


MEMORANDUM

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

DATE: April 1, 2013

TO: Planning Commission

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

FILE NO.: SMF2013 0001

PROPOSAL: Final Plat for Phase 2A of Montana Creek West Subdivision that will result in 12 new lots.

GENERAL INFORMATION

Applicant: Bicknell Incorporated

Property Owner: Roscoe G Bicknell, III

Legal Description: Montana Creek West Lot 30

Parcel Code No.: 4-B29-0-116-030-0

Site Size: 3 Acres – Phase 2A

Comprehensive Plan
Land Use Designation: Urban Low Dense Residential (ULDR)

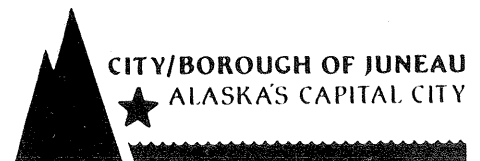
Zoning: D-3

Utilities: City Water & Sewer

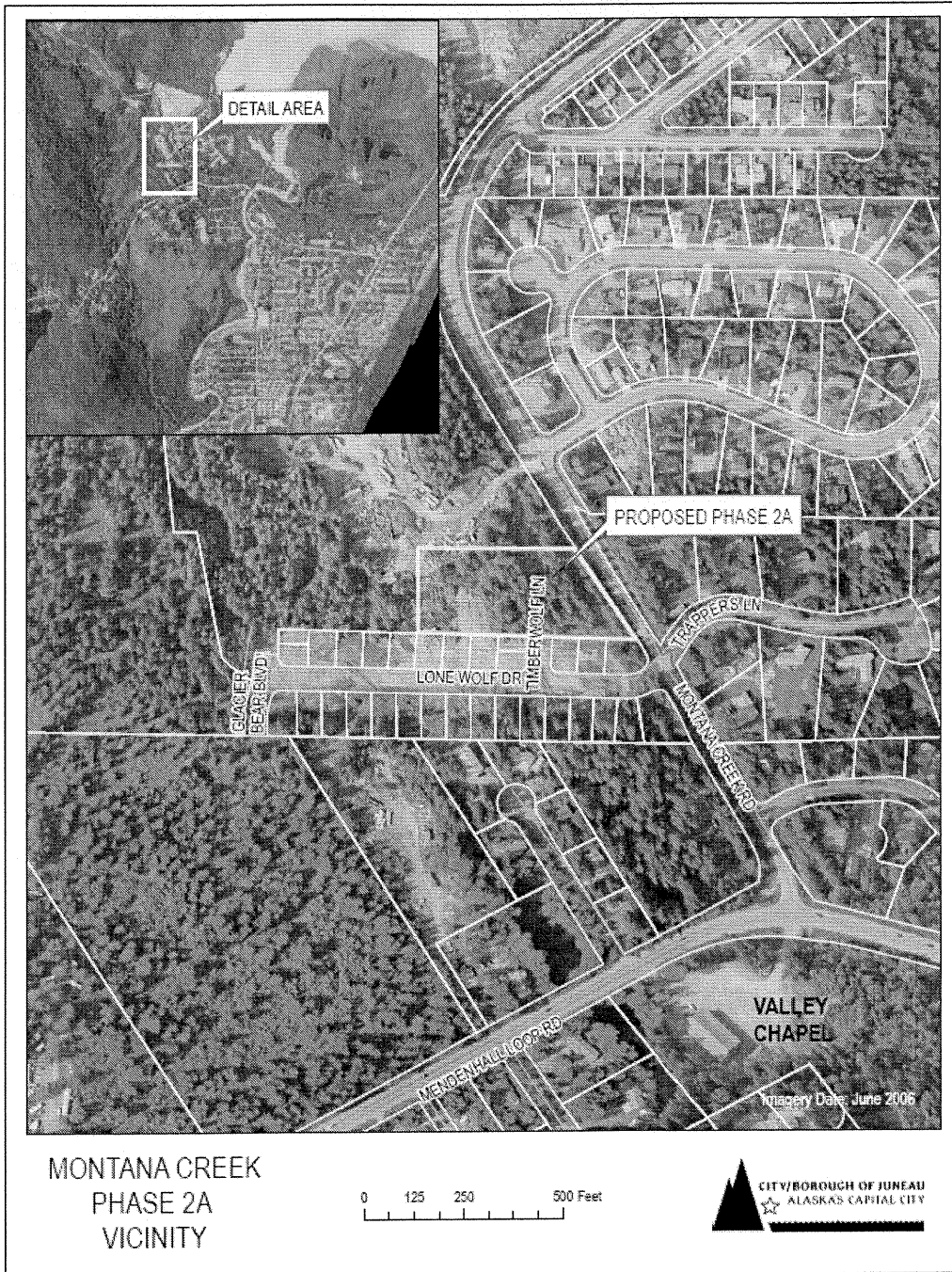
Access: Lone Wolf Drive

Existing Land Use: Residential Planned Unit Development

Surrounding Land Use: North – D-3; Vacant Private Land; Montana Creek Rd
South – D-3; Single Family Dwelling; Blueberry Ln
East – D-1 & D-5; Single Family Dwelling; Trappers Ln & Ninnis Dr
West – RR; Vacant CBJ Lands



Vicinity Map



ATTACHMENT

Attachment	A	SMP2012 0001 Notice of Decision
Attachment	B	Phase 2A Subdivision Plat
Attachment	C	Revised Sidewalk Network Design

BACKGROUND

On February 12, 2013, the Planning Commission approved the Preliminary Plat Subdivision of Montana Creek West Phase 2A (Case # SMP2012 0001). This decision is shown under Attachment A. This phase consists of 12 new lots and a new road called Timberwolf Drive. The following conditions of approval of this subdivision are listed below.

1. Prior to final plat recording, the plat shall receive a final technical review by the CBJ Engineering Department to ensure the plat is in conformance with required surveying and accuracy standards.
2. Prior to final plat recording, all subdivision improvements must be constructed or bonded for.
3. Prior to Final Plat approval, the applicant shall work with the Community Development Department to create a new sidewalk location drawing that provides a safe pedestrian network for the whole subdivision. This will revise the original sidewalk plan approved under Subdivision permits SUB2005 00048 & SUB2006 00018.

ANALYSIS

As of the date of the subject memorandum, the CBJ Engineering Department has approved the construction drawings and the proposed subdivision plat. The plat is provided under Attachment B. Condition 1 of SMP2012 0001 is met.

