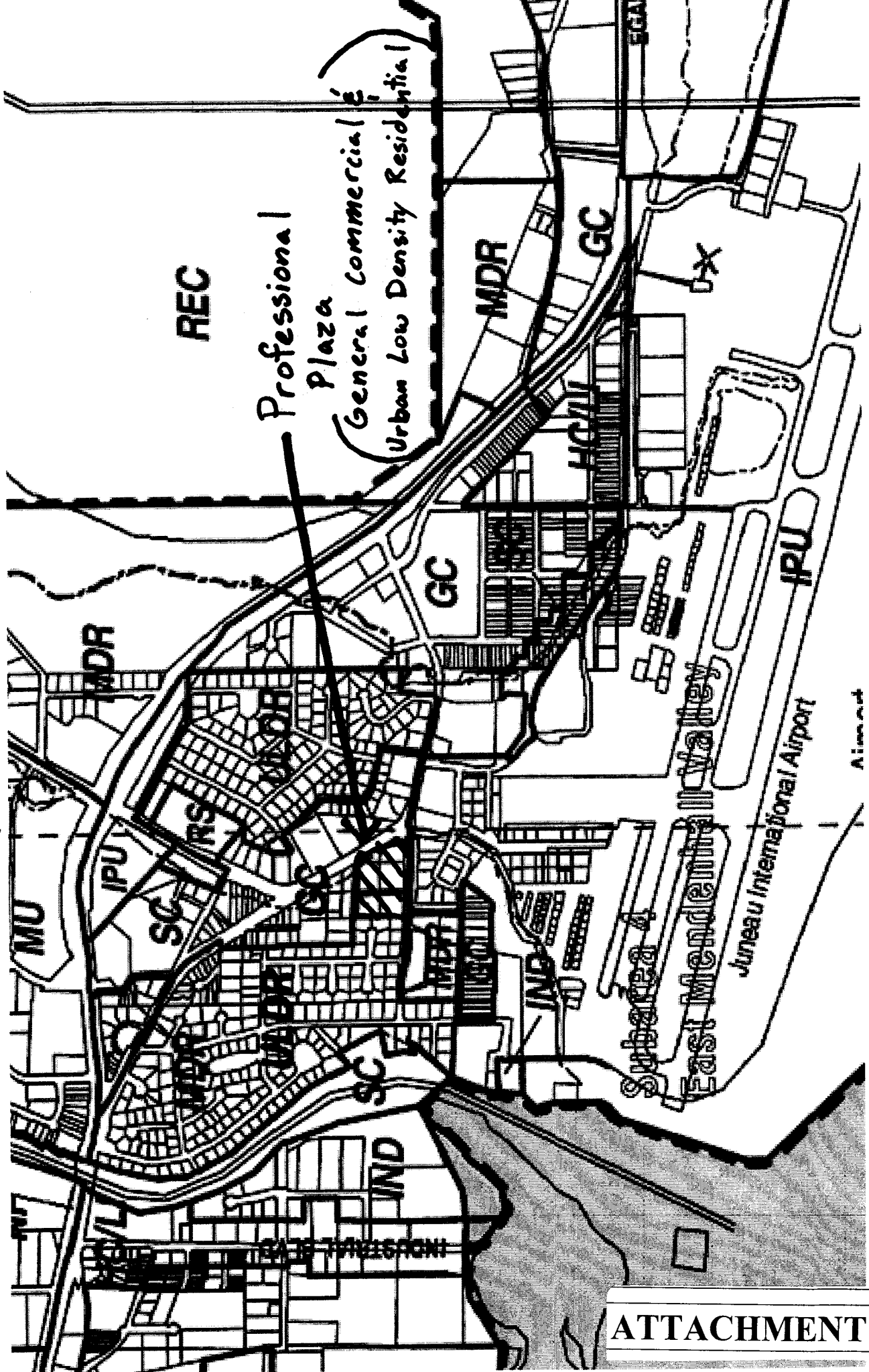
Ms. Danner said she was sensitive to neighborhood concerns and that there were many changes to the current construction project to address those. She asked if everything that could be done, had been done. Mr. Watt said PWFC has gone beyond what he recommended to address neighborhood concerns and he thought enough had been done. This is a truck route to the MWTP, and we do not need to do anything additional to enforce the route.

Ms. Danner asked if the place for additional mitigation would be at the Planning Commission. Mr. Watt said that if the ordinance passed, Professional Plaza would apply to modify its Conditional Use Permit and the Planning Commission could analyze the application.



