


MEMORANDUM

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

DATE: September 16, 2013

TO: Planning Commission

FROM: Eric Feldt, Planner 
Community Development Department

FILE NO.: SMF2013 0004

PROPOSAL: Final plat of Auke Lake Ridge 6-lot subdivision.

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: Pubic Water and Sewer

Access: Mendenhall Loop Road (Back Loop)

Existing Land Use: Single-Family 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

VICINITY MAP



PROJECT LOCATION

SMF2013 0004

Map created: September 13th, 2013

0 250 500 Feet



ATTACHMENTS

| | | |
|------------|---|----------------------------------|
| Attachment | A | Draft Subdivision Plat |
| Attachment | B | As-built Survey of Subdivision |
| Attachment | C | Homeowners Association agreement |

PROPOSAL

A Final Plat approval of Auke Lake Ridge subdivision of six new lots, located along Back Loop Road across from Auke Lake. This subdivision case is the second phase. The first phase (Preliminary Plat Approval) was completed in February 2013. A draft subdivision plat, as-built survey, and a Homeowners Association agreement have been submitted for this Final plat, under Attachments A-C respectively.

Since the approval of the preliminary subdivision permit, the applicant has prepped the land with a new driveway which will be shared by all six lots, installed utilities, and drainages.

BACKGROUND

In January 2013, the Planning Commission approved a variance permit (case # VAR2012 0029) to allow four of the six lots of the subdivision to be smaller than the minimum lot depth. The following month, the Commission approved a Preliminary Major Subdivision permit (case # SMP2012 0002) for the subdivision which allowed the applicant to prep the land with new utilities and extend the driveway. The Variance and Preliminary Plat permits were approved with conditions, as listed below.

VAR2012 0029 Variance Permit 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. **Completed – see Attachments A & B.**
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. **Completed – see Attachment C.**
3. Documents creating the homeowner's association shall be recorded concurrently with the final plat. **Pending Final Plat approval.**

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.
Completed - Capital City Fire & Rescue (CCF/R) has accepted the constructed shared driveway.

SMP2012 0002 Preliminary Plat permit 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." **Complete – See Attachment A.**
2. Prior to Final Plat approval, the applicant shall designate all wetlands on the plat derived from a wetland delineation. **As with other sensitive environments, i.e. streamside setbacks, avalanche paths, wetlands are not delineated on plats but rather are addressed as plat notes. Wetland delineations are required when construction is planned to occur on/ near mapped wetlands. The attached plat contains a plat note addressing wetlands. Therefore, staff recommends the removal of this condition.**
3. Prior to recording of the subdivision plat, the applicant shall remove, or bond for the removal of, the garage shown in Attachment C. **Garage has been removed and does not show up on the as-built survey –see Attachment B.**
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. **Completed.**
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. **The surveyor has identified the elevation mark but not the benchmark used to establish vertical control. The applicant has not been able to reach the surveyor to complete this. The subdivision plat will not be recorded until this condition is met.**
6. Prior to Final Plat Approval, the applicant shall add the address of the owner in the Plat title block. **Completed – see Attachment A.**
7. Prior to Final Plat Approval, the applicant shall submit an HOA agreement establishing the maintenance and responsibilities of all common areas, including the driveway. **Completed – see Attachment C.**

8. Prior to construction, the applicant shall note the contour interval on a topographic plan for Community Development Department acceptance. **Completed.**
9. Prior to construction, the applicant shall submit detailed drawings of the proposed utilities and driveway meeting all applicable CBJ Engineering standards. **Completed.**
10. 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. **Completed – see Attachment A.**
11. 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 bio swale meeting the intention of the CBJ Stormwater Program. **Completed.**

The Land Use Code establishes the permitting process for a Major Subdivision under CBJ 49.15.430 and CBJ 49.15.440 *Final Plat*. This process 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.

The final subdivision plat is provided under Attachment A.

(2) Approval procedure.

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

(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.

(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.

(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.

(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 CBJ 49.10.600—660, or by any specifically affected member of the public.

FINDINGS

Except for Condition 5 of the Preliminary Plat permit, all conditions have been met. As stated above, the fulfillment of Condition 5 will be met prior to recording the plat. Staff recommends this as a condition of gaining Final Plat approval.

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 for the lot to be subdivided into six new lots. We further recommend that the approval be subject to the following condition:

- 1) Prior to recording, the applicant shall submit a document having the identification, location and elevation of the benchmark used to establish vertical control.