Further, the applicant has provided a bond of a sufficient amount for all subdivision improvements, which was received by the CBJ Engineering Department on March 15, 2013. Condition 2 of SMP2012 0001 is met.

The last condition of SMP2012 0001 has been met with an agreement between the CDD staff and the applicant. The past approved pedestrian network will be modified to the plan shown in Attachment C.

All conditions of SMP2012 0001 have been met.

The Final Platting approval process of the Land Use Code is shown below.

CBJ 49.15.440 - Final plat

After completion of all conditions and commission acceptance of the preliminary plat in accordance with conditional use permit procedures, the final plat shall be submitted for review and approval according to the following:

(1) Final plat submittal. The final plat may constitute only that portion of the approved preliminary layout which the developer proposes to record and develop at the time of submittal, so long as such portion itself meets the requirements of this title without reference to possible future stages. The final plat shall be prepared by a professional land surveyor, registered in the state, shall be filed with the department and shall meet the survey, monumentation, and certification requirements established by the commission, by regulation under chapter 01.60.

As of the date of this memorandum, the applicant submitted a final subdivision plat of phase 2A which has been prepared by a professional land surveyor registered within the state and meets all subdivision requirements of chapter 01.60.

(2) Approval procedure.

(A) After acceptance of an application and a final plat, the director shall schedule the final plat for commission action.

The Director has scheduled the final plat for commission action on April 8, 2013.

(B) If commission action on the final plat is scheduled to occur more than 12 months after approval of the preliminary plat, public notice of impending commission action on the final plat may be required.

The numbers of days between the commission's approval of the preliminary plat on February 12, 2013 and the scheduled day of commission's action of the Final Plat is 56 days. Public notice of scheduling the subject final plat was provided in the local newspaper (Juneau Empire) and mailings were sent to surrounding property owners.

