

# MEMORANDUM

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

**DATE:** April 18, 2013

**TO:** Planning Commission

**FROM:** Beth McKibben, Planner *BMe*  
Community Development Department

**FILE NO.:** USE2013 0007 & USE2013 0008

**PROPOSAL:** Two 13 unit multifamily developments.

## GENERAL INFORMATION

**Applicant:** R&S Construction LLC

**Property Owner:** R&S Construction LLC

**Property Address:** Jordan Avenue

**Legal Description:** Valley Professional Center Lot 2  
Valley Professional Center Lot 3

**Parcel Code Number:** 5-B15-0-111-004-0  
5-B15-0-111-005-0

**Site Size:** 22,401 square feet  
22,275 square feet

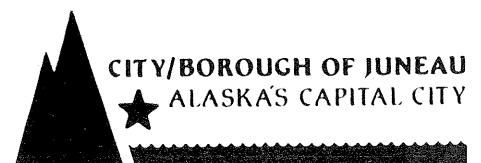
**Comprehensive Plan Future  
Land Use Designation:** General Commercial (Map G)

**Zoning:** Light Commercial

**Utilities:** City water & sewer

**Access:** Jordan Avenue

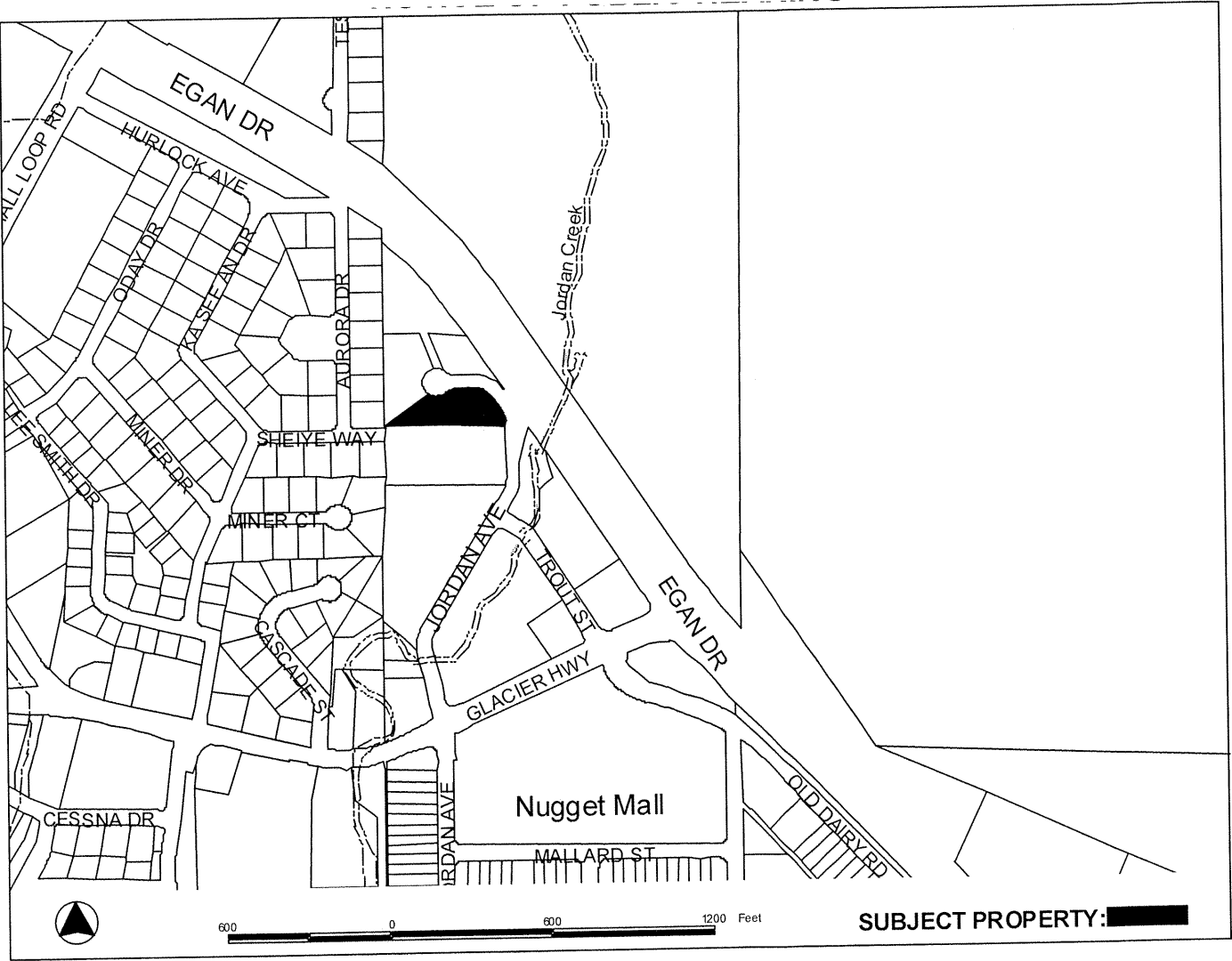
**Existing Land Use:** Vacant



Surrounding Land Use:

