MEMORANDUM

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

DATE:

February 8, 2013

TO:

Planning Commission

FROM:

Eric Feldt, Planner

Community Development Department

FILE NO.:

SMP2012 0002

PROPOSAL:

A Major Subdivision resulting in five new parcels along Mendenhall Loop Road

near Auke Lake.

GENERAL INFORMATION

Applicant:

R & S Construction LLC

Property Owner:

R & S Construction LLC

Legal Description:

Lot Y USS 2391

Parcel Code No.:

4-B27-0-101-002-0

Site Size:

3.37 acres

Comprehensive Plan Future

Land Use Designation: Medium Density Residential (MDR)

Zoning:

D-3

Utilities:

Public Water & Sewer

Access:

Mendenhall Loop Road (Back Loop Road)

Existing Land Use:

Residential

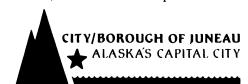
Surrounding Land Use:

North – D-3; Single Family Dwelling & UAS Housing

South – D-5 T D-10; Vacant Private Land; Mendenhall Loop Road

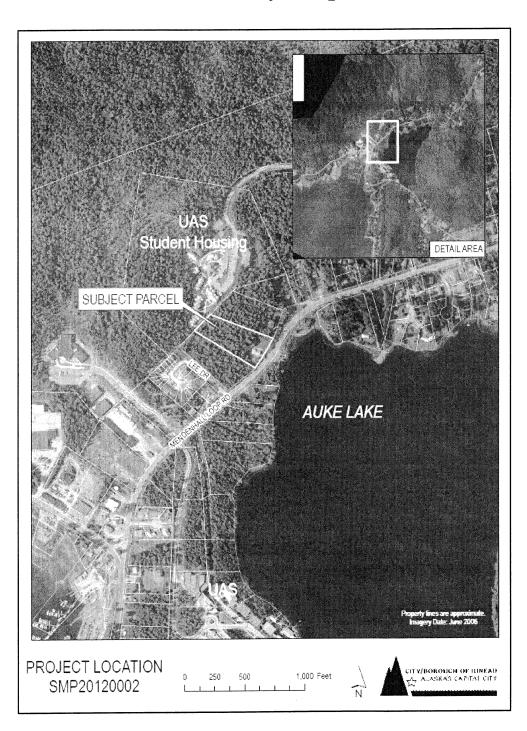
East – D-3; Vacant City Land

West – D-5 T D-10; Vacant Private Land; Mendenhall Loop Road



February 8, 2013 Page 2 of 18

Vicinity Map



February 8, 2013 Page 3 of 18

ATTACHMENTS

Attachment A Variance Decision
Attachment B Proposed Subdivision Plat
Attachment C Proposed Utility Drawings
Attachment D Proposed Access Drawings

PROPOSAL

The applicant seeks to construct a six lot subdivision along Mendenhall Loop Road, across the street from Auke Lake. See vicinity map. Though the subdivision does not require a new city road, the applicant will extend an existing non-paved, private driveway to serve all lots in the subdivision. See Figure 1. Public sewer and water utilities will be provided to each lot.

Since the proposal consists of more than four lots, the project will be reviewed through the Major Subdivision process per CBJ § 49.15.430 This process is described under BACKGROUND of this memorandum.

BACKGROUND

On January 8t, 2013 the Board of Adjustment approved a variance (VAR2012 0029) allowing several future lots of the subject subdivision to be less than the D-3 district dimensional standards (100' wide x 100' length). The decision of the variance report and conditions are shown under Attachment A. Gaining approval of the variance enabled the applicant to file the subject Major Subdivision permit. The conditions approved under VAR2012 0029 will apply to the subject subdivision. Figure 1 shows the design of the proposed subdivision.

February 8, 2013 Page 4 of 18

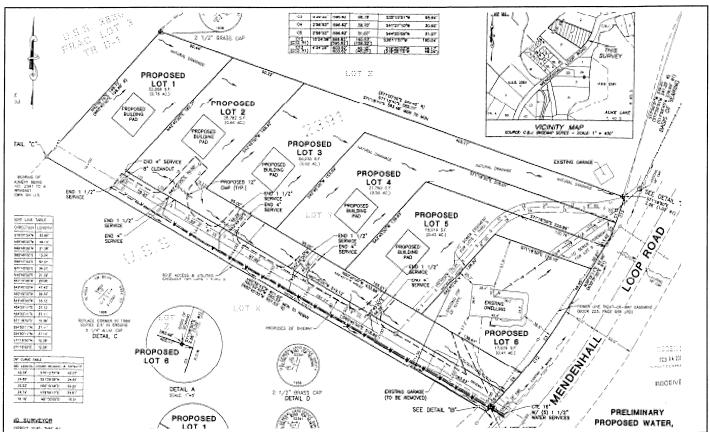


Figure 1: Proposed subdivision design showing future building locations of the proposed six-lot Major Subdivision plan. This design is allowed through the Minimum Rectangle rule of the Land Use Code with the approval of VAR2012-29. A single driveway is shown along the southwest property line.