Hearing no objection, Ordinance 2012-26 was adopted.

2008 Comprehensive Plan Map



Eric Feldt

From: Susan Andrews [sdandrews6043@hotmail.com]
Sent: Friday, August 03, 2012 4:08 PM
To: Eric Feldt
Subject: Berners Avenue

I live on Berners Ave and have for 20 years. It is obvious that traffic has increased with many people using Berners Ave as a short cut to avoid the light at the Glacier Ave/old Glacier Ave intersection. They drive fast as well.

To change the existing covenant to allow more traffic to enter Berners Ave from the Professional Plaza would definitely add more traffic to a neighborhood that has many children.

I also believe it will lower our real estate values. Please don't open up the access on to Berners Ave. A left turn on to Old Glacier highway from Professional Plaza is not difficult, nor a long wait and should remain as it is.

Susan Andrews
9419 Berners Ave.
Sent from my iPhone

9414 Berners Avenue
Juneau AK 99801
907 500 9745

Mr. Michael Satre, Chairman
City and Borough of Juneau - Planning Commission
155 South Seward St
Juneau AK 99801

7 August, 2012

Dear Chairman Satre:

I am writing in regards to the application filed by Professional Plaza for commercial access to/from Berners Avenue. I would like to state my objection to this proposal and apologize for not being able to testify to this issue in person.

I own a home and am raising my family on Berners Avenue; this residential street (zoned D5) experiences traffic volumes well above that of the average subdivision. It serves as one of two access points for a large residential area, is an access point for the popular EVAR trail, and the first half of the street is the commercial access to the Mendenhall Wastewater Treatment Plant. In spring of 2012, crews begin an improvement project to this street to provide a new road bed and safety improvements to handle the existing traffic levels.

I understand Professional Plaza's desire to have a second access/egress point, however to allow a commercial access point to be from a residential street defeats the intention of zoning the area residential and will ultimately be to the detriment of the neighborhood.

I would like to propose a compromise to this issue. Professional Plaza puts in an exit only, left hand turn only onto Berners Avenue, designed in such a way that it physically prohibits entry from Berners Avenue and only allows the motorist to turn left (toward Glacier Highway) onto Berners Avenue. I believe the neighborhood's concerns would be addressed and the residential area of the street would maintain its current zoning application. This would also meet the stated objective of Professional Plaza to allow their employees/clients to have better access to Glacier Highway and the result would not increase the traffic load within the residential area of Berners Avenue.

Thank you for your consideration.

Sincerely,

Nathan Young

August 7, 2012

To: Planning Commission Members

From: Janet Thrower

Re: Second Access for Professional Plaza on Berners Avenue, File No. USE2012 002

I would like to state very clearly that the concern of this neighborhood in regard to a Berners Avenue access to Professional Plaza is and always has been **the prevention of traffic driving through for the sole purpose of conducting business at Professional Plaza.** CU-04-79, "Permanent" Ordinance 85-02, and the December 13, 1994 Planning Commission decision allayed our concern until the October 5, 2011 meeting with DOWL HKM regarding the Berners Avenue rebuild. There was a driveway in the plans then, and there is a new driveway access built into Berners Avenue now.

I have been reading through all the minutes and memos I have been able to collect regarding the Berners Avenue rebuild and Professional Plaza second access. (See list below.) What comes glaring through is that "staff" has been very effective at shaping the information that gets to the Assembly, and therefore, Assembly opinion. The very real and legitimate concerns of this neighborhood have been minimized, marginalized, and brushed aside.

Owners of Professional Plaza testified to the Assembly Public Works & Facilities Committee (Feb. 27, 2012 meeting), and their assertions and assumptions that a Berners Avenue access would not add to our neighborhood traffic have been accepted as fact. In a January 19, 2012 memo to Randy Wanamaker, Rorie Watt states, "In 1985, when zoning designations were changed in the neighborhood, the Assembly by Ordinance specifically prohibited such a driveway. To be blunt, this restriction makes no sense to me; I believe the neighborhood concerns about cut-through traffic are greatly over stated." What does he base this belief on? At the June 25, 2012 Assembly Meeting, Mr. Watt stated that he did not know all of the history of this situation. As the person informing the Assembly, shouldn't he investigate?

