MEMORANDUM

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

DATE:

August 21, 2013

TO:

Planning Commission

FROM:

Ben Lyman, Senior Planner

Community Development Department

FILE No.:

STV2013 0003

SUBJECT: Reque

Request to vacate Shelter View Lane; revised to subdivide Lot 14-B into two lots.

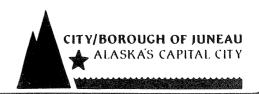
Mr. and Mrs. Gard, owners of property adjacent to Shelter View Lane, have submitted a letter of opposition against the vacation of Shelter View Lane and subdivision of lot 14-B into two lots. The letter states that the Gards "feel that high density lots are not compatible with Auke Rec and the rural nature of the area."

The subject lot and Shelter View Lane are in a D-3 zoning district, which "is intended to accommodate primarily single-family and duplex residential development at a density of three dwelling units per acre." (CBJ 49.25.210(B)) More particularly, a minimum lot size of 12,000 square feet (0.275 acres) is required in the D-3 zoning district, and all of the lots resulting from the proposed street vacation and subdivision will meet or exceed this lot size requirement.

The property is within the Rural/Low Density Residential (RLDR) Land Use Designation in the Comprehensive Plan, which calls for developed residential "densities of one to three dwelling units per acre" in this area. The D-3 zoning district is the second-lowest density residential zone, and although it is at the upper limit of residential densities deemed appropriate for this land use designation, it is still considered a low-density zoning district.

Although the Gards may find the idea of 12,000 square foot lots in the neighborhood to be out of keeping with the neighborhood and to result in "high density", the proposed lots meet or exceed this minimum lot area for the zone, and the proposed subdivision could be accomplished through the departmental review process for minor subdivisions if the applicant waited for two years after the street vacation plat was recorded (CBJ 49.15.420(a)(3)). However, because the applicant desires to subdivide Lot 14-B in conjunction with the vacation of Shelter View Lane, the plat showing the vacation of the right-of-way must also show the proposed subdivision and be approved by the Planning Commission.

Furthermore, both of the proposed lots are already developed with single-family residences; further residential development of the existing lot, with one or two accessory apartments (one associated with each existing residence) could be approved only through the Conditional Use permit process. (CBJ 49.25.300 Use Category 1.135) Similarly, following the subdivision, each resulting lot can only be further developed with a single accessory apartment, each of which will require a Conditional Use permit (CBJ 49.25.300 Use Category 1.130, Note X, Conditional Use due to lack of public sewer service). That is, no further development rights are created with the



Planning Commission File No.: STV2013 0003 August 21, 2013 Page 2 of 2

proposed subdivision, and permitting requirements for additional development will be unchanged with or without the subdivision of Lot 14-B.

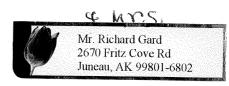
Staff recommends that the Planning Commission adopt the analysis, findings, and recommendations listed in the August 21, 2013 memorandum on the application and approve STV2013 0003.

CC: Tracy Moore Richard and Sylvia Gard

RECEIVED

AUG 1 2 2013

PERMIT GENTER/GDD



August 7, 2019

To the Planning Commission:

As adjacent Property Owners
We oppose the request to vacate
Shelter View Lane and subdivide
Lot 14 B by Auke Rec. We feel that
high density lots are not compatible
with with Auke Rec and the
rural nature of the area.

