

# MEMORANDUM

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

**DATE:** November 8, 2012  
**TO:** Planning Commission  
**FROM:** Beth McKibben *BME*  
Community Development Department

**FILE NO.:** AME2010 0008

**PROPOSAL:** Re-zone of area recently connected to city water and sewer along Glacier Highway on Pederson Hill from D1 to D10 zoning.

**Applicant:** CBJ

**Property Owner:** \*  
**Property Address:** \* \* see attachment A for this information  
**Legal Description:** \*  
**Parcel Code No.:** \*

**Site Size:** 73 acres in total

**Zoning:** D1 (T) D10

**Utilities:** CBJ water & sewer

**Access:** Glacier Highway, Hamilton Street and Wilma Avenue

**Existing Land Use:** Mix of single family residential, vacant

**Surrounding Land Use:**

Surrounding lands to the Northeast and Southwest are generally undeveloped. Southeast is an Industrial Zone and Engineers Cutoff. To the Northwest is the crest of Pederson Hill and Auke Lake.





### **ATTACHMENTS**

- A – List of property owners, parcels ID numbers, etc
- B – Map of area to be rezoned and areas not included
- C – Notice, sign in and materials from neighborhood meeting

### **BACKGROUND**

The Pederson Hill area rezone was initiated by Community Development staff. The area is classified as a transition zone, D1(T)D10, and sewer installation was completed in the Fall of 2010. When looking at the map it made sense to staff to review rezoning the region in two phases. The first area, which the Planning Commission acted on in June 2011, was the area around the Wildmeadow Subdivision. The second area, parallel to Glacier Highway on Pederson Hill, (attachment B) is the subject of this staff report. When reviewing attachment B you will notice two areas that are identified as not transitioning to D10 zoning. The area to the northwest was not served with sewer and is therefore not currently eligible for the transition. The area in the southwest is a lot that split into two zones, D1(T)D10 and D1(T)D3. Staff has spoken with the property owners and they desire rezoning the entire lot, but because the lot is split into two different transition zones and two different land use designations on the comprehensive plan maps it was decided to address this separately.

### **Discussion**

The area discussed in this staff report is currently zoned D1(T)D10. CBJ§49.70, Article VII addresses Transition Zones. CBJ§49.70.700 states that a transition zone is an overlay zoning district for certain lands that are set aside for higher density development after public water and sewer have been provided. It further states that the increase in density will take place at the time public services are provided. As stated previously, public water has been available for some time, and public sewer installation was completed in Fall of 2010.

CBJ§ 49.25.210 (a) describes the D-1 zoning district as follows:

*The D-1, residential districts, is intended to accommodate primarily single-family and duplex residential development in areas outside the urban service boundary at a density of one dwelling unit per acre. Certain D-1 zoned lands, however, may exist within the urban service boundary in transition areas if public sewer or water are absent but planned for. The D-1 classification will be changed to a higher density upon delivery of these services.*

CBJ§ 49.25.210 (c) describes the D-10 zoning district as follows:

*The D-10 and D-15, residential districts, are intended to accommodate primarily multi-family residential development at ten to 15 units per acre respectively. These are relatively low-density multi-family districts.*

The 2008 Comprehensive Plan (map F) shows the area as RDR(T)MDR. This is Rural Dispersed Residential Transition to Medium Density Residential.

The plan describes RDR (page 163) as follows:

*These lands are characterized by dispersed, very low density development not provided with municipal sewer or water. Densities are intended to permit one dwelling unit per acre or larger lot sizes, based on existing platting or the capability of the land to accommodate on-site septic systems and wells. Uses may also include small-scale, visitor-oriented, seasonal recreational facilities.*

MDR is described as follows:

*These lands are characterized by urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood.*

There are 49 lots in this area. Two of which are owned by CBJ. The 47 privately owned parcels range in size from 0.23 acres to 4.63 acres. The minimum lot size in the D-10 district is 6,000 square feet. Many of the lots are large enough that they might be subdivided in the future. Two lots will be split into two zoning districts. One is the 13.87 acre site owned by the LDS Church. Of this site 3.9 acres adjacent to Glacier Highway are to transition to D10. The rest will remain D1(T)D3. Given the topography and development plans it does not seem appropriate to transition the entire lot to D10 and doing so would not be consistent with the maps of the comprehensive plan. The other is a 231 acre CBJ owned parcel, of which 10.6 acres are to be transitioned to D10. This lot is split on the zoning map with 10.6 acres in the D1(T)D10 zone and the remainder in D1(T)D5. It is not split on 2008 Comprehensive Plan maps. However, if we were to rezone the portion of the lot currently identified to transition to D5 to some zone other than D5 it would require Assembly approval. We are proposing to follow the zoning map and create a split lot zone.

The 1997 Juneau Wetlands Management Plan categorizes wetlands into four categories; A, B, C and D; with A being of the highest value and D the lowest. The Wetlands Management Plan maps shows small areas of this area as having a wetlands classification of C and D.

The CBJ Division of Lands and Resources had a study completed that evaluates access (utilities and roads) and development potential (slopes, wetlands etc) for the area known as Pederson Hill. The study evaluated CBJ and University owned land uphill from the region discussed in this staff report. A rezone request is expected at some time in the future to facilitate development at a higher density than D-1.

On March 19, 2012 staff held a neighborhood meeting with the owners of property within the D1(T)D10 area. The primary purpose of the meeting was to let property owners know that staff was working on transitioning the area from D-1 to D-10. Owners of four privately owned

parcels attended the meeting. Some of the owners of privately owned parcels expressed a desire to not have the area rezoned. Others noted that the transition to higher density after the sewer installation had been discussed for many years.

## **ANALYSIS**

### **ZONE CHANGE INITIATION**

CBJ §49.75.110. INITIATION. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. Was the proposed zone change initiated by the property owner during the appropriate time frame? OR was the zone change initiated by the commission or director?

**Yes.** The application for the subject zone change was initiated by the director.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings and requiring a public notice sign to be posted on-site?

**Yes.** The public was notified through newspaper advertising published on November 2, 2012 and November 12, 2012, mailings to owners of all properties within 500 feet of the subject property, and a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request.

### **49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS JUNEAU COASTAL MANAGEMENT PROGRAM (ACMP)**

**Not applicable.** Rezoning does not require permits that might be required through the JCMP. Permits for construction will address these issues when specific projects are proposed.

## **RESTRICTIONS AND PROCEDURE**

CBJ§49.70, Article VII addresses Transition Zones. CBJ§49.70.700 states that a transition zone is an overlay zone district for certain lands that are set aside for higher density development after public water and sewer have been provided. It further states that the increase in density will take place at the time public services are provided. As stated previously, public water has been available for some time, and public sewer installation was completed in the Fall of 2010.

CBJ §49.75.120. RESTRICTIONS ON REZONINGS. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Requests which are substantially the same as a rezoning request rejected within the

previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is more than 2 acres.
2. No similar request has been made in the past year.

The transition zone as shown on the zoning maps is consistent with the maps of the 2008 Comprehensive Plan. It is also consistent with the currently proposed draft map of the 2013 Comprehensive Plan update.

#### LAND USE

Most developed private property in the area is single family residential, but much of the area is currently undeveloped. There are several churches in the area. Churches require a conditional use permit in both the D1 and D10 zoning districts. Swampy Acres is included in this transition area and will become a non-conforming use with this transition.

#### COMPREHENSIVE PLAN

The area is located within Subarea 4. The Comprehensive Plan map designation of the area is RDR(T)MDR, This is Rural Dispersed Residential Transition to Medium Density Residential.

The plan describes RDR (page 163) as follows:

These lands are characterized by dispersed, very low density development not provided with municipal sewer or water. Densities are intended to permit one dwelling unit per acre or larger lot sizes, based on existing platting or the capability of the land to accommodate on-site septic systems and wells. Uses may also include small-scale, visitor-oriented, seasonal recreational facilities.

MDR is described as follows:

These lands are characterized by urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood.

In Chapter 11, Comprehensive Plan Land Use Maps (pg 159) the following guidance is made in regard to rezoning:

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

Clearly the land use maps of the Comprehensive Plan are not hard and fast, there is some flexibility in review. Page 1, paragraph 5 of the 2008 Comprehensive Plan

“Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date.”

Page 202 of the Comprehensive Plan contains the guidelines and considerations for Subarea 4. The most relevant of these is the first which states:

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

#### ACCESS AND TRAFFIC

Access to the area is from Glacier Highway, a state right of way which is classified by CBJ as an arterial. Most of the smaller lots directly access small neighborhood streets (Hamilton and Wilma) that then access the highway. Rezoning the area may result in some traffic increase with future development. However, this is not anticipated to be problematic. Future subdivisions will be required to provide new roads so that lots do not have access directly on to the arterial.