Certain subdivision designs may be allowed through the Minimum Rectangle rule per CBJ §49.15.460(4)(A)(i)(a-d). The proposed subdivision design was allowed through this rule and has resulted in a unique design shown in Figure 1. This design was preferred by the applicant as it didn't require the construction a of new City road, and instead a single driveway shared by all lots will be constructed to provide one access to Mendenhall Loop Road.

The subject lot is located along the part of Mendenhall Loop Road also known as Back Loop Road, near Auke Lake. See vicinity map. This lot is in a D-3 district that allows a maximum density of three dwelling units per acre but only up to two dwelling units per lot. The lot immediately behind the subject parcel (northwest) contains University of Alaska Southeast (UAS) housing and is zoned D-3; to the northeast lies a single family residence and is zoned D-3; to the southwest lies a vacant lot in a D-5 to D-10 transition district; and heading farther southwest along Back Loop Road is a

February 8, 2013 Page 5 of 18

All Major Subdivisions are reviewed by the Planning Commission through the Conditional Use permitting process (CBJ §49.15.330). The Major Subdivision process consists of 1) Preliminary Plat Approval (CBJ § 49.15.430), and 2) Final Plat Approval (CBJ §49.15.440). Both steps require Planning Commission review. The first step establishes the subdivision layout of parcels, roads, utilities, etc. for construction. Once the preliminary plat is approved, detailed construction drawings of the improvements can be approved at the staff level for construction. The second step (Final Plat Approval) involves ensuring all improvements are constructed per code and the recording of the subdivision plat.

ANALYSIS

As stated earlier, the applicant's submitted a draft plat and construction drawings shall meet Preliminary Plat approval. This approval process is shown below.

<u>CBJ §49.15.430 (1) Submittals; preliminary plat.</u> Application for preliminary plat approval shall be accompanied by a preliminary plat meeting the following requirements:

(A) The preliminary plat shall be prepared by a registered professional land surveyor, registered in the state and shall be submitted to the department not less than 20 working days prior to the commission meeting at which it is to be reviewed.

This is met under Attachment B. The applicant submitted plans on January 29th, 2013, which is within 20 days of scheduling the subject subdivision permit on February 12th, 2013.

- (B) A title block shall be located in the lower right-hand corner and shall contain:
 - (i) The proposed name of the subdivision;
 - (ii) The location of the proposed subdivision area, identified by U.S. Survey or public land description;
 - (iii) The date of submission;
 - (iv) Identification of the horizontal scale, which shall be 100 feet to the inch or larger; and
 - (v) The name and address of the owner and subdivider, and the name of the land surveyor of the preliminary layout.

This is met under Attachment B. Items (B) (i - v) are all shown on Attachment B. The address of the owner is not shown in the title block. Staff recommends this be added as a condition of Final Plat approval.

February 8, 2013 Page 6 of 18

(C) The preliminary plat shall show the boundaries of all property on the proposed subdivision site including contiguous property under the control of the subdivider, even if only a portion is being subdivided. If the plat submitted covers only a part of the tract under the control of the subdivider, a sketch of the prospective street system of the unplatted part shall be submitted and the street system shall be reviewed in light of the existing thoroughfare element of the comprehensive plan and the major thoroughfare plan.

This is met on Attachment B.

(D) The monuments used to establish the basis of bearing shall be identified and located.

This is met on Attachment B.

(E) The plat shall indicate the locations, widths and names of all existing or platted public ways within or adjacent to the tract, as well as existing structures, easements, watercourses, U.S. Survey lines and numbers, and other important features.

This is met on Attachment B.

(F) Existing sewer and water mains, drainage culverts or other underground structures within the tract shall be shown with pipe sizes and grades indicated. Existing pole lines, ditches, canals, natural drainage channels and open waterways shall be shown.

This is met on Attachment C.

(G) The applicant shall provide certification from a qualified engineer licensed by the state, indicating that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved systems for on-lot waste disposal.

This is not applicable to the subject subdivision because public sewer is available for all lots of the proposed subdivision.

(H) The plat shall show the results of any test to determine adequate soil conditions which may affect the development of the subdivision.

A soils test has not been done as of the date of this memorandum. Staff recommends as a condition of Final Plat Approval, that a soils test be complete and its results be submitted to the Community Development Department.

(I) The plat shall clearly indicate the method by which the subdivider proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on the adjacent areas.