SUBDIVISION OR PLATTING APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

| | | | | |
|----------------|------------------------------|--------------------------------|--------------------------------|---------------------------------|
| Project Number | Project Name (15 characters) | Case Number <u>SMFB-CCV</u> | Hearing Date <u>9/24/13</u> | Date Received <u>9/19/13</u> |
|----------------|------------------------------|--------------------------------|--------------------------------|---------------------------------|

LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED:

12100 Henderson Hill Loop Rd, Lot Y USS-2391

Number of Existing Parcels 1 Total Land Area 3.37 acres Resulting Lots or Parcels 6

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

MINOR SUBDIVISION

(Changing or creating 4 or fewer lots)

- ☐ Zero Lot Line (Common Wall)
- ☐ "Panhandle" Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation
- ☐ Subdivision resulting in 4 or fewer lots
- ☐ Other _____

MAJOR SUBDIVISION

(Changing or creating greater than 4 lots)

- * ☐ Preliminary Plat
- ☒ Final Plat SMP2012-2
- * ☐ Plat Amendment
- * ☐ Planned Unit Development - Preliminary Plan Approval
- ☐ Planned Unit Development - Final Plan Approval
- ☐ Other _____

* Public Notice Sign Required

Please attach cover letter to fully explain the project if there is not adequate space on this form.

PREVIOUS USE OF LAND OR BUILDING(S):

large single family home on 3.37 acres

CURRENT BUILDING(S) OR STRUCTURES ON THE LAND:

If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.

☒ YES☐ NO

CURRENT USE OF LAND OR BUILDING(S):

Residential

PROPOSED USE OF LAND OR BUILDING(S):

Multifamily or single family lots

UTILITIES AVAILABLE

WATER:

☒ Public☐ On Site

SEWER:

☒ Public☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING:

Gentle sloping.

REVIEW APPROVALS

| | Initials | Date |
|-------------|----------|-------|
| Buildings | _____ | _____ |
| Engineering | _____ | _____ |
| Planning | _____ | _____ |

SUBDIVISION/PLATTING/PUD FEES

| | Fees | Check No. | Receipt | Date |
|----------------------|---------------|---------------|-----------------|----------------|
| Application Fees | \$ <u>470</u> | | | |
| Admin. of Guarantee | \$ _____ | | | |
| Adjustment | \$ _____ | | | |
| Pub. Not. Sign Lease | \$ <u>150</u> | | | |
| Total Fee | \$ <u>570</u> | <u>015184</u> | <u>00104270</u> | <u>9/19/13</u> |

Form.xls 1/13/98

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

| | | | | |
|---|--|-----------------------------------|--|--------------------------------|
| Project Number SMF13-04 | | CITY and BOROUGH of JUNEAU | | Date Received: 9/10/13 |
| Project Name (City Staff to assign name) | | | | |
| Project Description To create 1 lot into 6 lots | | | | |
| PROPERTY LOCATION | | | | |
| Street Address 12100 Mendenhall loop Rd. | | | City / Zip Juneau | |
| Subdivision (if known) Auke bay Ridge | | | Survey (if known) 2391 | |
| Assessor's Parcel Number (if known) | | | Block / Tract (if known) | Lot (if known) |
| LANDOWNER/LESSEE | | | | |
| Property Owner's Name K&S construction | | | Contact Person Rob Worden | Work Phone No. 321-5215 |
| Mailing Address Po Box 210194 | | | Home Phone No. | FAX No. 780-5786 |
| LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits) | | | | |
| I am (we are) the owner(s) or Lessee 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. | | | | |
| <input checked="" type="checkbox"/> Landowner/Lessee Signature [Signature] | | | Date 09/10/13 | |
| <input checked="" type="checkbox"/> 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 attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property and may do so during the weekend before the scheduled public hearing date. | | | | |
| INITIAL ALL THAT MAY APPLY | | | | |
| APPLICATION TYPE | | OWNER'S INITIALS | | |
| ALLOWABLE USE | | | | |
| CONDITIONAL USE | | | | |
| VARIANCE | | | | |
| DESIGN REVIEW | | | | |
| SUBDIVISION | | | | |
| OTHER: | | | | |
| APPLICANT (If same as OWNER, write "SAME" and sign and date at X below) | | | | |
| Applicant's Name [Signature] | | | Contact Person Rob Worden | Work Phone No. 321-5215 |
| Mailing Address | | | Home Phone No. | FAX No. |
| <input checked="" type="checkbox"/> Applicant's Signature [Signature] | | | X 09/10/13 Date of Application | |

(OFFICE USE ONLY BELOW THIS LINE)

| | | | | | | | | |
|------------------------|------------|--------------------------|-----------------------|------------------------|-------------------|--------------------------------------|------------------------|------------------------|
| STAFF APPROVALS | C K | PERMIT TYPE | DATE RECEIVED | APPLICATION NO. | C K | PERMIT TYPE | DATE RECEIVED | APPLICATION NO. |
| | | ALLOWABLE USE APPROVAL | | | | WATER PERMIT | | |
| | | CONDITIONAL USE APPROVAL | | | | SEWER PERMIT | | |
| | | VARIANCE | | | | GRADING PERMIT | | |
| | | DESIGN REVIEW APPROVAL | | | | DRIVEWAY PERMIT | | |
| | | SUBDIVISION | | | | RIGHT-OF-WAY PERMIT | | |
| | | STREET VACATION | | | | PUB. FAC. TRANSMISS. & EXCAV. PERMIT | | |
| | | SIGN APPROVAL | | | | OTHER - (Describe) | | |
| | | BUILDING PERMIT | | | | | | |
| | | Zone | | Total Lot Area | Required Setbacks | | Permit Intake Initials | |
| | | | Front Back Side Other | | | | | |
| COMMENTS: | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