- Northeast - Egan Drive
- South - LI – commercial/professional
- East - Egan Drive
- West - D5 residential

Vicinity Map



## **PROJECT DESCRIPTION**

The applicant requests a Conditional Use permit for the development of two 13 unit multi-family buildings. The proposal has been designed as a single development. However, the two buildings will be located on separate lots. The applicant intends to sell the units as condominium units. However, in the event they have difficulty selling the applicant may choose to operate one or both as rental units. For this reason staff has recommended two permits so that each parcel and each development will have its own case number, conditions, findings, and decision.

The applicant is also seeking two variances to allow the buildings to encroach 5 feet into the 10 foot side yard setback. Each building would encroach to the respective side yard setback. These variances will be addressed with a separate, combined staff report for variance cases VAR2013 0008 and VAR2013 0009.

## **BACKGROUND**

The site is zoned Light Commercial (LC) and is currently vacant. The lots were platted in 2007. Lot 2 is 22,401 square feet and Lot 3 is 22,275 square feet. None of the plat notes apply to lots 2 and 3.

## **ANALYSIS**

**Project Site** - The project site is accessed via Jordan Drive. The Light Commercial zoning district requires a 25 foot front yard setback, 10 foot side and rear yard setbacks and a 17 foot side street setback. The total area of the project is 44,676 square feet. The site level and primarily cleared. It is near Egan Drive but does not directly access Egan.

**Project Design** - The project consists of two identical 12,800 square foot buildings each with 13 units for a project total of 26 units. Each building will be two stories with units on each level. There will be covered parking provided in front of the buildings. There will be 12 two bedroom units and 1 one bedroom unit in each building. The buildings will be long rectangular structures, with a peaked roof. The structures will be 28 feet high at the peak, well within the maximum of 35 feet allowed. The proposal meets the front and rear yard setbacks. The applicant has applied for a variance to reduce the side yard setbacks from 10 feet to 5 feet.

**Traffic** - Using the ITE Trip Generation Manual, staff estimates the average daily traffic to be 171 trips per weekday. Staff used both the land use category of "low rise apartment" and "low rise condominium" to calculate the estimated number of trips. Condominium units generate slightly fewer trips than apartments. CBJ §49.40.300 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average trips in a day.

**Parking and Circulation** - CBJ§49.40.210 –Table of Minimum Parking Standards requires 1 space per 1 bedroom unit and 1.5 spaces per 2 bedroom unit. For this proposal 19 parking spaces

are required for each lot. Additionally, one of these parking spaces is required to be van accessible on each lot. The site plan shows 24 on-site parking spaces for lot 2 and 23 for lot 3.

**Noise** - The project site is located near Egan Drive. Highway noise is expected. Surrounding development is a mix of commercial and residential. The proposed development may be impacted by noise from the surrounding area. At the same time, the proposed development is not expected to create noise impacts to the neighborhood beyond those expected in a light commercial area.

**Landscaping** - The LC district requires 15% of the lot be maintained with live vegetative cover (CBJ § 49.50.300). For Lot 2 3,360 square feet of area is required to be planted with living plants. Lot 3 requires 3,341 square feet of vegetative cover. According to the site plan 3,465 square feet of vegetative cover is planned for lot 2. The site plan shows 4,161 square feet of vegetative cover for lot 3. The proposed vegetative cover exceeds requirements.

Staff recommends a condition that prior to issuance of a certificate of occupancy or a temporary certificate of occupancy, 15% of the lot must be planted with vegetation or the installation of vegetation must be bonded for. Staff further recommends a condition that the vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans

**Exterior Lighting** - A lighting plan was not submitted with the Conditional Use permit. CBJ§49.15.330(g)(17) and CBJ§49.40.230(d) requires exterior lighting in parking areas, along pedestrian pathways, and immediately adjacent to the building. All exterior lighting should have appropriate cut-off optics and house-side shields to efficiently focus light in the desired areas and to minimize the impacts to adjacent neighbors. As a condition of approval, staff recommends that prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at §49.40.230(d).