February 8, 2013 Page 7 of 18

Attachment C shows drainage features along the new driveway and general surface drainage from each lot. Drainage is shown to be generally flowing toward a surface ditch along Mendenhall Loop Road right-of-way.

Since many of the lot's drainages are shown to be crossing adjacent lots within the subdivision, the applicant shall establish drainage easements wherever this is anticipated to occur. Staff recommends the applicant show Drainage Easements as a condition of Preliminary Plat approval.

Prior to the construction of subdivision improvements, including drainages, the applicant shall submit a detailed drainage plan satisfying CBJ §49.35.510, as required by CBJ §49.15.430 (3)(A). Staff recommends the applicant submit this for final construction approval.

The CBJ Regulatory Engineering Department requests the following drainage issue to be a condition of Preliminary Plat approval:

A ten foot drainage and no disturbance easement shall be shown along the entire northeast border of the subdivision. This will allow for a natural filtration of stormwater runoff prior to entering the 18" cross culvert on Back Loop.

(J) The plat shall indicate all parcels of land intended to be dedicated for public use or reserved by deed for the use of all of the property owners in the proposed subdivision, together with the purposes and conditions or limitations on such reservations, if any.

This is met on Attachment D. The applicant will construct a new 20-foot wide driveway from the existing driveway to serve all proposed lots. Since this driveway will be shared used by all lots within this subdivision, an access and maintenance easement serving this purpose is also shown on Attachment B.

Staff notes that the shared driveway is required with the approval of VAR2012-0029.

Attachment B shows a plat note indicating this driveway will be the only access point for the subdivision, and a new Homeowners Association (HOA) will be established for the subject subdivision and be fully responsible for maintaining the driveway. An HOA agreement will be recorded concurrently with the Final Plat of the proposed subdivision.

Staff recommends as a condition of Preliminary Plat approval that the applicant submit an HOA agreement establishing the maintenance of all common areas, including the driveway.

February 8, 2013 Page 8 of 18

During the review of VAR2012 00029, staff solicited comments from Shelia Good, Right of Way Agent III, State of Alaska Department of Transportation / Public Facilities. Ms. Good provided the following comment:

"We would request a plat note stating that no future access from lots 2,3,4,5 & 6 Back Loop Road be allowed."

This comment has been addressed under plat Note 5 on Attachment B.

The CBJ Engineering Department request the following as a condition of Preliminary Plat approval:

The applicant shall make a note on the construction drawings stating: The centerline of the driveway shall meander to match the flowline of the ditch to the toe of existing slope. This will maintain the integrity of the existing slope. In addition the ditch shall be widened to 8ft to allow for a bioswale meeting the intention of the CBJ Stormwater Program.

(K) The layout, names, grades and widths of proposed rights-of-way and easements within the subdivision shall be shown.

This is met on Attachment B.

(L) The layout, dimensions and number of proposed lots and blocks shall be shown.

This is met on Attachment B.

(M) The identification, location and elevation of the benchmark used to establish vertical control shall be shown.

This is not shown in the applicant's submittals; therefore, staff recommends the submittal of this element be a condition of Preliminary Plat approval.

- (N) Topography.
- (i) For slopes of less than five percent, the plat shall show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.

Attachment C shows slopes exceeding 5% percent; see next item for further discussion.

(ii) For slopes of five percent or more, the plat shall show contours with an interval of not more than five feet if the ground slope is regular and no special features require

Planning Commission File No.: SMP2012 0002 February 8, 2013

Page 9 of 18

additional information for planning or construction purposes. If irregular slopes or special features are present, contours with an interval of not more than two feet shall be shown.

Attachment C shows the proposed driveway having slopes exceeding 5%. Though the contour lines are one-foot intervals this is not noted on the plans. Staff recommends the contour interval be noted on the plans as a condition of Preliminary Plat approval.

(O) Any sensitive area, flood hazard area, landslide or avalanche hazard area, or portion thereof within the proposed subdivision shall be delineated and identified on the plat.

There are mapped Class B wetlands toward the back of the property, according to the 1994 Juneau Wetland Management Plan. Filling any wetlands falls under the jurisdiction of the US Army Corps of Engineers (COE). Staff notes that the applicant shall first obtain permission by the COE prior to filling any wetlands. Staff recommends as a condition of approval, the applicant add a new Plat Note stating "Parts of this subdivision may contain wetlands. Consultation with appropriate regulatory agencies is required prior to filling wetlands." Staff recommends the applicant obtain a wetland delineation and, if the wetlands are determined to be high value, shall be designated on the plat as a condition of Final Plat approval.

(P) A vicinity map or key map shall be shown on the preliminary layout. The scale shall be adequate to clearly identify the location of the parcel and the map shall show the relative location of the proposed plat and major road system.

This is met on Attachment B.