Sincorely Sylvia Hard (Sylvia Gard) Richard Gard) (Richard Gard)

MEMORANDUM

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DATE:

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Ben Lyman, Senior Planner

Community Development Departm

FILE NO.:

STV2013 0003

PROPOSAL:

Request to vacate Shelter View Lane

GENERAL INFORMATION

Applicant:

Tracy Moore

Property Owner:

City and Borough of Juneau; Marsha Sousa; Tracy Moore; and Christian

Ruschmann

Legal Description:

Shelter View Lane; USS 3265, Favorite Heights Subdivision, Lots 14-A, -B,

and -C

Parcel Code No.:

4-B32-0-102-001-0, -002-0, and -003-0

Site Size:

21,012 Square Feet or 0.46 Acres

Comprehensive Plan Future

Land Use Designation: RLDR - Rural Low-Density Residential

Zoning:

D3

Utilities:

Public Water; Private Sewer (Outside Urban Service Area)

Access:

Glacier Hwy

Existing Land Use:

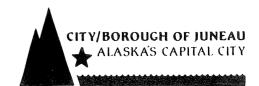
Single-Family Residences

Surrounding Land Use: North - CBJ Park and Vacant; Tongass National Forest

South - Single-Family Residences

East - Auke Village Public Recreation Area and Tongass National Forest

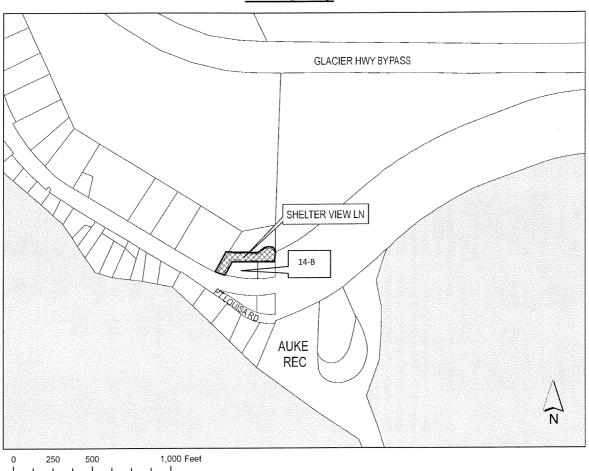
West - Single-Family Residences



Planning Commission File No.: STV2013 0003

August 21, 2013 Page 2 of 6

Vicinity Map



ATTACHMENTS

Attachment A: Application Packet

Attachment B: Plat #588 (#585-1) Favorite Heights Subdivision

BACKGROUND

Platted in 1970 as both Plat #588 and #585-1 (an identical plat appears to have been recorded twice), the Favorite Heights Subdivision created Shelter View Lane as sole access to a single lot, 14-A. The other two lots created in this subdivision (14-B and 14-C) front on Glacier Highway to the south as well as being defined to the north by Shelter View Lane.

Planning Commission File No.: STV2013 0003

August 21, 2013 Page 3 of 6

Due to geologic constraints, the driveway that was to be located within the Shelter View Lane ROW had to encroach onto private property. An easement for this encroachment and access over it was subsequently recorded. Alaska Electric Light and Power (AEL&P) has transmission lines serving Lot 14-A that are partially within the ROW and that are otherwise eased where they pass over private property. If this ROW vacation is approved any required easements for private utility lines will be shown on ROW vacation plat.

ANALYSIS

Zoning- The subject ROW and adjacent properties (other than Auke Rec, which is zoned RR) are within a D3 single-family and duplex residential zone with a minimum lot area of 12,000 square feet, with minimum lot depths and widths of 100 feet. The three existing lots are all larger than the minimum required at CBJ 49.25.400: Lot 14-A is 37,984 sq. ft.; Lot 14-B is 22,477 sq. ft.; and, Lot 14-C is 12,545 sq. ft. in area.

Lot 14-A exceeds the minimum dimensional requirements for the D3 zone, but if the requested street vacation is approved, it will only have 30 feet of frontage on a right-of-way (Glacier Highway). This is allowed at CBJ 49.15.460(4)(A):

- (i) Subdivision lots shall meet the minimum dimensional standards established by chapter 49.25, article IV, provided that in cases of difficult topography or other circumstances rendering compliance impracticable, the director may approve other configurations if the lot:
 - (a) Meets the minimum lot size requirement;
 - (b) As drawn, is capable of containing a rectangle having two sides equal in length to the minimum lot width requirement and two sides equal in length to the minimum lot depth requirement;
 - (c) Has direct and practical access to a street maintained by an agency of government; and
 - (d) Has at least one practical building location.