#### SUMMARY

The zoning maps showing the area transitioning to D-10 are consistent with the maps of the 2008 Comprehensive Plan.

#### FINDINGS

After review of the application materials, the CBJ Land Use Code, and the CBJ 2008 Comprehensive Plan the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. This proposal is consistent with the Land Use maps of the Comprehensive Plan – specifically Map F.
3. The rezoning is larger than 2 acres.

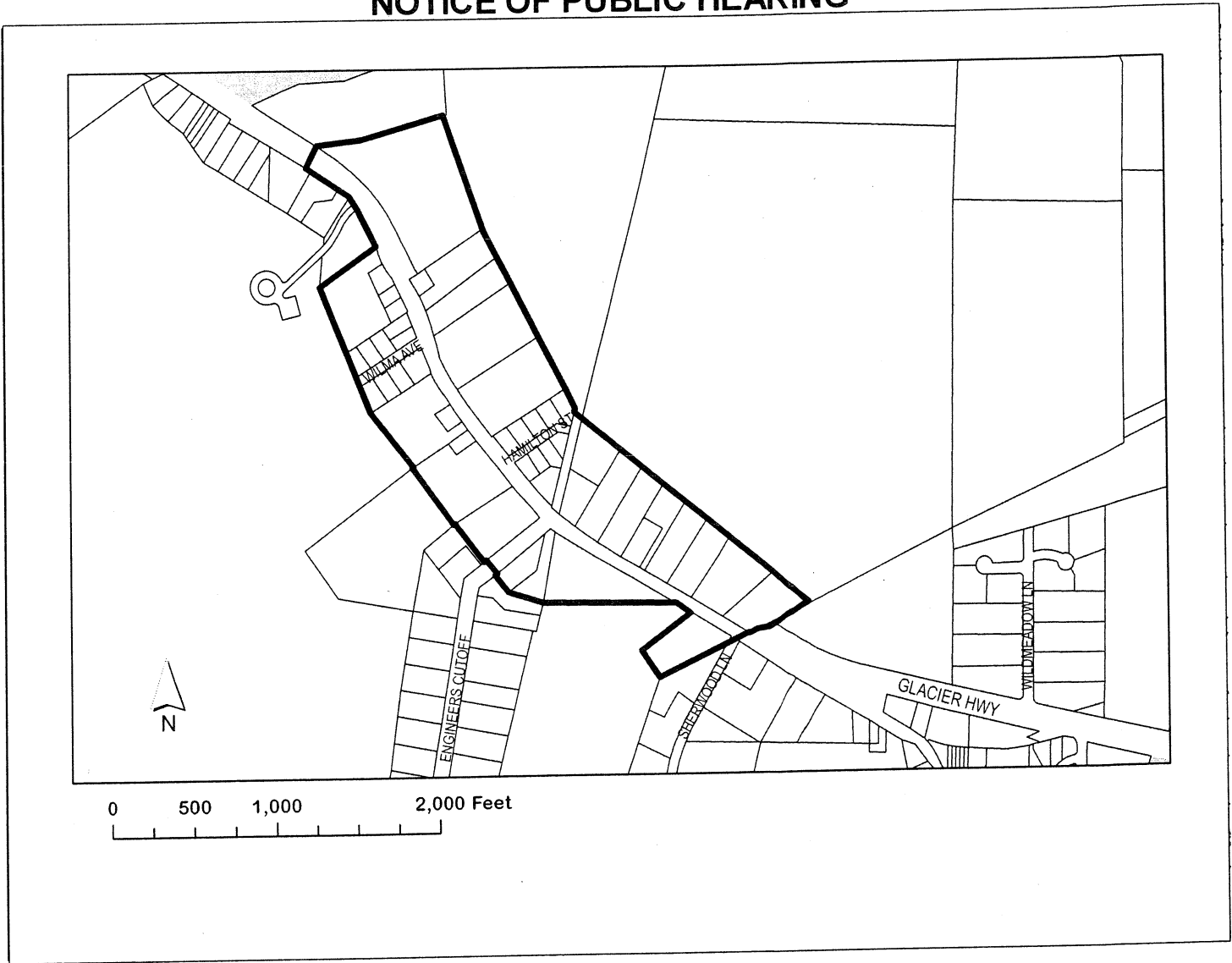
#### STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and take the following actions:

1. Approve the zone upgrade to D-10 as shown on attachment A.



# NOTICE OF PUBLIC HEARING



**PROPOSAL:** Re-zone of several lots connected to city water and sewer.

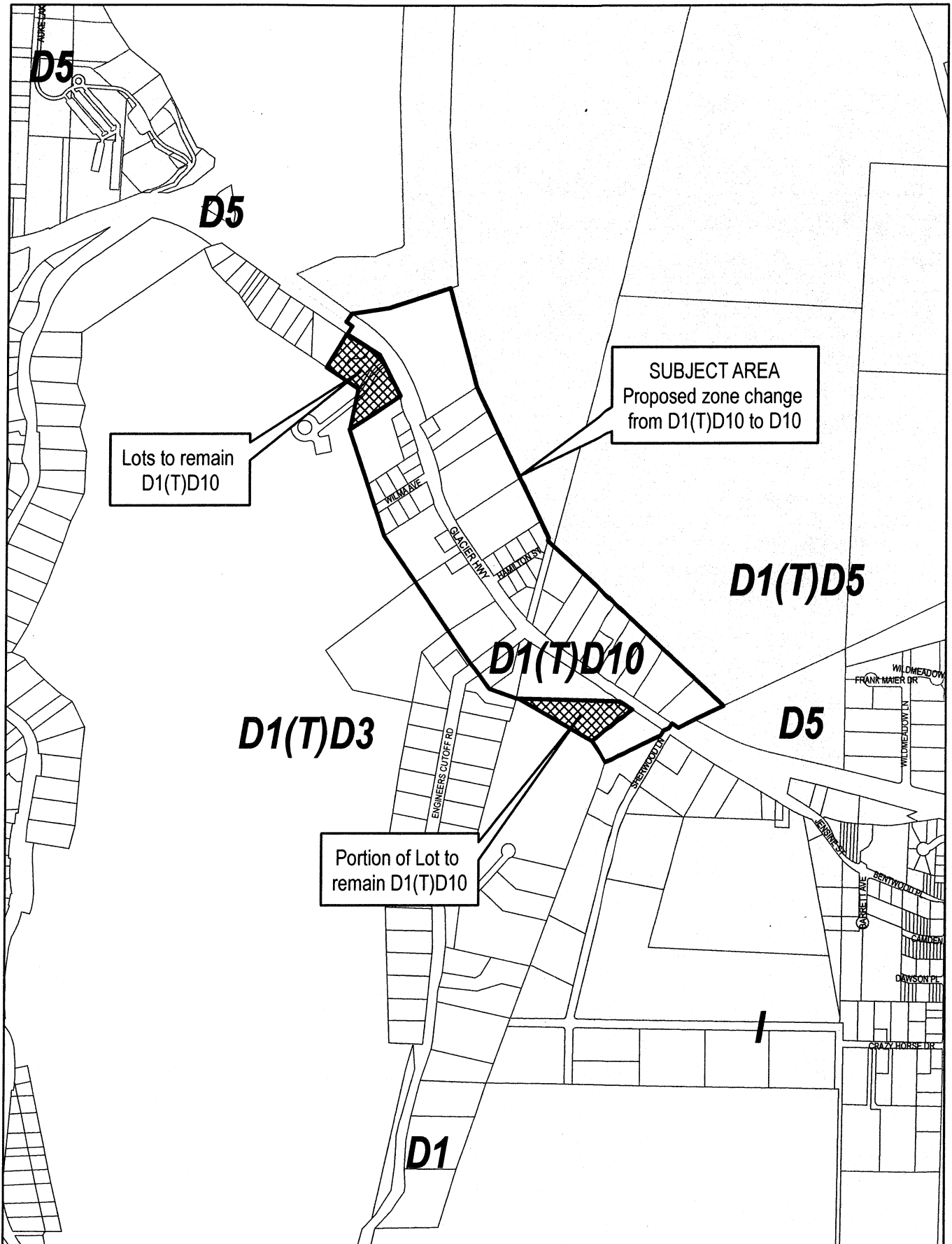
<p><b>FILE NO:</b> AME2010 0008</p> <p><b>TO:</b> Adjacent Property Owners</p> <p><b>HEARING DATE:</b> November 13, 2012</p> <p><b>HEARING TIME:</b> 7:00pm</p> <p><b>PLACE:</b> <b>ASSEMBLY CHAMBERS</b> Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p><b>APPLICANT:</b> City and Borough of Juneau</p> <p><b>Property PCN:</b> Various</p> <p><b>Owner(s):</b> Various</p> <p><b>Size:</b> 73 Acres</p> <p><b>Zoned:</b> D-1</p> <p><b>Site Address:</b> Various</p> <p><b>Accessed via:</b> Glacier Highway</p>
---	---