(Q) For developments in areas where public or community water is not available, the plat shall include a statement that the subdivider will provide a community water system or that individual wells will be used. The proposed source and system must meet all applicable state requirements and must be capable of producing and delivering not less than 75 gallons per person, per day; population and development densities used for the purpose of determining system capacity shall be based on population and development densities which exist in similar areas. This subsection shall not apply to submittals for a subdivision designated as a remote subdivision pursuant to section 49.70.1110

Public water is available; therefore this item is not applicable.

(R) In transition areas, a shadow plat shall be submitted in accordance with $\underline{section}$ 49.70.710

Planning Commission File No.: SMP2012 0002 February 8, 2013 Page 10 of 18

The subject property proposed to be subdivided is not in a transition area.

With the recommended conditions, the Attachments B & C satisfies all items above. The Planning Commission shall evaluate the subdivision according to the code section below.

CBJ §49.15.430 (2) Commission Action.

(A) The commission shall review the proposal and approve, conditionally approve or disapprove the plat, according to the conditional use permit process. Approval of the preliminary plat shall not constitute final acceptance of the subdivision.

The applicant shall make all necessary public improvements with the Major Subdivision according to the code section below.

CBJ §49.15.430 (3) Preliminary plat approval.

(A) Notice of approval of the preliminary plat and of the completion of all applicable conditions shall constitute authorization for the subdivider to proceed with the preparation of the final plat and plans and specifications for the improvements required in this chapter and chapter 49.35.

Chapter 49.35 of the Land Use Code establishes the regulations for public improvements such as streets, water & sewer systems, drainages, pedestrian access, utilities, and public buildings.

The applicant's subdivision design does not require the construction of a new public street. The submittal of detailed plans of the driveway and drainages are recommended as conditions for Preliminary Plat and construction approval.

Existing sewer and water lines will be extended to each lot of the subdivision. Preliminary drawings of these are shown under Attachment C. Staff recommends the applicant submit detailed drawings of the installation of utilities be submitted for construction approval that meet all applicable CBJ Engineering standards.

No pedestrian pathways are proposed with the subdivision. Staff notes that there are no pathways along Mendenhall Loop Road.

There are no public buildings proposed with the applicant's subdivision.

(B) Prior to the construction of any improvements required in this chapter and chapter 49.35, or the submission of any bond or surety, the subdivider shall furnish to

February 8, 2013 Page 11 of 18

the department all plans and specifications necessary for the improvements. These plans shall be examined by the City and Borough engineer and shall be approved if determined to be in accordance with the engineering requirements of acceptable standards, as approved by the assembly.

Staff has recommended in this memorandum that the applicant submit construction drawings satisfying Chapter 49.35.

The applicant has noted that the garage shown in Attachment C will be removed for the proposed subdivision. Since this garage will overlay future property lines, the removal is required prior to the recording of the subdivision. Staff recommends the removal of the garage a condition of Preliminary Plat approval.

(C) Expiration of a preliminary plat shall be according to section 49.15.240. Approval of a final plat consisting of a portion of the preliminary plat will not extend the expiration date of the remaining lots.

Section CBJ § 49.15.240 of the Land Use Code establishes a deadline of 18 months for the applicant to gain approval of permits and complete substantial construction of the work or the Preliminary Plat approval will expire.

Zoning

The applicant's submitted draft plat (Attachment B) shows each of the proposed lots' sizes and dimensions, a shared access driveway to Mendenhall Loop Road, and easements for utilities. With the approved variance, the each of the lots complies with the dimensional standards of the Land Use Code. Each of the resulting lots will likely have one to two dwelling units, as determined by the lot size. Attachment C shows conceptual building footprints each with a dimension of 40 feet x 35 feet. This footprint can be placed in each lot while being outside of all yard setbacks.

Drainage

Drainage and associated recommended conditions of approval are discussed under CBJ §49.15.430 (1)(I).

Wetlands

Wetlands and associated recommended conditions of approval are discussed under CBJ §49.15.430 (1) (O).

Habitat

Besides wetlands, there are no other sensitive habitats that are regulated by the Land Use Code that will be impacted with the proposed subdivision. As noted earlier under CBJ §49.15.430 (1) (J), a bioswale is recommended to be installed along the driveway to filter drainage prior to entering the

Planning Commission File No.: SMP2012 0002 February 8, 2013 Page 12 of 18

drainage ditch along Mendenhall Loop Road ROW.

Access

Access and associated recommended conditions of approval are discussed earlier under CBJ §49.15.430 (1)(J). Staff solicited comments from Dan Jager, Capital City Fire/ Rescue (CCF/R), who stated that the driveway slope shall not exceed 14% for fire apparatus accessibility. Having the driveway be accessible for fire access is required under the approval of VAR2012-00029, and is a condition of Preliminary Plat approval.