Lot 14-A meets the requirements of sections (a),(b), and (d) currently; direct and practical access to a street maintained by an agency of government will be provided for Lot 14-A through a 30-foot-wide strip of land abutting Glacier Highway.

Drainage- The proposed ROW vacation would not affect drainage. Comments on the requested ROW vacation were solicited from the CBJ Public Works Department and General Engineering Division, and both agencies were supportive of the requested ROW vacation.

Wetlands- The proposed ROW vacation would not affect any wetlands.

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Habitat- The proposed ROW vacation would not affect any habitat.

Access- The existing driveway accessing Lot 14-A is not entirely within the ROW; where it encroaches onto private property, its use for access is eased. The existing easement would be modified with the ROW vacation plat to provide for access over private property as necessary.

Traffic Analysis- The proposed ROW vacation would not affect traffic patterns or volumes. Comments on the requested ROW vacation were solicited from the State of Alaska Department of Transportation and Public Facilities, which was supportive of the requested ROW vacation.

Pedestrian Access- The proposed ROW vacation would not affect pedestrian access to the subject properties; the adjacent publicly-owned land, part of the USFS's Auk Rec, is accessed from the public road through the facility. Comments on the requested ROW vacation were solicited from the USFS, which was supportive of the requested ROW vacation.

Public Health and Safety- The proposed ROW vacation would not affect public health and safety. Comments on the requested ROW vacation were solicited from Capital City Fire/Rescue, which was supportive of the requested ROW vacation, and the Juneau Police Department, which had no comment on the request.

Compliance with Adopted Plans- The subject ROW, Shelter View Lane, does not provide access to potentially-developable lands, and the owner of the land that could be accessed by the subject ROW (USFS) is supportive of the vacation. There are no adopted plans of the CBJ which call for extending or developing this ROW.

There is no apparent public purpose in retaining this public ROW other than providing access to Lot 14-A. There is no prospect of the ROW being extended into the adjacent US Forest Service Auke Village Public Recreation Area.

FINDINGS

The Planning Commission shall review the Director's report to consider:

- 1. Whether the application is complete; and,
- 2. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the two 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.

Planning Commission

File No.: STV2013 0003

August 21, 2013

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Even if the Commission adopts the Director's determination, it may nonetheless deny or condition the street vacation if it concludes, based upon its own independent review of the information submitted at the public hearing, that the street vacation 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.

The Director makes the following findings on the proposed development:

1. Is the application for the requested Street Vacation 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. Will the proposed street vacation comply with the other requirements of this chapter?

Yes. The proposed street vacation complies with the other requirements of this chapter. Public notice of this project was provided in the August 16, 2013 and August 26, 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.

- 3. Will the proposed street vacation materially endanger the public health or safety?
- No. The proposed street vacation will not materially endanger the public health or safety.
- 4. Will the proposed street vacation substantially decrease the value of or be out of harmony with property in the neighboring area?
- **No.** The proposed street vacation will not substantially decrease the value of or be out of harmony with property in the neighboring area.

Planning Commission File No.: STV2013 0003 August 21, 2013 Page 6 of 6

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

Yes. The proposed street vacation will be in general conformity with the land use plan, thoroughfare plan, and other officially adopted plans.

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

6. Will the proposed street vacation comply with the Juneau Coastal Management Program?

Yes. The proposed street vacation will comply with the Juneau Coastal Management Program.

RECOMMENDATION

We recommend that the Planning Commission adopt the Director's analysis and findings and grant the requested Street Vacation permit. The permit would allow for the recording of a subdivision plat vacating the Shelter View Lane right-of-way. That subdivision would be subject to all requirements applicable to such subdivisions vacating a right-of-way or adjusting the boundaries of three lots, including easements for access or utility improvements existing or required in the course of or resulting from the subdivision.