**PROPERTY OWNERS PLEASE NOTE:**

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

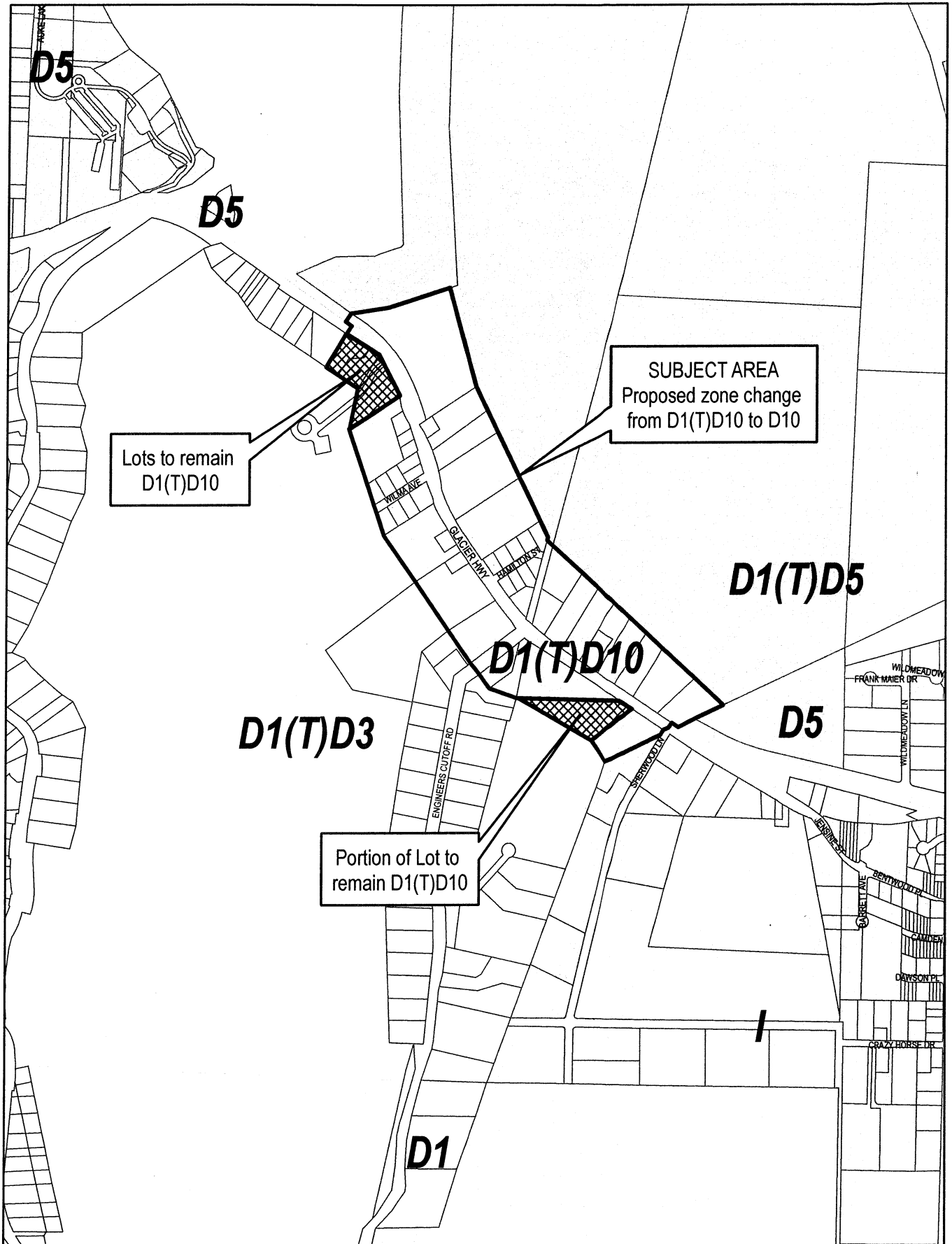
If you have questions, please contact Beth McKibben at [beth\\_mckibben@ci.juneau.ak.us](mailto:beth_mckibben@ci.juneau.ak.us) or 586-0465

PIN	NAME_1	NAME_2	COMPANY_1	COMPANY_2	ADDRESS_1	CITY	STATE	ZIP_POSTAL
4B1701130010			FAMILY PRACTICE BLDG PARTNERSHIP		10301 GLACIER HWY	JUNEAU	AK	99801
4B2201040010	JEFF SVINICKI	JANE A SVINICKI			10392 MENDENHALL LOOP RD	JUNEAU	AK	99801
4B2201020050	JAMES SIDNEY	JOANN SIDNEY			10400 GLACIER HWY	JUNEAU	AK	99801
4B2201060060	STEVEN DAVIS	YVONNE L DAVIS			10635 GLACIER HWY	JUNEAU	AK	99801
4B2201050132	KAREN TARVER	JASON B TARVER			10670 GLACIER HWY	JUNEAU	AK	99801-8584
4B2201050140	RONALD BARNETT	RENE' MERCURE			10680 GLACIER HWY	JUNEAU	AK	99801
4B2201060020			HYAK MINING CO INC		1114 GLACIER AVE	JUNEAU	AK	99801
4B2201050110	MICHAEL DELANEY	LINDA M DELANEY			12171 W HOLLYWOOD RD	WASILLA	AK	99623
4B2201070020	MARY LOU KNICKERBOCKER	GMK TRUST			1290 ASHLEY RD	BOONEVILLE	MO	65233
4B2201060030			CORPORATION OF THE CHURCH OF JESUS CHRIS	LD S CHURCH REAL ESTATE DIVISION	12TH FLR EAST 50 EAST NORTH TEMPLE	SALT LAKE CITY	UT	84150
4B1701130020	MALCOLM MENZIES	ELAINE M MENZIES			1335 FRITZ COVE RD	JUNEAU	AK	99801
4B2201010010			CITY AND BOROUGH OF JUNEAU		155 S SEWARD ST	JUNEAU	AK	99801
4B1701150130	JAMES WALDEN	THERESA M WALDEN			2688 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B1701150140	HERMAN HAFFNER	MARJORIE J HAFFNER			2710 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B1701140040	ARLEN LANZ	BONNIE L LANZ			2711 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B1701140030	STEVEN RASMUSSEN				2741 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B1701150150	MARY JEAN SMITH				2746 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B1701100011			JCM RENTALS INC		2770 SHERWOOD LN STE J	JUNEAU	AK	99801
4B1701140022	CRAIG CHITTY	KONNIE R CHITTY			2771 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B1701150160	JEAN MESSING				2780 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B2201060010	KENNETH CHRISTENSEN	AMBER CHRISTENSEN			2830 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B2201060011	GERALD WILKERSON	ALIX A WILKERSON			2840 ENGINEERS CUTOFF	JUNEAU	AK	99801
4B2201050090	DUANE GATES	MARY JANE DOSTER-GATES			3020 HAMILTON ST	JUNEAU	AK	99801
4B2201050080	BARRY BREDEHOFT	SANDRA L BREDEHOFT			3030 HAMILTON ST	JUNEAU	AK	99801
4B2201050040	JOHN FERNANDEZ				3031 HAMILTON ST	JUNEAU	AK	99801
4B2201050050	DARLA MADDEN	KAREN E WOOD			3041 HAMILTON ST	JUNEAU	AK	99801
4B2201050020	RAYMOND REICHL	ELISE CAROL REICHL			4320 VALHALLA DR	SITKA	AK	99835-9518
4B2201070050	ROBYN LONG	BRIAN A LONG			446 W TWELFTH ST	JUNEAU	AK	99801
4B1701010020	BONNIE JO SAVLAND				4575 E RED MESA DR	TUCSON	AZ	85718-3562
4B2201050010	ROY BUEHLER	ELVA A BUEHLER			4742 WARRIOR WAY	MABLETON	GA	30126
4B2201070090			FALLIS SR THOMAS LIVING TRUST		8479 THUNDER MOUNTAIN RD	JUNEAU	AK	99801
4B2201050030	RICHARD GREGG	LYNNE NORTON			PO BOX 020669	JUNEAU	AK	99802
4B2201050100	NICOLE HALLINGSTAD				PO BOX 022185	JUNEAU	AK	99802-2185
4B1701100170	JAMES WHITE	JOAN WHITE			PO BOX 032117	JUNEAU	AK	99803
4B2201060070	LAURA BAKER	RUSSELL J MCDUGAL			PO BOX 032335	JUNEAU	AK	99803
4B2201060090	KAREN SNYDER				PO BOX 032752	JUNEAU	AK	99803
4B2201070080	FRED POLLARD	KATHLEEN E POLLARD			PO BOX 032811	JUNEAU	AK	99803
4B2201070010	Kenneth Hanson				PO BOX 033312	Juneau	AK	99803
4B2201020080			EMMANUEL BAPTIST CHURCH		PO BOX 033861	JUNEAU	AK	99803
4B2201020080			EMMANUEL BAPTIST CHURCH		PO BOX 033861	JUNEAU	AK	99803
4B2201020011			CHRIST EVANGELICAL LUTHERAN CHURCH		PO BOX 034104	JUNEAU	AK	99803
4B2201050060	MARK SMITH	KAREN L SMITH			PO BOX 034326	JUNEAU	AK	99803
4B2201020070	JAMES PIETAN	BOBBI J EPPERLY			PO BOX 034358	JUNEAU	AK	99803
4B2201020060	ESTHER EPPERLY				PO BOX 034358	JUNEAU	AK	99803
4B2201060100	THOMAS STEPHENS	KARLA M STEPHENS			PO BOX 034402	JUNEAU	AK	99803-4402
4B2201070040	JOHN HYDE	BARBARA J HYDE			PO BOX 034517	JUNEAU	AK	99803
4B2201050070	JOHN HOLLOW			JUNE SINICROPE	PO BOX 10517	FAIRBANKS	AK	99710-0517
4B1701140021			BLUE & GOLD LLC		PO BOX 210354	AUKE BAY	AK	99821
4B2201050120			CALVARY FELLOWSHIP INC		PO BOX 210507	Auke Bay	AK	99821-0507
4B2201070030	MARGO LINDEBERG				PO BOX 210773	AUKE BAY	AK	99821
4B1701100150			ANDSOH ASSOCIATES LLC		PO BOX 211308	AUKE BAY	AK	99821-1308
4B2201060050	CHRISTINE GRAVES	SHARON DENTON; BRUCE DENTON		ATTN CHRISTINE GRAVES	PO BOX 289	MOLALLA	OR	97038-0289
4B2201070111		WILLIAM L CHENEY			PO BOX 546	KAKE	AK	99830
4B2201070112	DAVID M KUNAT				10785 GLACIER HWY	JUNEAU	AK	99801
4B2201070120	LAURIE F CRAIG				PO BOX 033306	JUNEAU	AK	99803
4B1701100021			SHERWOOD LLC		9105 MENDENHALL MALL RD 170A	JUNEAU	AK	99801
4B1701100140			ANDSOH ASSOCIATES LLC		PO BOX 211308	AUKE BAY	AK	99821
4B1701100030			SHERWOOD LANE DEVELOPMENT LLC		PO BOX 032638	JUNEAU	AK	99803