Traffic Analysis

Future traffic levels generated by the proposed subdivision can be generally calculated by each lots' anticipated use. Due to the D-3 district uses, each resulting lot of the proposed subdivision may likely contain a single family dwelling with/without an Accessory Apartment or a duplex. This may result six to twelve dwelling units (including accessory apartments). This amount will not likely generate a substantial increase of traffic on Mendenhall Loop Road. As indicated earlier under CBJ §49.15.430 (1)(J), DOT/ PF finds the location of the driveway appropriate.

Pedestrian Access

As noted earlier, the applicant's subdivision does not include any pedestrian pathways. Back Loop Road does not contain any sidewalks or pedestrian pathways at this time. However, the subdivision is close to many destinations, such as UAS campus, restaurants, Auke Bay Harbor, City Bus stop, etc. The Back Loop Road does not contain any sidewalks or pathways, but does provide a road shoulder that is accessible by foot. If a pathway was constructed along or near the extended driveway within the subdivision, pedestrians could easily reach Back Loop Road without disrupting vehicular access on the driveway. Staff recommends a condition of Preliminary Plat approval that the applicant construct a pedestrian pathway at least five feet wide that is accessible by all lots and connects to Back Loop Road. This would meet the intent of CBJ §49.35.610 Pedestrian Access.

Property Value or Neighborhood Harmony

As stated earlier, the subject property is located next to residential uses at varying densities. The UAS housing behind the property is a very intense development, while two parcel east and west of the subject lot are both at very low densities. As noted earlier, the proposed subdivision may result in six to twelve additional housing units (including accessory apartments) on a 3.37 acre parcel. This is of a three units per acre density, which is consistent with the underlying D-3 district. The overall subdivision will likely generate noise levels similar to a typical residential neighborhood. Since all lot will use is a relatively short driveway, there will not be any through traffic that could generate high traffic noise or speeds.

Staff solicited comments from Greg Browning, CBJ Police Chief, who stated he had no issues with the proposal.

Planning Commission File No.: SMP2012 0002 February 8, 2013 Page 13 of 18

Staff finds that the proposed subdivision will not negatively affect adjacent property values or neighbor harmony.

Conformity with Adopted Plans

The subject parcel is located in a Medium Density Residential (MDR) land use category of the 2008 Comprehensive Plan. This category is defined below.

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

The parcel also falls under Subarea 3 Auke Bay, Mendenhall Peninsula, & West Mendenhall Valley, which provides specific Guidelines and Considerations. The following is germane to the proposal.

Work with DOT to provide sidewalks, bicycle paths, and/or trails separated from the road travelway along existing and newly-constructed arterial and collector roadways to provide

safe and efficient access and to reduce pedestrian and bicycle/motor vehicle conflicts.

Staff's recommended pedestrian pathway will connect to Back Loop Road and be within the ROW. Since this road falls under the jurisdiction of the State Department of Transportation/Public Facilities (DOT), the pathway will need to be reviewed by DOT.

Also under Subarea 3 Guidelines and Considerations is to encourages the conducting of an Auke Bay area plan that would address mixed-use development in the vicinity of the cove, harbor and UAS. This plan would also include transit and a creating a pedestrian-oriented village. Having a pedestrian pathway link to Back Loop road would be consistent with the elements of an Auke Bay plan.

The parcel is 3.37 acres in size may result in six new parcels, if the subdivision is approved. This results in just over two units per acre. Since this density is below the density range of the MDR, it is not negatively inconsistent with the land use category.

Since the future use of each lot of the proposed subdivision will likely be residential, the following policies of the 2008 Comprehensive Plan apply to the project:

February 8, 2013 Page 14 of 18

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

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

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

The proposed subdivision has public water and sewer sanitary systems. Due to the varied lot sizes, each of the lots may provide different housing types such as duplexes and accessory apartments. These housing styles and sizes will provide a variety of housing needs.

With the recommended conditions, staff finds the proposal consistent with the policies and land use designation of the 2008 Comprehensive Plan.

2009 Non-Motorized Transportation Plan (NMTP)

The overall purpose of the NMTP is to encourage active transportation by guiding the development of a community-wide bicycle and pedestrian network. The following goals are specific to the proposal:

- Encourage an increase in bicycling, walking and other active forms of transportation by providing safe, efficient and easy-to-use facilities that connect activity centers.
- Improve Juneau's non-motorized transportation network and decrease the number of bicycle and pedestrian related accidents by identifying unsafe conditions, network gaps and deficiencies and making necessary improvements to sidewalks, bike lanes, paved shoulder lanes, separated paths, intersections and crosswalks.