Neighborhood concerns are based on experience and personal observation. In about 1994 Professional Plaza paved an illegal access to Berners Avenue. It was well used by a steady stream of traffic through the neighborhood. I thought at the time that I should take a day and keep track of the number of vehicles it generated, but with young children to care for, I did not. I particularly remember the young man who used to work for my dentist zipping by each morning, toothbrush foaming out of his mouth and wrestling his shirt on, trying not to be late to work. When I recently picked up copies of Ordinance 85-02 and Ordinance 2012-26 from a CBJ office, the young woman helping me was surprised. She said she thought there **WAS** a Berners Avenue driveway, because she "always went in the back way" through the neighborhood and used that access when she used to have business at Professional Plaza. Professional Plaza and Huna Totem Corporation have stated in a letter to Randy Wanamaker dated February 13, 2012 that most of the employees of the 11 businesses on that property do not live out the road, and therefore would not generate traffic through the neighborhood. That may be, but they cannot speak for the many people patronizing those businesses all day every day. When the driveway was open, they found it in droves. Unrestricted access on Berners Avenue has and will route commercial traffic through a residential neighborhood.

To: Planning Commission/page 2

From: Janet Thrower

There may be one or more win-win solutions to this situation. Professional Plaza states several times in the documents I've read, and in personal conversation, that they want an egress for emergency use. How about if they have an exit that is gated, except in case of an emergency? Or - An entrance on Berners attracts traffic through our neighborhood, but a one lane exit-only with a traffic island that is shaped to sharply direct traffic to a left-turn-only onto Berners Avenue may satisfy everyone's concerns. (This idea did not originate from me.)

I would like to point out that routing traffic around residential areas is very different from drawing it through and trying to control the result, even when there are sidewalks. CU-04-79, Ordinance 85-02, and the December 13, 1994 Planning and Zoning Commission decision all protected this residential area from commercial pass-through traffic. I ask that your decision do the same.

December 13, 1994 Planning and Zoning Commission meeting minutes

November 4, 2011 memo from Rorie Watt to Eric Edfeldt

December 20, 2011 Planning Commission meeting minutes (IS traffic slower on Radcliffe?)

January 19, 2012 memo from Rorie Watt to Randy Wanamaker

January 23, 2012 Public Works & Facilities Committee meeting minutes

February 13, 2012 letter from Professional Plaza and Huna Totem Corporation to R. Wanamaker

February 27, 2012 Public Works & Facilities Committee meeting minutes

June 25, 2012 Assembly Meeting minutes

For the Planning Commission Re: USE2012 0012

I have been a resident of Berners Avenue for the past 22 years. The neighborhood has been a wonderful place to raise a family and I have been thrilled to see many new younger couples with young children continue to move in. Because of the truly residential nature of the area and the number of small children, most residents are truly concerned with people driving fast or with people prowling the streets late at night or strangers coming through, and as a result we have gotten to know the folks in the neighborhood fairly well. I objected to the access to Professional Plaza some 20 years ago for the same reasons as today. Nothing has changed significantly in the neighborhood for the city to decide it should reroute traffic that should be on Glacier Hwy into a residential area. We saw the increase in traffic when the Professional Plaza owners illegally opened an access to Berners Avenue before, and it took a lot of work by the neighborhood in front of the Planning Commission to close it off. Now a driveway access has been poured before their newest appeal has even been reviewed! The access is not needed for safety – that is a complete fabrication. It is wanted for personal convenience at the expense of community safety. Please do not grant them access to Berners Avenue.

Frank Thrower

9416 Berners Ave.

Juneau AK 99801

Eric Feldt

From: Kim St. Sure [sakisano@hotmail.com]
Sent: Wednesday, August 08, 2012 11:39 AM
To: Eric Feldt
Subject: Berners avenue
Attachments: ATT00001

From: postmaster@mail.hotmail.com
To: sakisano@hotmail.com
Date: Wed, 8 Aug 2012 09:32:25 -0700
Subject: Delivery Status Notification (Failure)

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed.

public_comment@ci.juneau.ak.us

--Forwarded Message Attachment--

From: sakisano@hotmail.com
To: public_comment@ci.juneau.ak.us
Subject: proffessional plaza access to berners avenue
Date: Wed, 8 Aug 2012 08:31:52 -0800

I live at 9475 Berners Avenue. This house has been in my family since it was built in 1965. My experience with the traffic in the area is great because I am a stay at home mom and am outside alot. I have three children, age 5 and under which adds to my concern. The area is zoned as 'light commercial' and this doesnt even include the evar trail. The commercial traffic now includes SAGA, Alaska tour adventures, CBJ airport, CBJ public works, brets boat works,TW Hall, and karate/judo classes. The residents on my street have all crafted their own signs to say 'slow down' or to post the speed limit as a reminder. please be kind and listen to our concerns.Thank you,Kimberly St.Sure