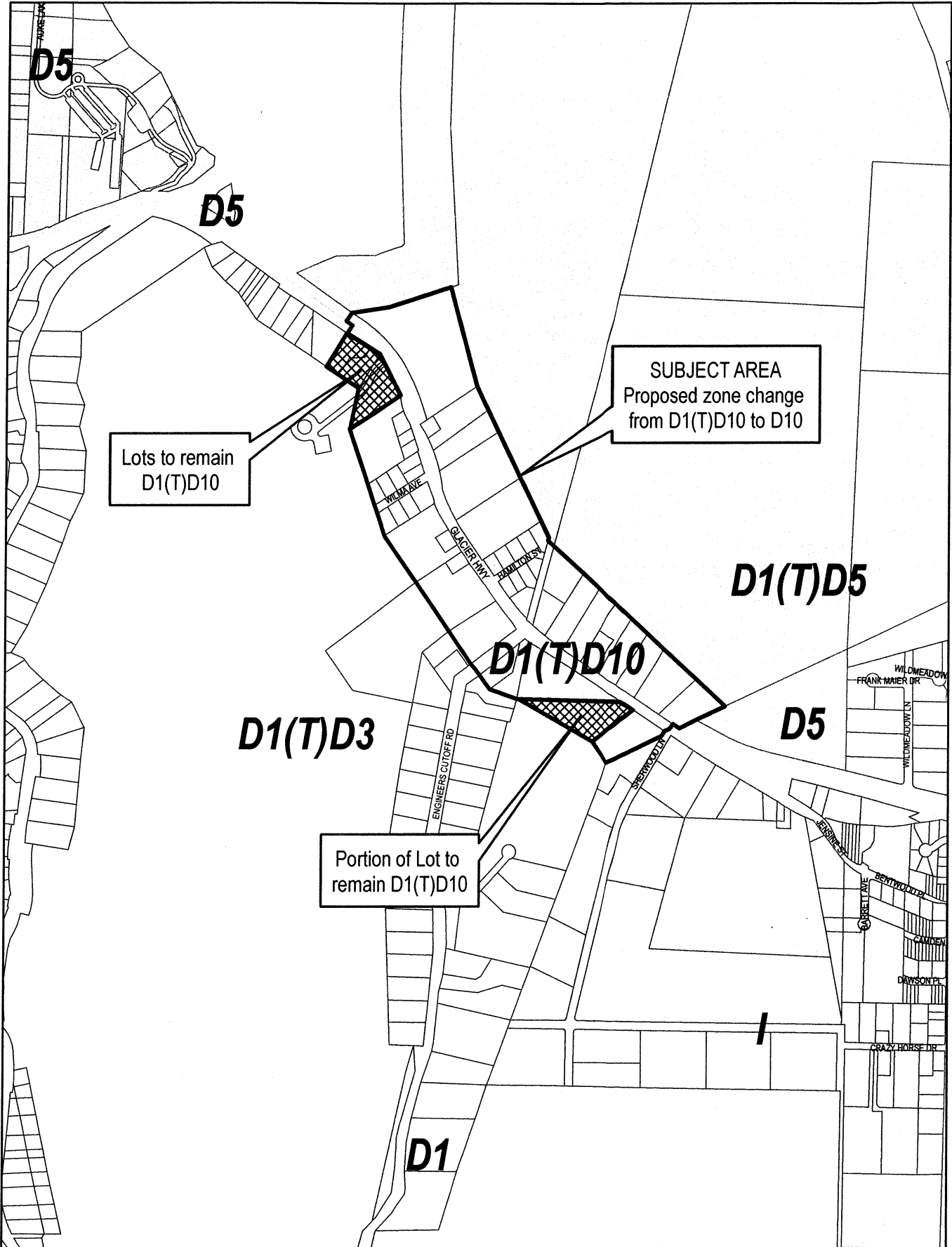
0 0.25 0.5 Miles





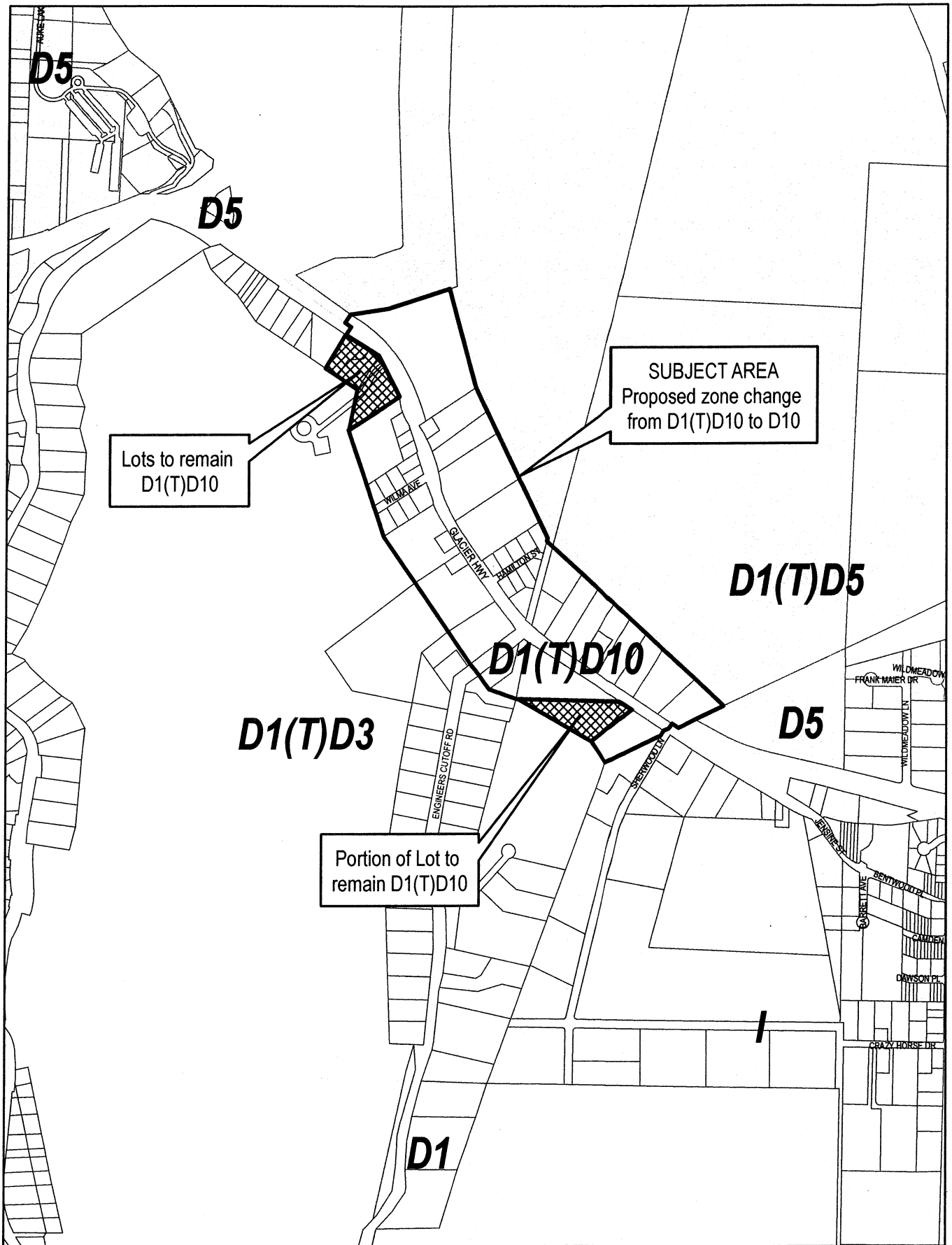
0 0.25 0.5 Miles





0 0.25 0.5 Miles





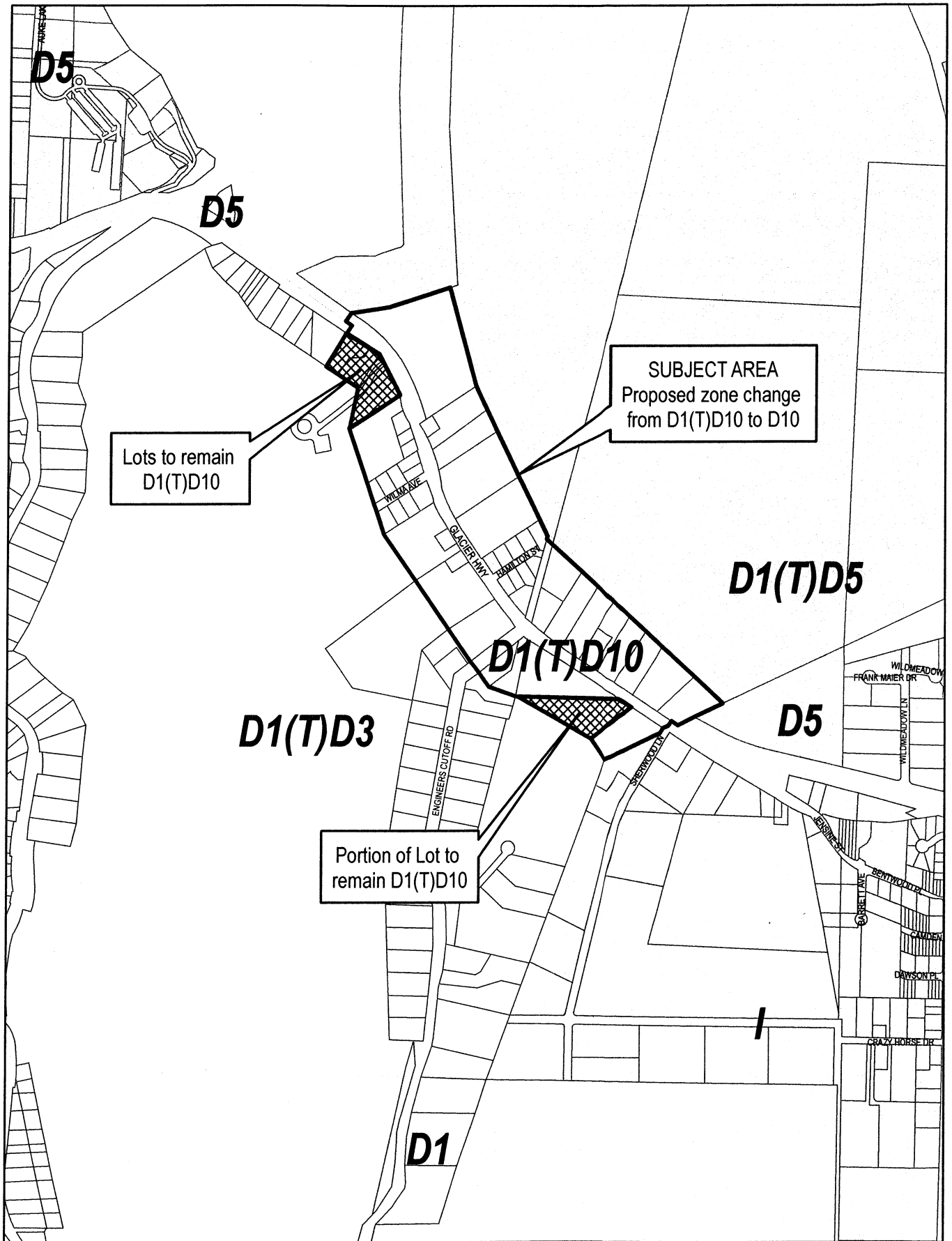
Lots to remain  
D1(T)D10

SUBJECT AREA  
Proposed zone change  
from D1(T)D10 to D10

Portion of Lot to  
remain D1(T)D10

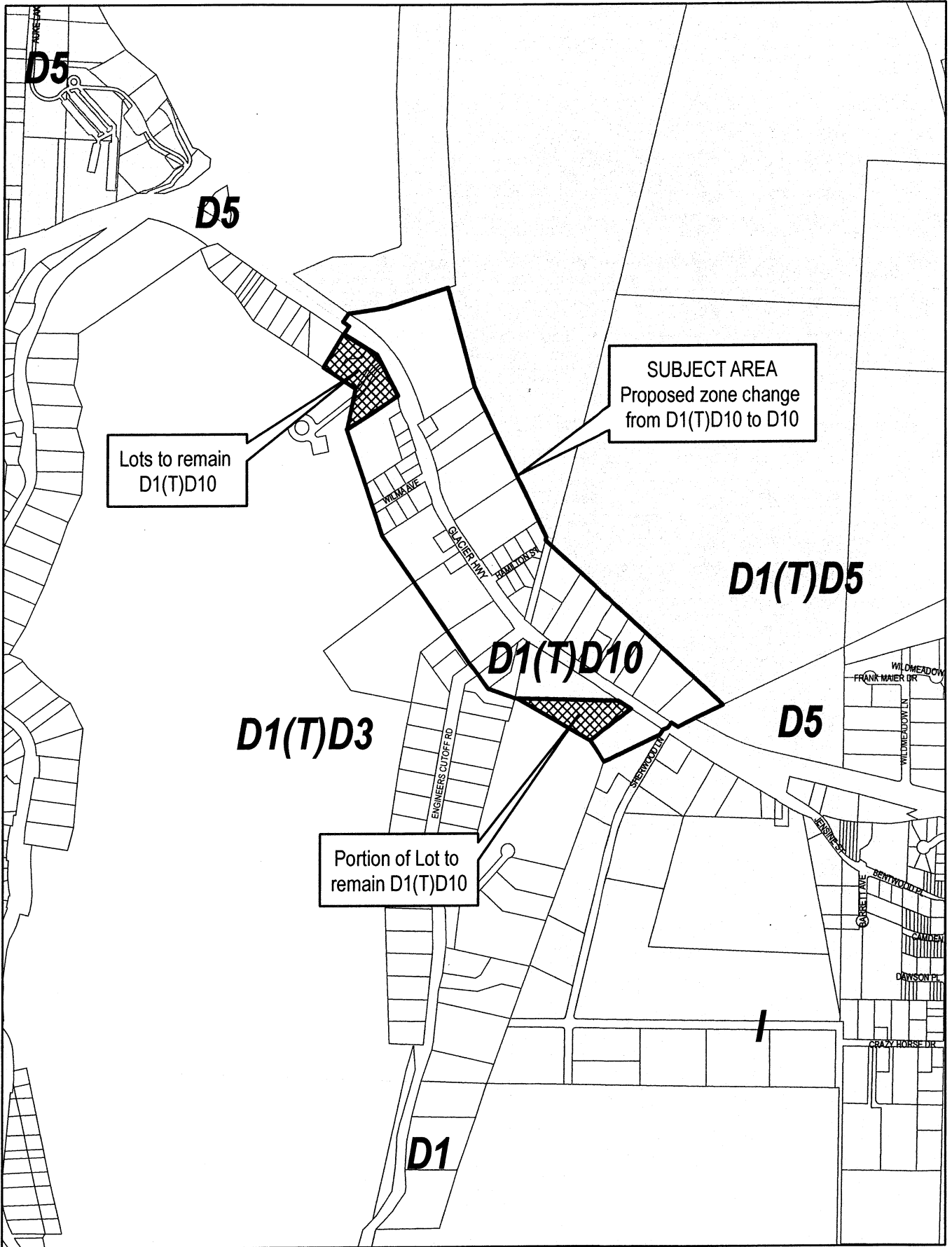
0 0.25 0.5 Miles





0 0.25 0.5 Miles





SUBJECT AREA  
Proposed zone change  
from D1(T)D10 to D10

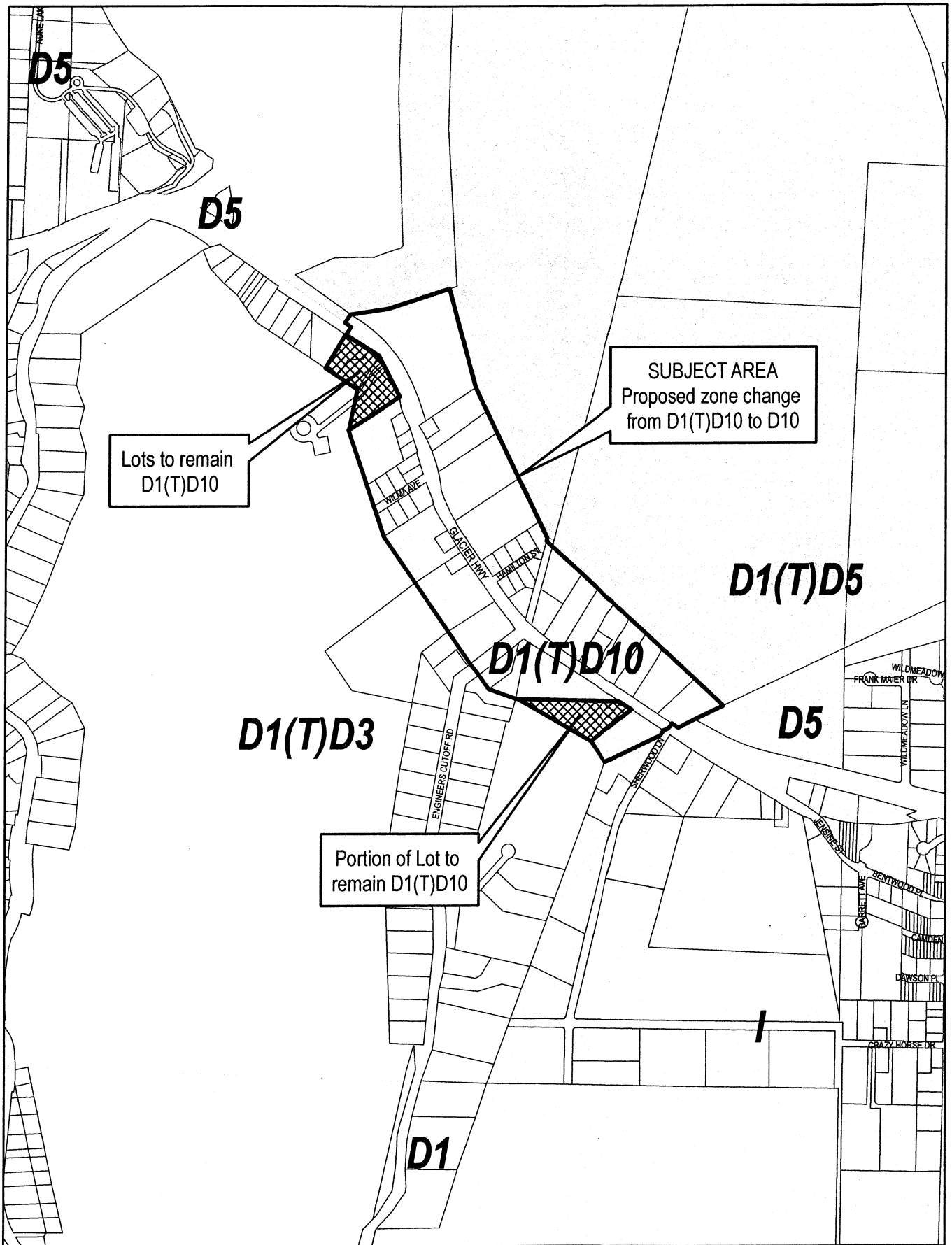
Lots to remain  
D1(T)D10

Portion of Lot to  
remain D1(T)D10

0 0.25 0.5 Miles

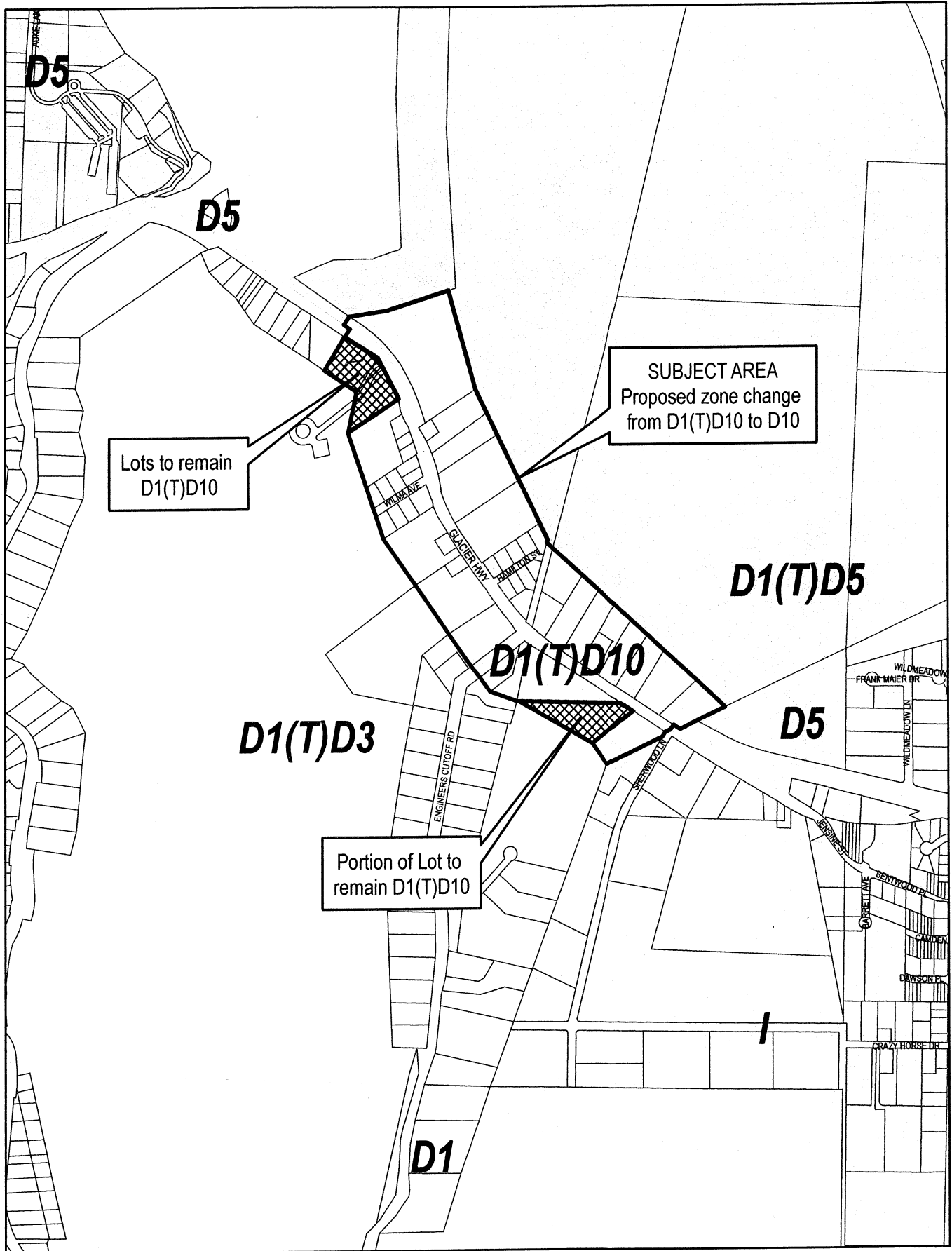






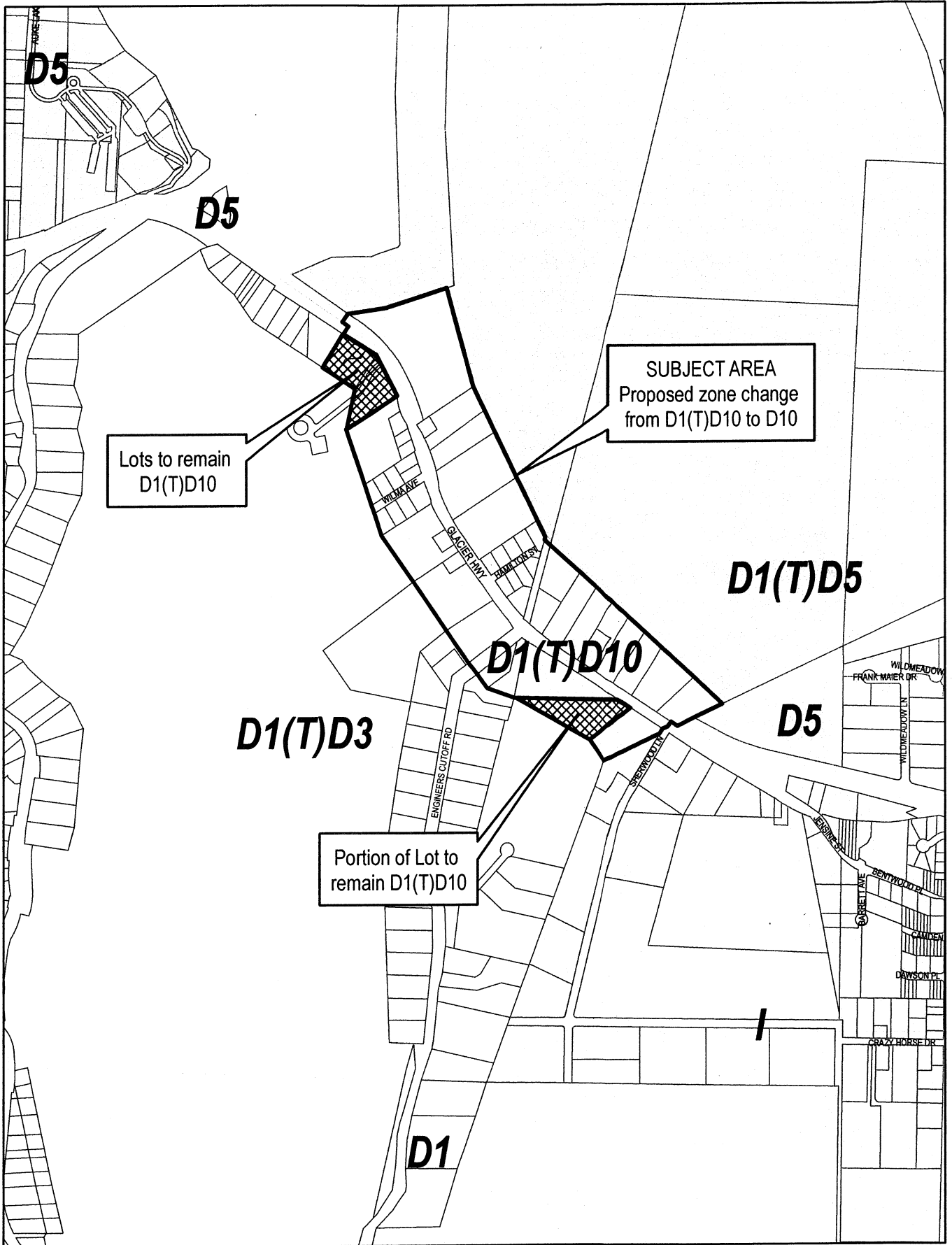
0 0.25 0.5 Miles





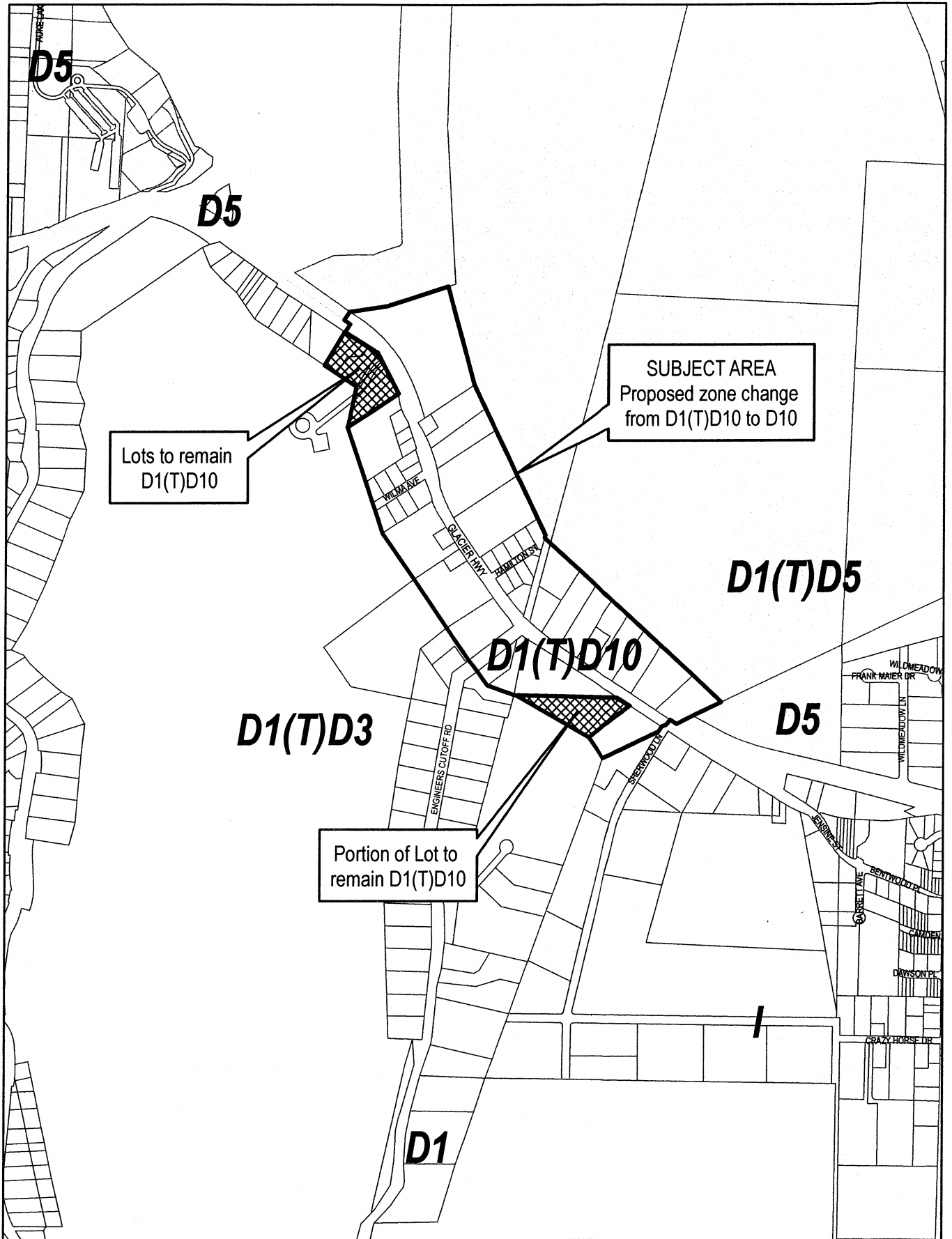
0 0.25 0.5 Miles





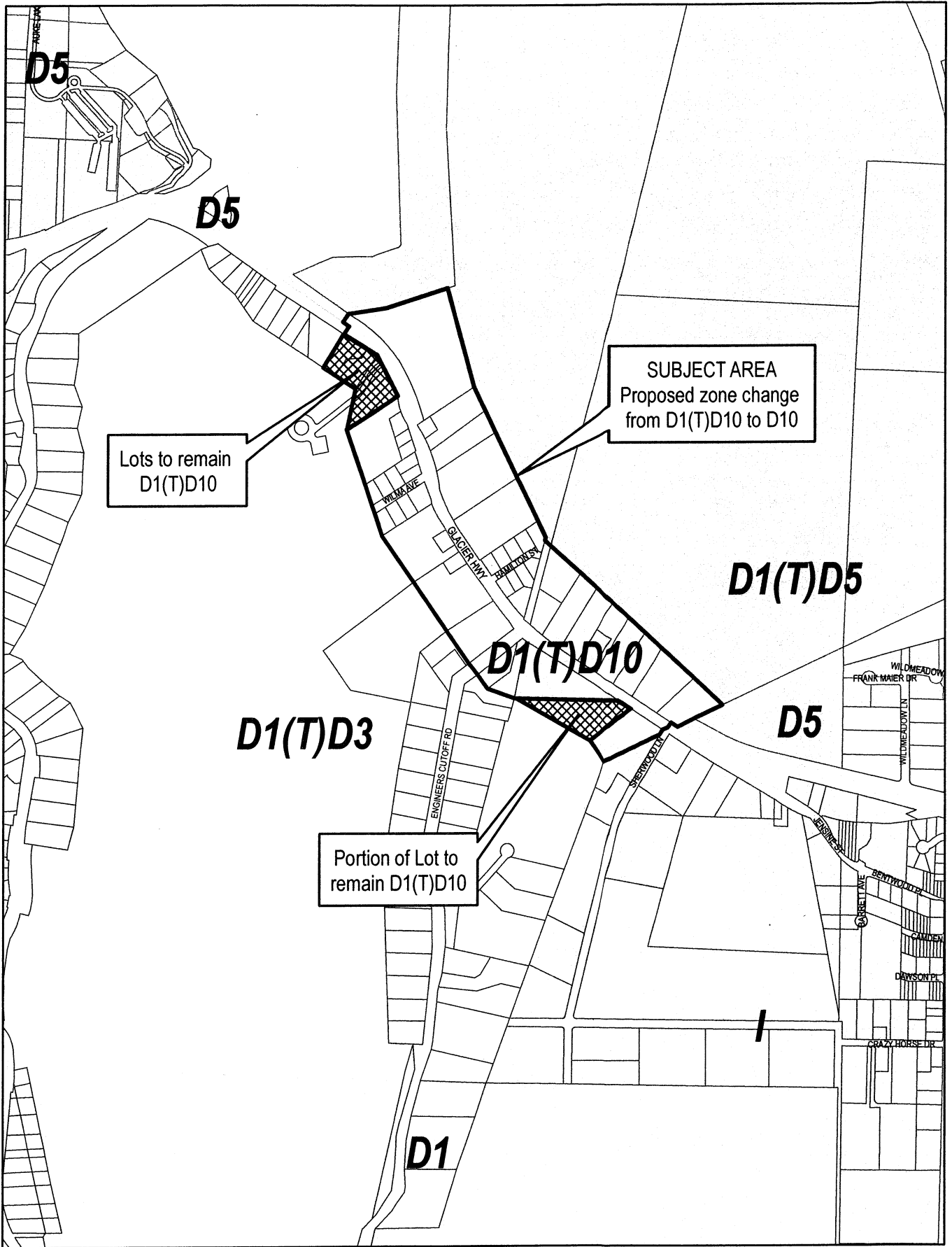
0 0.25 0.5 Miles