The Plan provides specific recommendations to subareas of Juneau, such as in the West Mendenhall Valley. In the Auke Bay area, one recommendation is to improveme pedestrian use and safety.

February 8, 2013 Page 15 of 18

Section 4.4 Design of New Neighborhoods and Buildings recommends including non-motorized transportation routes for pedestrians and bicyclists and to connect to existing routes. Staff's recommended pedestrian pathway would connect to an existing bike lane along Back Loop Road.

Section 6.2 Sidewalk Standards recommends sidewalks be at least five feet wide and meet the requirements of the American Disabilities Association (ADA) and provide a barrier free access.

The Plan recommends a new separated pedestrian pathway be built along Back Loop Road in the area of the proposed subdivision. As stated earlier, this road falls under the jurisdiction of DOT. If this pathway is built in the future, staff's recommended pathway for the subdivision would connect to it and increase the overall pedestrian network.

With the recommended conditions, staff finds the proposed meeting the intent of the 2009 Non-Motorized Transportation Plan.

FINDINGS

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

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

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

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

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

Planning Commission File No.: SMP2012 0002 February 8, 2013 Page 16 of 18

Per CBJ §49.15.300 (e)(1)(A through C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

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

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

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

Yes. The proposed subdivision is appropriate according to the Table of Permissible Uses. The Conditional Use permit is listed at CBJ §49.25.300, Section 25.1 for the D-5 zoning district.

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

Yes. The proposed subdivision complies with the other requirements of this chapter. Public notice of this project was provided in the February 1st and 11th issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right of way.

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

No. As discussed earlier, each proposed lot will have public sewer and water connections, use a shared driveway that will be maintained by an HOA and is accessible by emergency vehicles, and with the recommended conditions, staff finds the proposed subdivision will preserve the public health or safety.

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

No. As mentioned above, the anticipated density resulting from a build out of the proposed subdivision will be consistent with the underlying D-3 district, and the future noise and traffic levels will be low and similar to a typical residential neighborhood.

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

Yes. As stated earlier, based on the future density, lot sizes and housing types, the proposal subdivision will be in general conformance with the land use plan, and is consistency with the 2008 Comprehensive Plan and 2009 Non-Motorized Transportation Plan.

Planning Commission File No.: SMP2012 0002 February 8, 2013

Page 17 of 18

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

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

Yes. With the recommended conditions regarding wetlands, the proposed subdivision will comply with the Juneau Coastal Management Program.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary Plat permit. We further recommend that the approval be subject to the following conditions:

- 1. Add new plat note stating "Parts of this subdivision may contain wetlands. Consultation with appropriate regulatory agencies is required prior to filling wetlands."
- 2. Prior to Final Plat approval, the applicant shall designate all wetlands on the plat derived from a wetland delineation.
- 3. Prior to the recording of the subdivision plat, the applicant shall remove, or bond for the removal of, the garage shown in Attachment C.
- 4. Prior to construction of the subdivision improvements, the applicant shall submit a detailed drainage management plan consistent with CBJ §49.35.510, including a bioswale.
- 5. Prior to Final Plat Approval, the applicant shall submit a document having the identification, location and elevation of the benchmark used to establish vertical control.
- 6. Prior to Final Plat Approval, the applicant shall submit the results of a soils test to the Community Development Department.
- 7. Prior to Final Plat Approval, the applicant shall add the address of the owner in the Plat title block.
- 8. Prior to Final Plat Approval, the applicant shall submit an HOA agreement establishing the maintenance and responsibilities of all common areas, including the driveway.
- 9. Prior to construction, the applicant shall note the contour interval on a topographic plan for Community Development Department acceptance.

Planning Commission File No.: SMP2012 0002 February 8, 2013 Page 18 of 18

- 10. Prior to construction, the applicant shall submit detailed drawings of the proposed utilities and driveway meeting all applicable CBJ Engineering standards.
- 11. Prior to Final Plat approval, the applicant shall designate on the plat a ten foot drainage and no disturbance easement along the entire northeast border of the subdivision. This will allow for a natural filtration of stormwater runoff prior to entering the 18" cross culvert on Back Loop Road.
- 12. Prior to construction approval, the applicant shall make a note on the construction drawings stating: The centerline of the driveway shall meander to match the flowline of the ditch to the toe of existing slope. This will maintain the integrity of the existing slope. In addition, the ditch shall be widened to 8ft to allow for a bioswale meeting the intention of the CBJ Stormwater Program.
- 13. Prior to Final Plat approval, the applicant shall construct a pedestrian pathway at least five feet wide that is accessible by all lots and connects to Back Loop Road.