DEVELOPMENT PERMIT APPLICATION

Project	CITY and BOROUGH of J	UNEAU Date Received: 5/17/13
Project		
Ully Staff		1 / AA 1 54
	Project Description VACATE SKELTURE VI	teu con
z	PROPERTY LOCATION Street Address STORY ST	City/Zip
0	Street Address Compared to the street Address Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Paragraphy 13	
FORMATION	Assessor's Parcel Number(s)	EXAMP SUBD
Σ Σ		
O	LANDOWNER/ LESSEE Property Owner's Name	Contact Person: Work Phone:
LL Z	TRACY MOERE	Home Phone: Fax Number:
(Append	E-mail Address TTJKN5 @ OCC.COM	Other Contact Phone Number(s):
	TTIKNS @ acc.com	N. July (Paris and or Darmite****
	LANDOWNER/ LESSEE CONSENT. ***Required for Planning Permits, no I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) or lessee(s) of the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application and I we or less than the property subject to this application are the property subject to th	anneat as follows:
-	I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) to A. This application for a land use or activity review for development on my (our) property. B. I (we) grant permission for officials and employees of the City and Borough of July 1.	operly is made with my complete understanding and permission. uneau to inspect my property as needed for purposes of this
APPLICAN	application.	5-17-13
2	X Landowner/Lessee Signature	Date
급	X	
ΑP	Landowner/Lessee Signature	Date
~	NOTICE: The City and Borough of Juneau staff may need access to the subject property du landowner in addition to the formal consent given above. Further, members of the Planning	ring regular business nours and will attempt to command the Commission may visit the property before the scheduled public
OJECT	hearing date.	
J E	APPLICANT If the same as OWNER white SAME and sale and sale applicant's Name	Contact Person: Work Phone:
RO	Mailing Address	Home Phone: Fax Number:
۵.	E-mail Address	Other Contact Phone Number(s):
	XApplicant's Signature	Date of Application
	OFFICE USE ONLY BELOW THIS I	
	T GITTIE 17 PC	te Received Application Number(s)
	Building/Grading Permit	·
	City/State Project Review and City Land Action	
L S	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)	
\ <u>\</u>	Mining Case (Small, Large, Rural, Extraction, Exploration) Sign Approval	
APPROVAL	(If more than one, fill in all applicable permit #'s)	11212 12-003
ا ا ه	(Minor, Major, PUD, St. Vacation, St. Name Change) Lico Approval (Allowable: Conditional, Cottage Housing,	117/13 570 13-003
<u>a</u>	Mobile Home Parks, Accessory Apartment)	
Щ	(De Minimis and all other Variance case types) Wetlands	
ᄔ	Permits Zone Change	
⊢A	Application Other	
လ	(Describe) ***Public Notice Sign Form filled on	ut and in the file. Permit Intake Initials
	Comments:	PAI
1		THE PERIOD AND LICATIONS