(C) The director shall make a recommendation to the commission. The recommendation shall include a description of the manner in which all conditions of the preliminary plat have been met.

The director's recommendation to the commission is provided at the end of the subject memorandum. All conditions of the preliminary plat are met.

(3) Commission action. The commission shall approve the final plat if the plat substantially conforms to the approved preliminary plat and all applicable conditions have been satisfactorily completed.

As stated earlier, all conditions of the preliminary plat are met.

(4) Notes, restrictions and covenants. The commission may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with subdivision regulations. When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a restrictive covenant in favor of the municipality and the public, and shall run with the land, enforceable against all subsequent owners. Any such restrictive covenant may be enforced against the subdivider or any subsequent owner by the municipality, by injunction or other appropriate action, in the same manner as a permit or permit condition, pursuant to CBJ49.10.600-660, or by any specifically affected member of the public.

Staff notes that the revision to past approved sidewalk network is the only new condition affecting the overall subdivision design. This condition has been met and a plat note is not necessary to enforce this condition.

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

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

reasoning for each finding with particularity.

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

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

Per CBJ, §49.15.300 (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. Subdivision permits are not listed in the Table of Permissible Use and are allowed in all zoning districts. The proposed Final Plat subdivision described in CBJ 49.15.440 of Title 49.

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 March 29th and April 8th 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. Staff finds that the approval of Phase 2A will not materially endanger 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. Phase 2A will be developed with dwelling units that will likely be similar in scale to existing residences in the area. Further, the individual phases of Montana Creek West will be developed to a density and design established under the previous subdivision permits that created the overall subdivision layout. As required by plat note, each lot of Phase 2A can only have one dwelling unit. This restriction will limit the intensity of each development phase of the overall subdivision.

Therefore, staff does not find that the approval of Phase 2A will substantially decrease the value of or be out of harmony with property in the neighboring area.

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

No. Phase 2A complies with the Preliminary Plat Approval and PUD sections of the Land Use Code, as well as the applicable conditions of the original subdivision permits establishing the entire Montana Creek West subdivision. The proposal is consistent with 2008 Comprehensive Plan and meets the intent of the 2009 Non-Motorized Transportation Plan.

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

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

Applicable. Juneau Coastal Management Program conditions of the original Montana Creek West Subdivision will continue with every subdivision phase.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Final Plat permit. The permit would allow the platting of Montana Creek West Phase 2A.

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters) <u>SMF 2013 0001</u>	Case Number	Date Received <u>03/19/13</u>
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TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED
(please see submittal requirements on reverse)

<input type="checkbox"/> Preliminary Plat (SMP)	<input checked="" type="checkbox"/> Final Plat (SMF)
<input type="checkbox"/> Planned Unit Development - Preliminary Plan Approval (PDP)	<input type="checkbox"/> Planned Unit Development - Final Plan Approval (PDF)
<input type="checkbox"/> 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:

Montana Creek West lot 30

Number of Existing Parcels 0 Total Land Area 19.99 acres Number of Resulting Lots or Parcels 12

EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: YES NO

CURRENT USE OF LAND OR BUILDING(S): ~~None~~ NONE - Open Space

PROPOSED USE OF LAND OR BUILDING(S): Residential subdivision

UTILITIES AVAILABLE: WATER: Public On Site SEWER: Public On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): _____

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

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

SUBDIVISION/PLATTING/PUD FEES	Fees	Check No.	Receipt	Date
	<u>12 x \$70 = 840</u>			
Application Fees	\$ <u>840.00</u>	_____	_____	_____
Admin. of Guarantee	\$ _____	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Pub. Not. Sign Fee	\$ _____	_____	_____	_____
Pub. Not. Sign Deposit	\$ _____	_____	_____	_____
Total Fee	\$ <u>840.00</u>	<u>007035</u>	<u>CDS3393</u>	<u>03/19/13</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