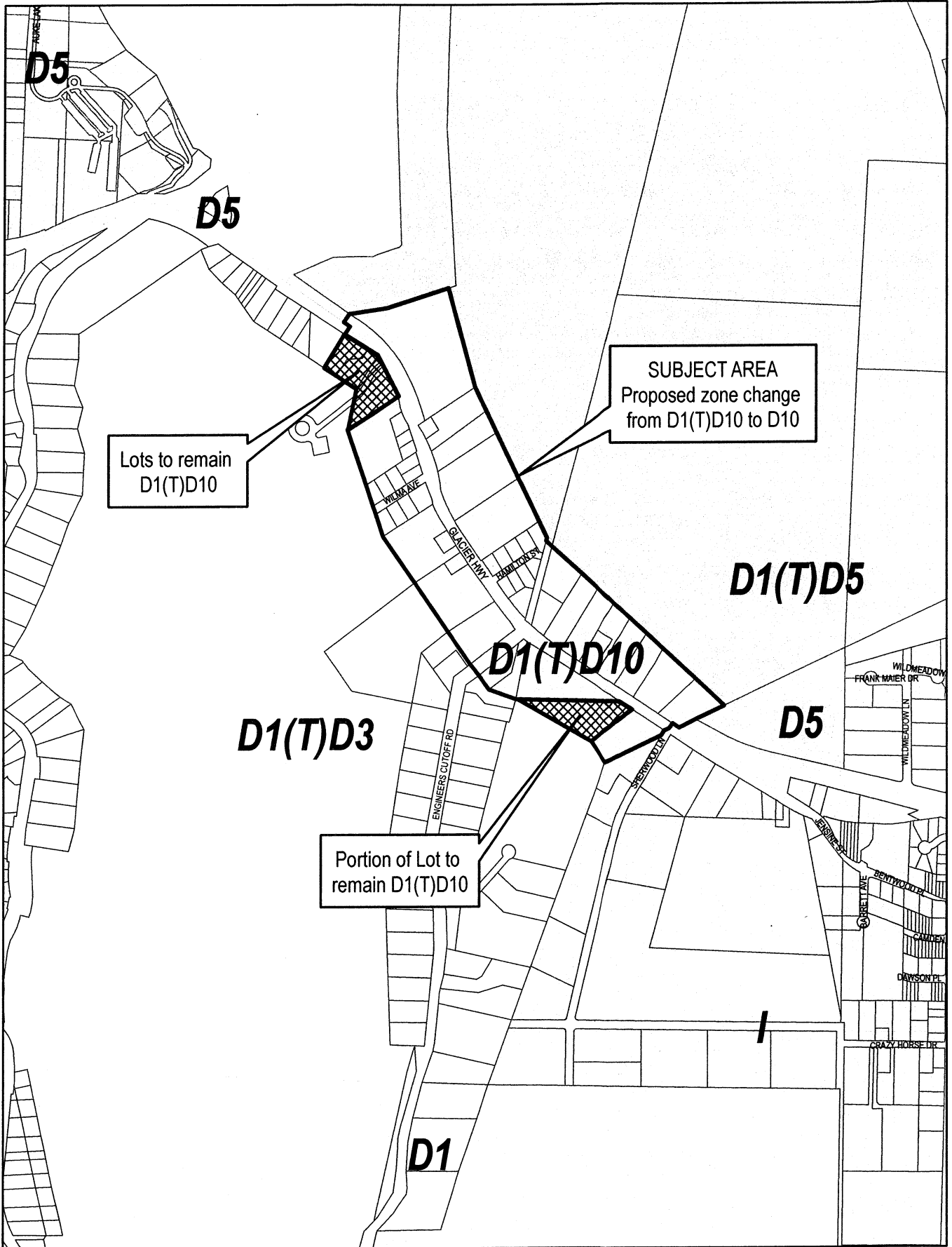
0 0.25 0.5 Miles





0 0.25 0.5 Miles





Lots to remain  
D1(T)D10

SUBJECT AREA  
Proposed zone change  
from D1(T)D10 to D10

Portion of Lot to  
remain D1(T)D10

0 0.25 0.5 Miles



**NOTICE OF NEIGHBORHOOD MEETING  
FOR PROPOSED RE-ZONE**

Monday March 19, 2012

7:00 – 8:00 pm, Mendenhall Valley Library Large Conference Room

March 7, 2012

Dear Resident,

Your lot is zoned D-1(T)D-10. This means it is intended to become a higher density zoning when public utilities are made available. As you know, sewer was recently extended to your area. The CBJ Planning Commission requested staff to begin the process of transitioning this area from D-1 zoning to D-10.

The CBJ Community Development Department is hosting a neighborhood meeting to explain the details and the CBJ review process. This meeting will be held on Monday, March 19, 2012, 7:00 pm to 8:00 pm in the Mendenhall Valley Library conference room.