**Public Health or Safety** - The structure meets all zoning requirements for height and most setbacks and will meet all applicable building code requirements for fire safety. Variance applications have been applied for the side yard setback. Fire vehicle access to the property will be via city rights-of-way. No public health or safety concerns have been raised by this proposal.

**Habitat** – N/A Sensitive Habitat was addressed during the original subdivision.

**Property Value or Neighborhood Harmony** - Available evidence indicates that property values will not be affected and the proposed use is in harmony with the surrounding neighborhood.

**Conformity with Adopted Plans** - The 2008 Comprehensive Plan, Chapter 4 addresses Housing. This chapter strongly states the need for more housing in Juneau.

*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 4.2 It is the policy of the CBJ to facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.*

Chapter 10 of the 2008 Comprehensive Plan speaks to Land Use.

*Policy 10.2 It is the policy of the CBJ to allow greater flexibility and a wider range of creative solutions in residential and mixed use land development within the Urban Service Area.*

*Policy 10.3 It is the policy of the CBJ to facilitate residential development of various types and densities that are appropriately located in relation to site conditions, surrounding lands uses, and capacity of public facilities and transportation systems.*

The Conditional Use permit process provides a platform for neighborhoods to have a voice about uses that may impact their neighborhoods. Conditional Use permits allow for community input, which results in practical permit conditions. Granting a Conditional Use permit for multi-family development in the Light Commercial district, with appropriate conditions, is consistent with the 2008 CBJ Comprehensive 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.

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

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

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

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

**Yes.** The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.300 for the Light Commercial zoning district.

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

**Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 12, 2013 and April 22, 2013 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.** Based on the above analysis the proposed development, with conditions, will not endanger the public health and safety.

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

**No.** Based on the above analysis the use, with conditions, will maintain values and will be in harmony with the neighboring area.

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

**Yes.** As discussed above, the proposed development is in general conformity with the land use plan, particularly Policies 4.1, 4.2, 10.2 and 10.3.

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

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

**N/A.** This proposal will not impact habitat regulated by the Alaska Coastal Management Program.

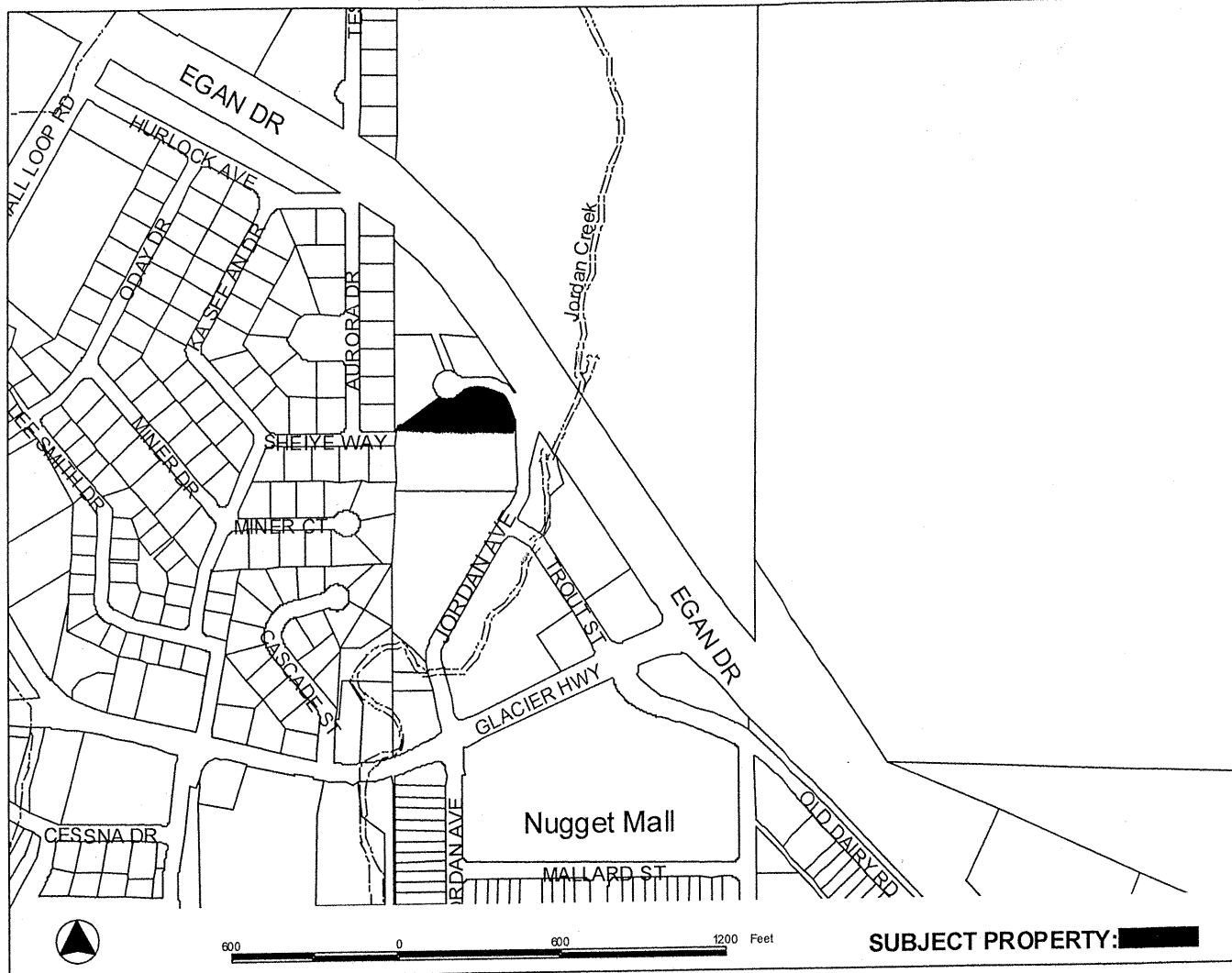
**RECOMMENDATION**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant Conditional Use permit USE2013 0007 and Conditional Use permit USE2013 0008. The permits would allow the development of one 13 unit multi-family building for each permit.