VAR2012-29 Permit Conditions:

- 1. Prior to final plat recording, the developer shall provide for a homeowner's association whose responsibility will be to ensure that the property owners will provide for the continued maintenance of the shared driveway.
- 2. Documents creating the homeowner's association shall be recorded concurrently with the final plat.
- 3. Fire apparatus access and turn-around must be provided and shall be constructed to International Fire Code Standards prior to issuance of any Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) for dwellings on the property.

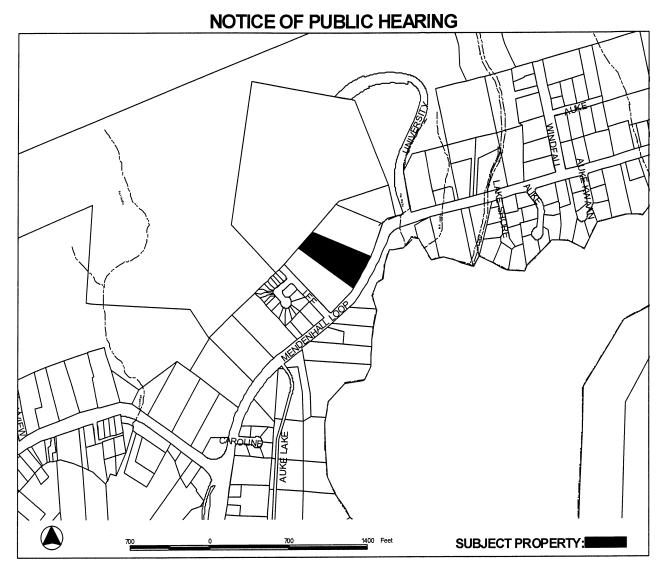
MAJOR SUBDIVISION OR PLATTING APPLICATION (CHANGING OR CREATING 5 OR MORE LOTS)

Project Number Project Name	(15 characters)	ATING 5 OR MC				
5MP20120002	(15 characters)		Case Number		Date Received	
	(01) 05				12/04/12	
TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED (please see submittal requirements on reverse)						
Preliminary Plat	(SMP)	F	inal Plat	(SMF)	
Planned Unit Developmen Preliminary Plan Appro	it- (PDP) val	P	lanned Unit Devel Final Plan Appro	opment - (val	PDF)	
Other						
Please attach a cover letter to fully explain the project if there is not adequate space on this form.						
LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED: 12100 Menden had loop road. LOT Y USS 2391.						
Duniau Alaska.	Durvau Alaska. 99801					
Number of Existing Parcels EXISTING BUILDING(S) OR S CURRENT USE OF LAND OR	Number of Existing Parcels Total Land Area					
EXISTING BUILDING(S) OR S	EXISTING BUILDING(S) OR STRUCTURES ON THE LAND:					
CURRENT USE OF LAND OR BUILDING(S): residential home						
PROPOSED USE OF LAND OR BUILDING(S): We propose to use existing distension to mendenhall loop road and create 5 more lots behind existing home						
UTILITIES AVAILABLE: WATER: C Public On Site SEWER: C SUBIGO OF ST						
UNIQUE CHARACTERISTICS OF LAND OR BUILDING						
The road males it not tesseble possible to make long driveways						
it more unsafe the	au 1 shared	to mende	nhall loop	~) ^	naking	
Yearn.						
For more information regarding the permitting process and the submittals	SUBDIVISION/PLATTII	NG/PUD FEES Fees	Check No.	Receipt	Date	
required for a complete application, please see the reverse side.	Application Fees	s <u>lole0</u>				
If you need any assistance filling out	Admin. of Guarantee Adjustment	5				
this form, please contact the Permit	Pub. Not Sign Fee	s_/00				
Center at 586-0770.	Pub. Not. Sign Deposit	, 50-				
	Total Fee	<u> 810</u>	ccard i	355815	12/4/12	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Proje	ot Name earl to Assign Name)	and BOROUGH of JUNEAU Date Received: 12/04/2013		
z	ERBERGADOR DIN Street Address	ch. all with unities and a shared driving		
INFORMATION	Legal Description(s) of Parcel(s) (Subdivision, Sur LOT Y USS 2391 Assessor's Parcel Number(s)	VIVA. TOGAL		
INFO	Property Owner's Name RES Construction Mailing Address Po Box 210194 Auko ka E-mail Address	Other Contact Phone Number(s):		
L	I am (we are) the owner(s) or lessee(s) of the property such that th	223-8952 Scott		
/ APPLICANT	X Candowned Lessee Signature	Date		
T / AP	Landowner/Lessee Signature Date NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will aftempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled planning date.			
PROJECT	Applicants Name KCS construction L Mailing Address Po Box 210194 Aut.	Contact Person: Contact Person: Kbb Cde 3:21-5015 Fax Number:		
<u></u>	E-mail Address Tolol isa Cat not X Applicant's Signature	Other Contact Phone Number(s): 723-8957 50=#-		
		E USE ONLY BELOW THIS LINE		
	Building/Grading Permit	a Seria de exagi. A Apollégilan Rombans).		
r.s	City/State Project Review and City Land Action Inquiry Case (Fee in Lieu, Letter of ZC, Use Not Listed Mining Case)		
APPROVAL	(Small, Large, Rural, Extraction, Explorate Sign Approvat (If more than one, fill in all applicable per Subdivision (Minor, Major, PUD, St. Vacation, St. Nam	rmit#'s)		
- 1	Use Approval (Allowable, Conditional, Cott Mobile Home Parks, Accessory Apartme Variance Case (De Minimis and all other Variance case to	int)		
TAFF	Wetlands Permits Zone Change Application Other			
ဟ	(Describe)	lie Motion Cinn Farm Filled out and the district		
	Comments:	lic Notice Sign Form filled out and in the file. Penintake initials		