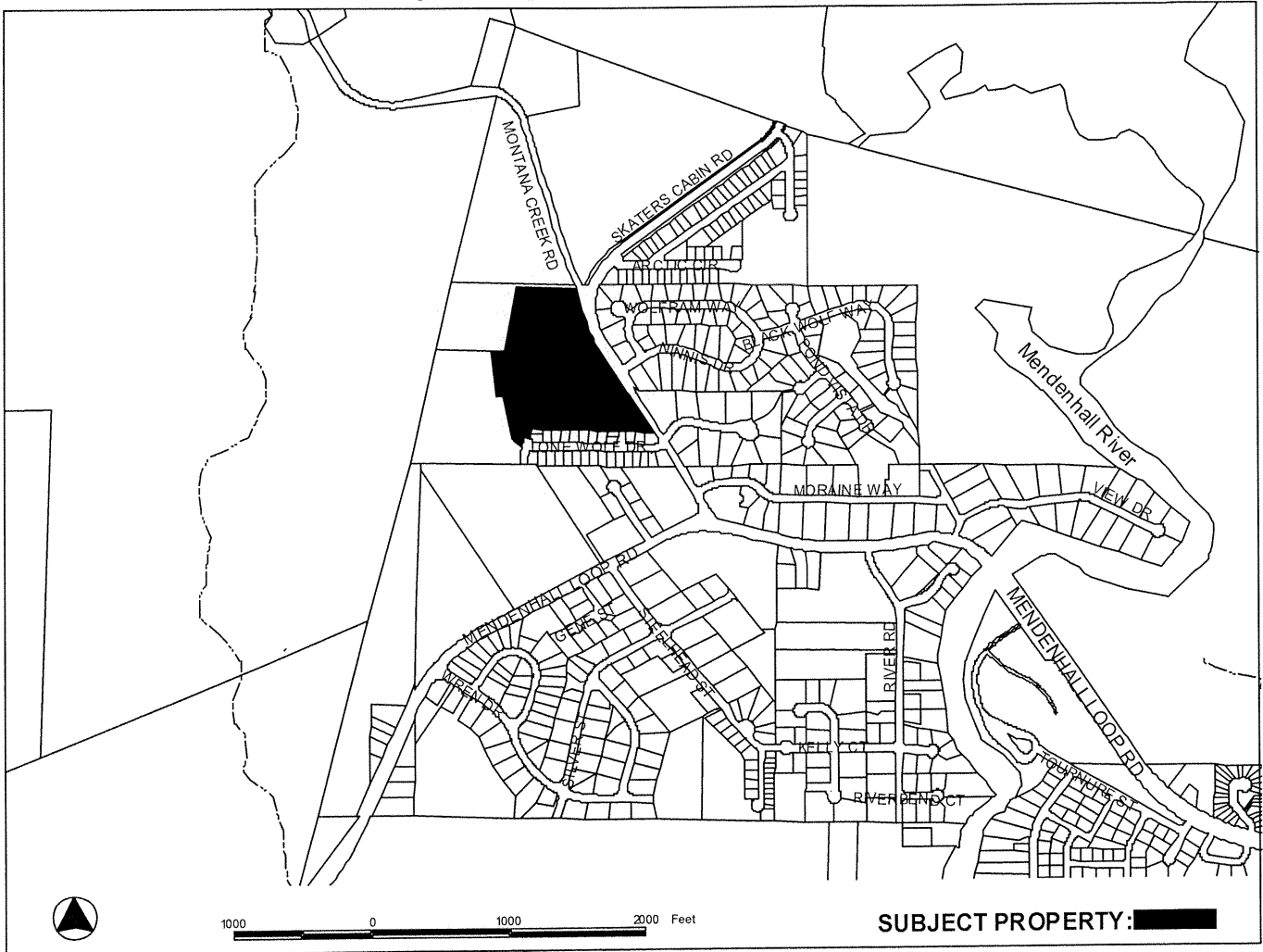
DEVELOPMENT PERMIT APPLICATION

Project Number <i>SMP 2013 0001</i>	CITY and BOROUGH of JUNEAU	Date Received: <i>4/12/12 / 03/19/13</i>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <i>New Subdivision</i>		
	PROPERTY LOCATION		
	Street Address <i>5401 Montana Creek Rd</i>	City/Zip <i>99801</i>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Montana Creek West I Lot 30</i>		
	Assessor's Parcel Number(s) <i>4B2901160300</i>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <i>Roscoe Bicknell</i>	Contact Person: <i>Roscoe</i>	Work Phone: <i>789-5727</i>
	Mailing Address <i>PO Box 33517 Juneau AK 99803</i>	Home Phone:	Fax Number: <i>789-2644</i>
	E-mail Address <i>rbicknell@Bicknellinc.com</i>	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT <small>****Required for Planning Permits, not needed on Building/ Engineering Permits****</small>		
<p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.</p>			
<input checked="" type="checkbox"/>	<i>[Signature]</i> Landowner/Lessee Signature	<i>4/12/12</i> Date	
<input checked="" type="checkbox"/>	Landowner/Lessee Signature	Date	
<p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.</p>			
APPLICANT <small>If the same as OWNER, write "SAME" and sign and date at X below</small>			
Applicant's Name <i>David Blommer</i>	Contact Person: <i>David</i>	Work Phone: <i>789-5727</i>	
Mailing Address <i>PO Box 33517 Juneau AK 99803</i>	Home Phone:	Fax Number: <i>789-2644</i>	
E-mail Address <i>sales@Bicknellinc.com</i>	Other Contact Phone Number(s):		