8/8/2012

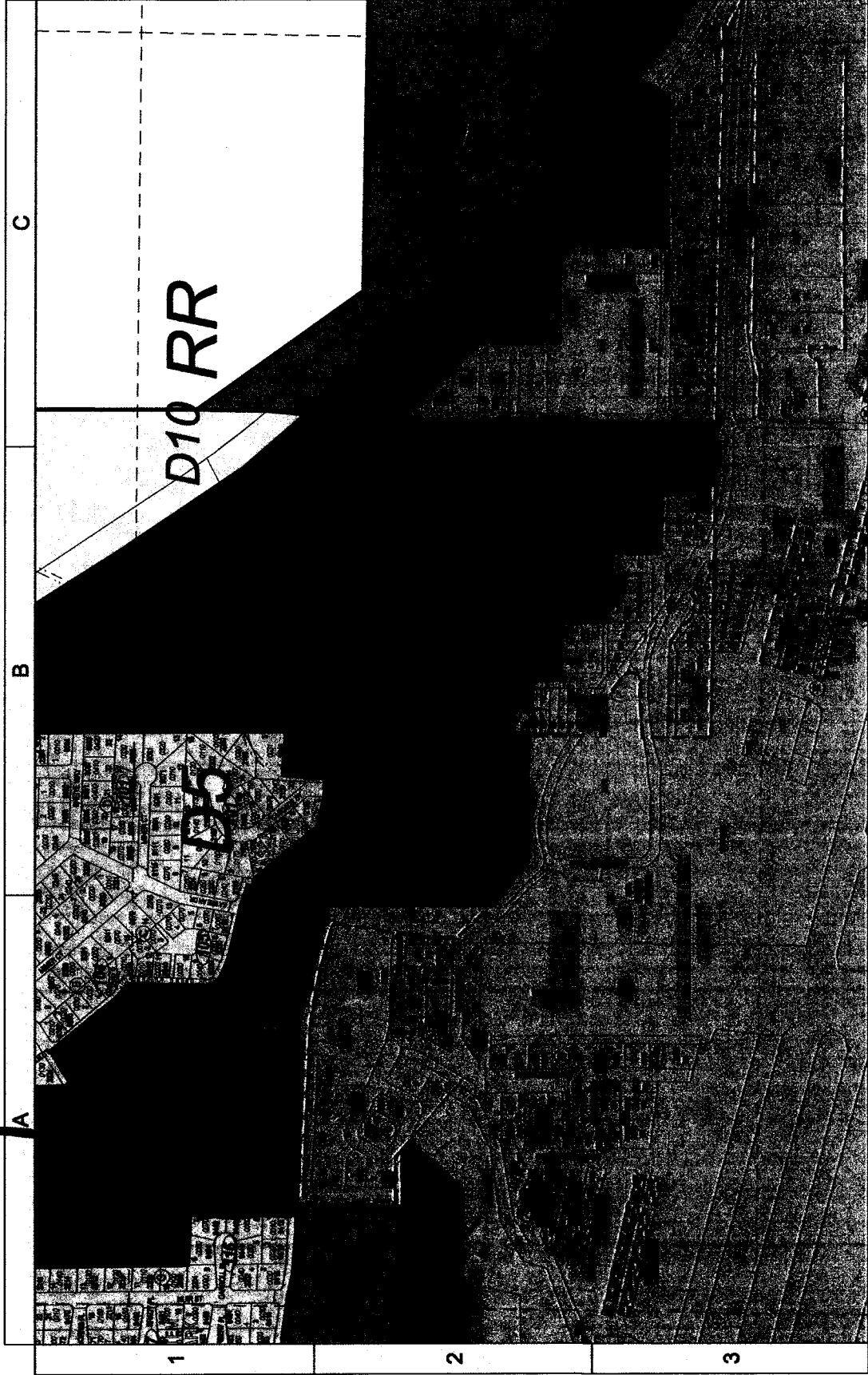
Professional Plaza: Light Commercial district

65

5B160/5B150/3B160

Continued on Page 62

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Continued on Page 64

Continued on Page 66

Continued on Page 74

Assessor Tax Number Code

6D090 | 102 0030
Juneau, Alaska
Assessor's Office

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