PROPOSAL: Major subdivision resulting in 5 new lots.

FILE NO:

SMP2012 0002

TO:

Adjacent Property Owners

HEARING DATE: Feb 12, 2013

HEARING TIME: 7:00pm

PLACE:

Assembly Chambers

Municipal Building 155 South Seward St

Juneau, Alaska 99801

APPLICANT: R&S Construction, LLC

Property PCN: 4-B27-0-101-002-0

Owner(s): R&S Construction, LLC

Size: 3.37 acres

Zoned: D3

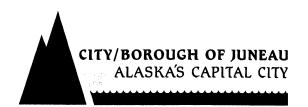
Site Address: 12100 Mendenhall Loop Road

Accessed via: Mendenhall Loop Road

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Eric Feldt at eric_feldt@ci.juneau.ak.us or at 907-586-0764.



BOARD OF ADJUSTMENT NOTICE OF DECISION

Date: January 10, 2013 File No.: VAR2012 0029

R & S Construction LLC PO Box 210194 Auke Bay, AK 99801

Application For:

A variance request to the requirement that lots be designed to conform to a

minimum rectangle of 100' by 100' in a D-3 zone district - CBJ

49.15.460.(4)(A)(i)(b).

Legal Description:

USS 2391 Lot Y

Property Address:

12100 Mendenhall Loop Road

Parcel Code No.:

4-B27-0-101-002-0

Hearing Date:

January 10, 2013

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 10, 2013, and made the following alternative finding for variance criterion 5C:

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

The subject parcel is a long, somewhat narrow parcel along Mendenhall Loop Road. It's wider along Mendenhall Loop Road at approximately 300 feet along a curve, and then tapers back to approximately 198 feet wide on the northwest side/rear of the property. The longest side is approximately 607 feet. Due to the smaller width of the property, in order to dedicate 60 feet of platted right-of-way for a road that would provide access to the lots would take up a significant amount of area and less area would be available for lots onsite. The proposed configuration provides a driveway easement for all six lots with access to Mendenhall Loop Road. However, a variance to this standard would not be needed if the subdivision were redesigned to propose only five lots; in that scenario, all lots would be able to meet the 100' by 100' rectangle requirement. However, even with five lots, this subdivision would still be a major subdivision which would require major subdivision review and approval by the Planning Commission. Development and construction costs would be more reasonable if they were spread out over six lots rather than five lots; however, the applicant does not offer any specific reason stating that Therefore compliance with the existing standards make the project unreasonably expensive.

No Yes. This sub-criterion is not met.

Attachment A

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

R & S Construction LLC File No: VAR2012 0029

January 10, 2013 Page 2 of 3

The Board of Adjustment then approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

- 1. The subdivision plat shall include a note requiring that all lots be accessed with a single, shared driveway only and that vehicular access to Mendenhall Loop Road from the individual lots will not be allowed.
- 2. Prior to final plat recording, the developer shall provide for a homeowner's association whose responsibility will be to ensure that the property owners will provide for the continued maintenance of the shared driveway.
- 3. Documents creating the homeowner's association shall be recorded concurrently with the final plat.
- 4. Fire apparatus access and turn-around must be provided and shall be constructed to International Fire Code Standards prior to issuance of any Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) for dwellings on the property.

Attachment:

January 10, 2013, memorandum from Laura A. Boyce, Community Development, to the CBJ Board of Adjustment regarding VAR2012 0029

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date:

The permit is effective upon approval by the Board, January 8 2013.

Expiration Date:

The permit will expire 18 months after the effective date, or July 8 2014, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

R & S Construction LLC File No: VAR2012 0029

January 10, 2013 Page 3 of 3

Project Planner:

Greg Chaney for Laura Boyce, Planner Community Development Department

Michael Satre, Chair Planning Commission

1/14/13

Filed With City Clerk /

Date

cc: Plan Review

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