<input checked="" type="checkbox"/>	<i>[Signature]</i> Applicant's Signature	<i>4-12-2012</i> Date of Application	

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type Building/Grading Permit	***SIGN	Date Received	Application Number(s)
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
	<input checked="" type="checkbox"/>	Subdivision (Minor, Major) PUD, St. Vacation, St. Name Change		<i>4/12/2012</i>	<i>SMP 2012 0001</i>
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
<input checked="" type="checkbox"/>	Other (Describe) <i>FINAL PLAN</i>		<i>03/19/13</i>	<i>SMP 2013 0001</i>	
Comments:				Permit Intake Initials <i>[Initials]</i>	

NOTICE OF PUBLIC HEARING



PROPOSAL: Final Plat for Phase 2A of Montana Creek West that will result in 12 new lots.

FILE NO: SMF2013 0001 TO: Adjacent Property Owners HEARING DATE: Apr 09, 2013 HEARING TIME: 7:00 PM PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	APPLICANT: ROSCOE BICKNELL III & ROSCOE BICKNELL IV Property PCN: 4-B29-0-116-030-0 Owners: ROSCOE G BICKNELL III & ROSCOE G BICKNELL IV Size: 19.99 acres Zoned: D3 Site Address: 5401 MONTANA CREEK RD Accessed via: MONTANA CREEK RD
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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 586-0764.

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

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: February 13, 2013

File No.: SMP2012 0001

David Blommer
PO Box 33517
Juneau, AK 99803

Application For: Montana Creek West PUD Phase 2A: Major Subdivision resulting in 12 lots.