The purpose of the March 19th meeting is to provide information, respond to questions, and to get a sense of concerns that the neighborhood might have, so issues may be addressed in advance of the formal public hearing with the CBJ Planning Commission. After the project has been scheduled for review by the Planning Commission (this will most likely happen in April or May), all landowners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify on the proposal.

If you have questions or would like more information, please contact Beth McKibben, CDD Planner, at 586-0465 or [beth\\_mckibben@ci.juneau.ak.us](mailto:beth_mckibben@ci.juneau.ak.us).

cc: File number AME2010 0008

Sign In  
3/19/12

Neal O'Jenzias

FRED FORARD

Jim Sidney

SEFF SVINICKI



NEIGHBORHOOD MEETING  
REZONE  
MENDENHALL LIBRARY  
MARCH 19, 2012

Introductions

Why are we meeting?

What does a “transition” zone mean?

What is the rezoning process?

What are the options?

What happens next?

Adjourn no later than 8 P.M.

CBJ 49.700 Article VII Transition Zones

- A Transition zone is an overlay zone for certain lands that are set aside for higher density development after public water and sewer have been provided.
- When public services are provided a zoning “upgrade” can be initiated by either an applicant of a major development in the area or by the Planning Commission.
- The Planning Commission is required to hold a public hearing on the proposed zoning upgrade.
- The Planning Commission can approve a zoning upgrade as indicated on the official zoning map (D1 (T) D5).
- A change other than what is shown on the official zoning map must be approved by the Assembly.

**D-1** –is intended to accommodate primarily single family and duplex residential development at a density of 1 dwelling unit per acre. D-1 zoned lands are primarily located outside the urban service area boundary where public utilities are not provided. There is a limited amount of D-1 zoned lands located within the urban service boundary. These are lands for which a lower density is deemed appropriate or, in the case of transition zones, where the density will be changed to a higher density when sewer and water are provided.

**D-10** residential district is intended to accommodate primarily multi-family residential development at a density of 10 dwelling units per acre. These are relatively low-density multi-family districts.