DECLARATION OF AUKE LAKE RIDGE SUBDIVISION PROTECTIVE COVENANTS

WHEREAS, R & S Construction, LLC (hereinafter referred to as Developer) is the owner of that certain real property known as Auke Lake Ridge Subdivision, located in the City and Borough of Juneau, more particularly described in Plat 2013- , Juneau Recording District, First Judicial District, State of Alaska; and

Whereas, the Developer has developed and is selling lots in the Auke Lake Ridge Subdivision and is required to prescribe certain standards regarding the use and occupancy of said lots and common infrastructure; and

Whereas, the purchasers of lots in the Auke Lake Ridge Subdivision have been notified of said covenants and agree to abide by the provisions contained herein;

Now therefore, the Developer declares that all conveyances of the lots in the Auke Lake Ridge Subdivision shall be made and accepted upon the express conditions, provisions, restrictions and covenants of this Declaration which shall apply to and bind the purchasers of the lots, their heirs, successors and assigns. This Declaration is imposed as a general plan for the Auke Lake Ridge Subdivision, and this Declaration is imposed on each and every lot in the subdivision, as follows:

STANDARDS FOR BUILDING ON LOTS

1. All lots shall be used for residential purposes. Only one single-family dwelling or duplex is permitted to be constructed on each lot, together with an attached or detached garage or shop. The residence may contain one accessory apartment.
2. No lot may be subdivided.
3. The lot purchaser will be required to obtain a CBJ grading permit with a drainage plan prior to receiving a building permit.
4. The Developer will install water and sewer services to each lot.
5. Property owners are responsible for maintenance and repairs to both sewer and water utilities. CBJ Water and Sewer Departments shall retain the right to access both the water valves and sewer cleanouts and manholes. CBJ will not obtain any ownership or responsibility of said utilities. The Fire apparatus turn

around shall be kept clear and maintained by the property owners of the Auke Lake Ridge Subdivision.

HOME OWNER'S ASSOCIATION

1. The owners of the lots in the subdivision will form a Home Owner's Association. This association shall assume responsibilities and functions pertaining to the benefit of all lot owners. When the Association is formed, it shall be incorporated as a nonprofit corporation pursuant to AS 10.20 et. seq. Each lot owner shall be a member of the Association.
2. The Association shall enact bylaws and regulations for the governance of the Association and the subdivision. Each member lot shall have one vote regarding the affairs of the Association.
3. The Association shall assume responsibility for: (a) the maintenance of the fire apparatus turnaround and common road serving all lots to include snow removal; (b) maintain natural drainages and keep the ditches and culverts clean; (c) the enforcement of this Declaration; and (d) such other matters as the Association determines are necessary and desirable to preserve the quality, harmony and value of the subdivision.

ENFORCEMENT, DURATION AND AMENDMENT

1. Any lot owner, a group of lot owners, the Developer, and/or the Association, if formed, may enforce this Declaration provided at least twenty (20) days written notice specifying the violation of the Declaration is given to the person(s) or entities claimed to be violating this Declaration. After notice is given, suit may be filed in the Superior Court, First Judicial District, State of Alaska at Juneau to remedy the violation. Alaska law shall govern the interpretation and enforcement of this Declaration. In addition to any other remedy available at law or equity, either or both of the following may be obtained for violation of the Declaration; (a) an injunction to enforce this Declaration, and, (b) due to the difficulty of determining damages, liquidated damages of Two Hundred Fifty Dollars (\$250.00) per day commencing on the date of the written notice specifying the violation of the Declaration.
2. This Declaration shall be in effect with the land indefinitely from the date the Declaration is recorded in the Juneau Recording District, First Judicial District, State of Alaska. Thereafter the Declaration shall automatically extend for successive periods of ten (10) years unless, before the commencement of an automatic extension, an instrument signed by lot owners who own at least sixty percent (60%) of the lots in the subdivision is

recorded in the Juneau Recording District, First Judicial District, State of Alaska terminating this Declaration.

3. This Declaration may be amended or modified at any time after three (3) years of it's recording by an instrument containing the amendment or modification signed by lot owners who own at least sixty percent (60%) of the lots in the subdivision. The CBJ shall review all amendments of this declaration.

4. Invalidation of any one or more of the provisions of this Declaration shall in no way affect any of the other provisions, which shall remain in full force and effect.