Legal Description: Lot 30 Montana Creek West

Parcel Code No.: 4-B29-0-116-030-0

Hearing Date: February 12, 2013

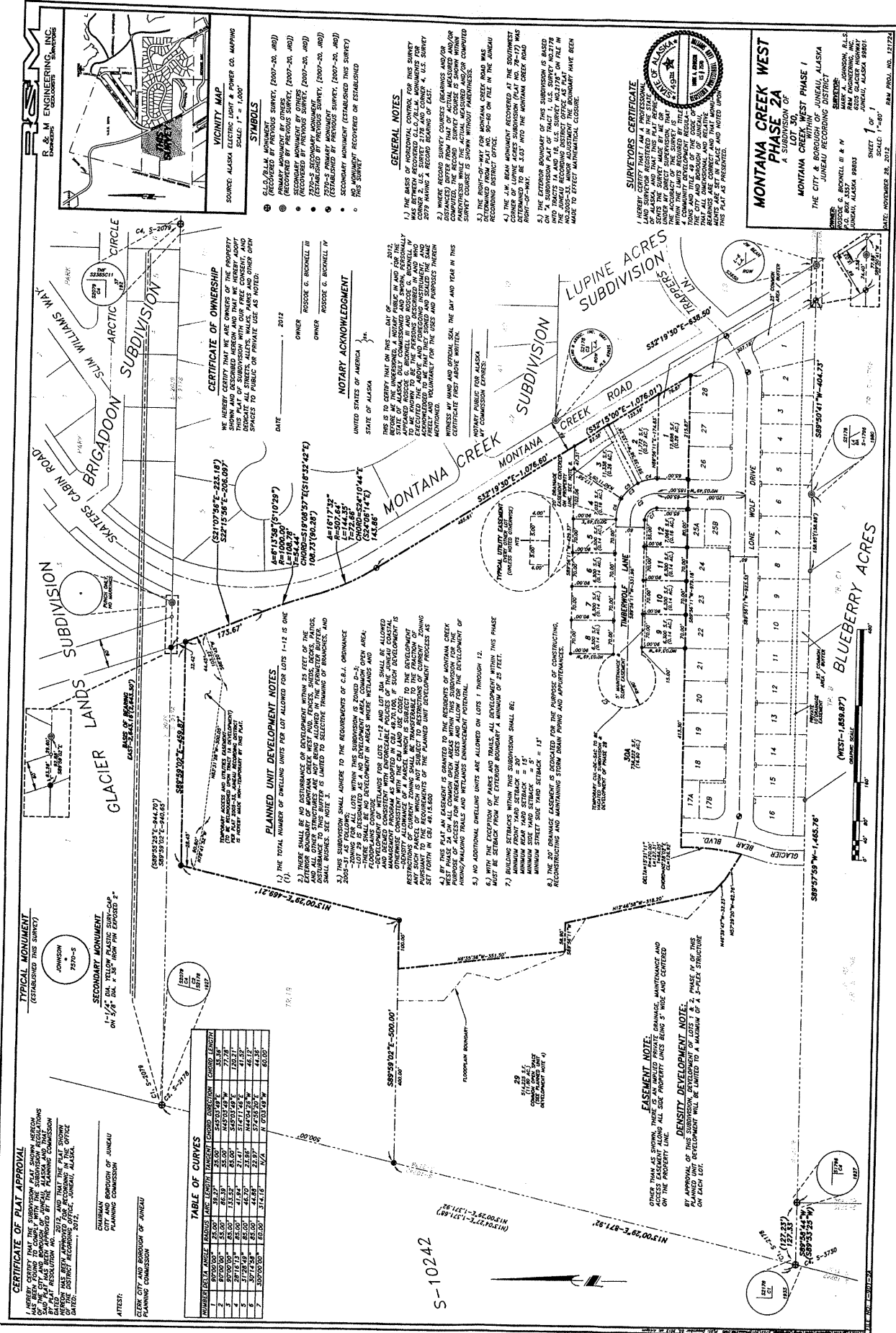
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 6, 2013, and approved the preliminary plat as described in the project description, and project drawings submitted with the application, with the following conditions:

1. Prior to final plat recording, the plat shall receive a final technical review by the CBJ Engineering Department to ensure the plat is in conformance with required surveying and accuracy standards.
2. Prior to final plat recording, all subdivision improvements must be constructed or bonded for.
3. Prior to Final Plat approval, the applicant shall work with the Community Development Department to create a new sidewalk location drawing that provides a safe pedestrian network for the whole subdivision. This will revise the original sidewalk plan approved under Subdivision permits SUB2005 00048 & SUB2006 00018. **This condition was made during Planning Commission hearing.**

Attachment: February 6, 2013 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding SMP2012 0001.

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

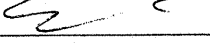
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

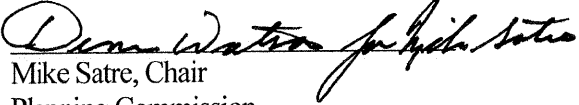


David Blommer
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February 13, 2013
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Effective Date: The permit is effective upon the February 12, 2013 approval by the Commission.

Expiration Date: The permit will expire 18 months after the effective date, or August 13, 2014, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: 
Eric Feldt, Planner
Community Development Department


Mike Satre, Chair
Planning Commission


Filed With City Clerk

2/15/13
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. 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 (800) 949-4232, or fax (360) 438-3208.

SMF2013 0001 Condition 3: Revised Pedestrian Network for Montana Creek West
Subdivision Phase 2A