STREET VACATION APPLICATION

Please attach a cover letter to fully explain the project if there is not adequate space on this form. **Date Received** Case Number **Project Number** Project Name (15 characters) STV 13-003 NAME OF RIGHT-OF-WAY TO BE VACATED: Shelter View Lane LOT 14A - 30 Dimensions of right-of-way to be vacated: LOT 14B - 232 LOT 44 C - SAME AS Width 20 feet Length 400+ feet Total length of parcel lot lines fronting the right-of-way Varied Total Area 21,012 square feet feet DESCRIBE THE REASON(S) FOR THE STREET VACATION: Since the right of way has never been built within the platted row and never will be, we would like the street vacated in order to subdivide lot 14B into 2 lots. Lot 14A will be given an easement to use the existing driveway. Lot 14C has developed a separate driveway onto Glacier Hwy. In addition, lot 14C has situated the property such that gaining an access from Shelter View Right of Way would be impractical and cost prohibitive. BE COMPLETED BY THE APPLICANT EXISTING USE OF SUBJECT RIGHT-OF-WAY: Much of this right of way is not being used and is undeveloped. When lot 14A was developed the owner attempted to cut grade and put the driveway in the r/w but the cost was too high and the contractor hit dense material which required blasting. PROPOSED USE OF SUBJECT RIGHT-OF-WAY: A portion will be utilized for access to Lot 14A and 14B and portions have underground utilities on them. The area will be divided between the property owners abutting the right of way as shown on the preliminary map. 0 APPLICANTS PLEASE NOTE: Attached is a petition that must be completely filled out in order for the application to be complete. If any information is missing on the petition, the application will not be reviewed by Community Development Staff or scheduled for a Public Hearing. If the property owners involved in the petition do not own at least 50% of all property fronting the Right-of-Way to be vacated, the application will not be accepted. For more information regarding the SUBDIVISION/PLATTING FEES Check No. Date permitting process and the submittals Receipt required for a complete application, **Application Fees** please see the reverse side. Pub. Not. Sign Fee If you need any assistance filling out 100 Pub. Not. Sign Deposit this form, please contact the Permit 717113 CAd3693 **Total Fee** Center at 586-0770.



PERMIT CENTER/CDD

Planning and Community Development City and Borough of Juneau

155 South Seward Street Juneau, AK 99801

Attn: Jonathan Lange, Planner

Tracy Moore PO Box 397 Craig, Ak 99921

Re: Lot 14B Favorite Heights Subdivision and Street Vacation

May 16, 2013

Dear Mr. Lange,

Enclosed, please find a preliminary map showing the street vacation of Shelter View Lane and a completed application for the street vacation. The boundary description is being prepared and will be sent from the surveyor.

The public right of way, named Shelter View (Lane), has never been developed and the original driveway has been used for accessing Lot 14A and 14B. Lot 14B was the original developed residence and most likely the person responsible for the Favorite Heights subdivision creation.

When Lot 14A was developed the roadway was widened into Lot 14B due to hard ground encountered in the platted right of way. The owner of Lot 14A installed the underground water line and underground electrical line in the platted right of way to the building site and has continued to use the original access from Lot 14B with limited verbal permission. Upon completion of the subdivision of Lot 14B a deeded easement will be granted to Lot 14A to allow the continued use of the existing driveway.

There are no public utilities in the area of the proposed right of way vacation other than a stub out for the water line and an overhead electrical line with the power pole on my property with an easement. A new water service will be required for the subdivided lot 14B and that will be completed under a separate waterline service application.

Additional options for splitting Lot 14 B have been considered and previously discussed with the CBJ staff as follows;

- Vacation of a small strip of land from Glacier Highway to achieve enough land in Lot 14 B for the subdivision, this was rejected by the maintenance staff.
- Vacation of just a portion of the Shelter View adjacent to Lot 14B which was
 rejected by the CBJ planning department, however, at this time, the plan I am now
 pursuing was presented as a favorable way to accomplish the proposed Lot 14B
 subdivision. You should have this correspondence in your files.

The survey work for the subdivision of Lot 14B as well and the replatting of lots 14A and 14C is proceeding. I look forward to working with you to ensure that this vacation is completed and the continued support for the subdivision of Lot 14B.

If you have any questions or need further information please call me on my cell phone at 360-280-3344 at any time.

Respectfully

Tracy Moore

Property owner

Tren Me

REOEIVED MAY 17 200 PERMIT CENTERMS

Attachments: Preliminary Map, Vacation Application

cc Chris Ruschmann, owner Lot 14A Meg Day, current owner Lot 14C Marsha Sousa, purchaser of Lot 14 C

John Bean, P.L.S.

Page 3 of 3

PROPERTY OWNERS ADJACENT TO PROPERTY TO BE VACATED

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

This application for a Street Vacation review adjacent to my (our) property is made with my (our) complete understanding

and permission.

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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.

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