The approvals are subject to the following conditions:

1. Prior to issuance of a certificate of occupancy or a temporary certificate of occupancy, 15% of the lot must be planted with vegetation or the installation of vegetation must be bonded for.
2. Vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans.
3. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at §49.40.230(d).

# NOTICE OF PUBLIC HEARING



**SUBJECT PROPERTY:** [REDACTED]

**PROPOSALS:** USE2013 0007: Conditional Use Permit for a 13 Unit Multi Family Building.  
 USE2013 0008: Conditional Use Permit for a 13 Unit Multi Family Building.  
 VAR2013 0008: Reduce sideyard setback from 10 feet to 5 feet.  
 VAR2013 0009: Reduce sideyard setback from 10 feet to 5 feet.

|                      |   |                      |  |
|----------------------|---|----------------------|--|
| <b>FILE NO:</b>      | USE2013 0007; USE2013 0008<br>VAR2013 0008; VAR2013 0009                                      | <b>APPLICANT:</b>    | R&S Construction LLC                   |
| <b>TO:</b>           | Adjacent Property Owners  | <b>Property PCN:</b> | 5-B15-0-111-004-0<br>5-B15-0-111-005-0 |
| <b>HEARING DATE:</b> | April 23, 2013  | <b>Owner:</b>        | R&S Construction LLC                   |
| <b>HEARING TIME:</b> | 7:00 PM   | <b>Size:</b>         | 1.052 acres total                      |
| <b>PLACE:</b>        | <b>ASSEMBLY CHAMBERS</b><br>Municipal Building<br>155 South Seward St<br>Juneau, Alaska 99801 | <b>Zoned:</b>        | Light Commercial                       |
|                      |   | <b>Site Address:</b> | Jordan Ave                             |
|                      |   | <b>Accessed via:</b> | Jordan Ave                             |

## 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 at 586-0465.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).

Date notice was printed: April 11, 2013



# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

|                |                              |                                  |                                 |
|----------------|------------------------------|----------------------------------|---------------------------------|
| Project Number | Project Name (15 characters) | Case Number<br><u>Use 13-007</u> | Date Received<br><u>3/12/13</u> |
|----------------|------------------------------|----------------------------------|---------------------------------|

## TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment\*\*\* (AAP)
 ☐ Driveway in Right-of-Way (ADW)
 ☒ Use Listed in §49.25.300 (USE)  
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: \_\_\_\_\_

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

## DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

We are proposing to build a 13 unit cond project which due to the number of units, requires a conditional use permit.

## IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☒ NO ☐ YES - Case # \_\_\_\_\_

CURRENT USE OF LAND OR BUILDING(S): Light commercial land is vacant

PROPOSED USE OF LAND OR BUILDING(S): to build a 13 unit residential Condo building

## UTILITIES PROPOSED:

WATER:

☒ Public ☐ On Site

SEWER:

☒ Public ☐ On Site

## SITE AND BUILDING SPECIFICS:

Total Area of Lot 21926 square feet

Total Area of Existing Structure(s) \_\_\_\_\_ square feet

Total Area of Proposed Structure(s) 12800 square feet

## EXTERNAL LIGHTING:

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

## PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Site Plan   | <input checked="" type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input checked="" type="checkbox"/> Floor Plan of proposed buildings                  | <input checked="" type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)              |
| <input checked="" type="checkbox"/> Elevation view of existing and proposed buildings |   |
| <input checked="" type="checkbox"/> Proposed Vegetative Cover                         |   |

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

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

## ALLOWABLE/CONDITIONAL USE FEES

|                        | Fees          | Check No.     | Receipt        | Date           |
|------------------------|---------------|---------------|----------------|----------------|
| Application Fees       | \$ <u>750</u> |               |                |                |
| Admin. of Guarantee    | \$ _____      |               |                |                |
| Adjustment             | \$ _____      |               |                |                |
| Pub. Not. Sign Fee     | \$ _____      |               |                |                |
| Pub. Not. Sign Deposit | \$ _____      |               |                |                |
| Total Fee              | \$ <u>750</u> | <u>015280</u> | <u>4403369</u> | <u>3/12/13</u> |

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

TO BE COMPLETED BY THE APPLICANT:

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

# DEVELOPMENT PERMIT APPLICATION

|   |                            |                |
|---|----------------------------|----------------|
| Project Number                              | CITY and BOROUGH of JUNEAU | Date Received: |
| Project Name<br>(City Staff to Assign Name) |                            |                |

INFORMATION

Project Description  
New construction 13 unit condo project

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**PROPERTY LOCATION**

Street Address \_\_\_\_\_ City/Zip Juneau 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)  
lot 3 Block C Valley Professional center.

Assessor's Parcel Number(s) \_\_\_\_\_

**LANDOWNER/ LESSEE**

|   |  |   |
|---|--|---|
| Property, Owner's Name<br><u>K2S Construction LLC</u> | Contact Person:<br><u>Rob or Scott</u> | Work Phone:<br><u>321-5015 723-8952</u> |
| Mailing Address<br><u>PO Box 21094 Auke bay</u>       | Home Phone: _____                      | Fax Number:<br><u>780-5186</u>          |
| E-mail Address<br><u>robli@aol.net</u>                | Other Contact Phone Number(s): _____   |   |

**LANDOWNER/ LESSEE CONSENT** \*\*\*\*Required for Planning Permits, not needed on Building/ Engineering Permits\*\*\*\*

I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X [Signature]  
Landowner/Lessee Signature

X \_\_\_\_\_  
Landowner/Lessee Signature

03/12/13.  
Date

\_\_\_\_\_  
Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

**APPLICANT** If the same as OWNER, write "SAME" and sign and date at X below

|                                |                                |             |
|--------------------------------|--------------------------------|-------------|
| Applicant's Name               | Contact Person:                | Work Phone: |
| Mailing Address<br><u>Same</u> | Home Phone:                    | Fax Number: |
| E-mail Address                 | Other Contact Phone Number(s): |             |

X \_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Application

STAFF APPROVALS

OFFICE USE ONLY BELOW THIS LINE

|                                     | Permit Type  | ***SIGN | Date Received  | Application Number(s) |
|-------------------------------------|--|---------|----------------|-----------------------|
| <input checked="" type="checkbox"/> | Building/Grading Permit  |         |                |                       |
|                                     | City/State Project Review and City Land Action   |         |                |                       |
|                                     | Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)                                       |         |                |                       |
|                                     | Mining Case (Small, Large, Rural, Extraction, Exploration)                                     |         |                |                       |
|                                     | Sign Approval (If more than one, fill in all applicable permit #'s)                            |         |                |                       |
|                                     | Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)                                 |         |                |                       |
| <input checked="" type="checkbox"/> | Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) |         | <u>3/12/13</u> | <u>use 13-008</u>     |
| <input checked="" type="checkbox"/> | Variance Case (De Minimis and all other Variance case types)                                   |         | <u>3/12/13</u> | <u>var 13-009</u>     |
|                                     | Wetlands Permits   |         |                |                       |
|                                     | Zone Change Application  |         |                |                       |
|                                     | Other (Describe)   |         |                |                       |

\*\*\*Public Notice Sign Form filled out and in the file.

Comments:

\_\_\_\_\_

\_\_\_\_\_

Permit Intake Initials

JKL