

MEMORANDUM

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

DATE: January 9, 2014

TO: Planning Commission

FROM: Ben Lyman, Senior Planner
Community Development Department



FILE NO.: AME2013 0009

PROPOSAL: Requested zone change from Waterfront Commercial to General Commercial of the Auke Bay Post Office property would allow for remodel of existing office space into 7 apartments; residential property on north side of Glacier Hwy. would also be re-zoned to General Commercial from Light Commercial.

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

Applicant: Gerald Gotschall, Northwind Architects

Property Owners: Myron Klein;
Andrea Iverson; and,
David Iverson

Property Addresses: 11890 and 11893 Glacier Highway

Legal Descriptions: USS 2391, Fraction of Lot B; and, Woodacres Lots 4, 5, 6, and 7

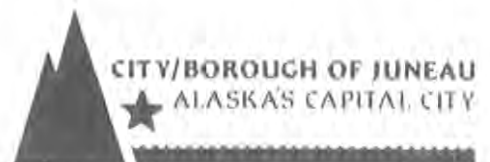
Parcel Code Nos.: 4-B28-0-104-001-0 and 4-B28-0-102-001-0

Site Size: 0.68 Acres or 29,620 Square Feet

Zoning: Light Commercial and Waterfront Commercial

Utilities: Public Water and Sewer

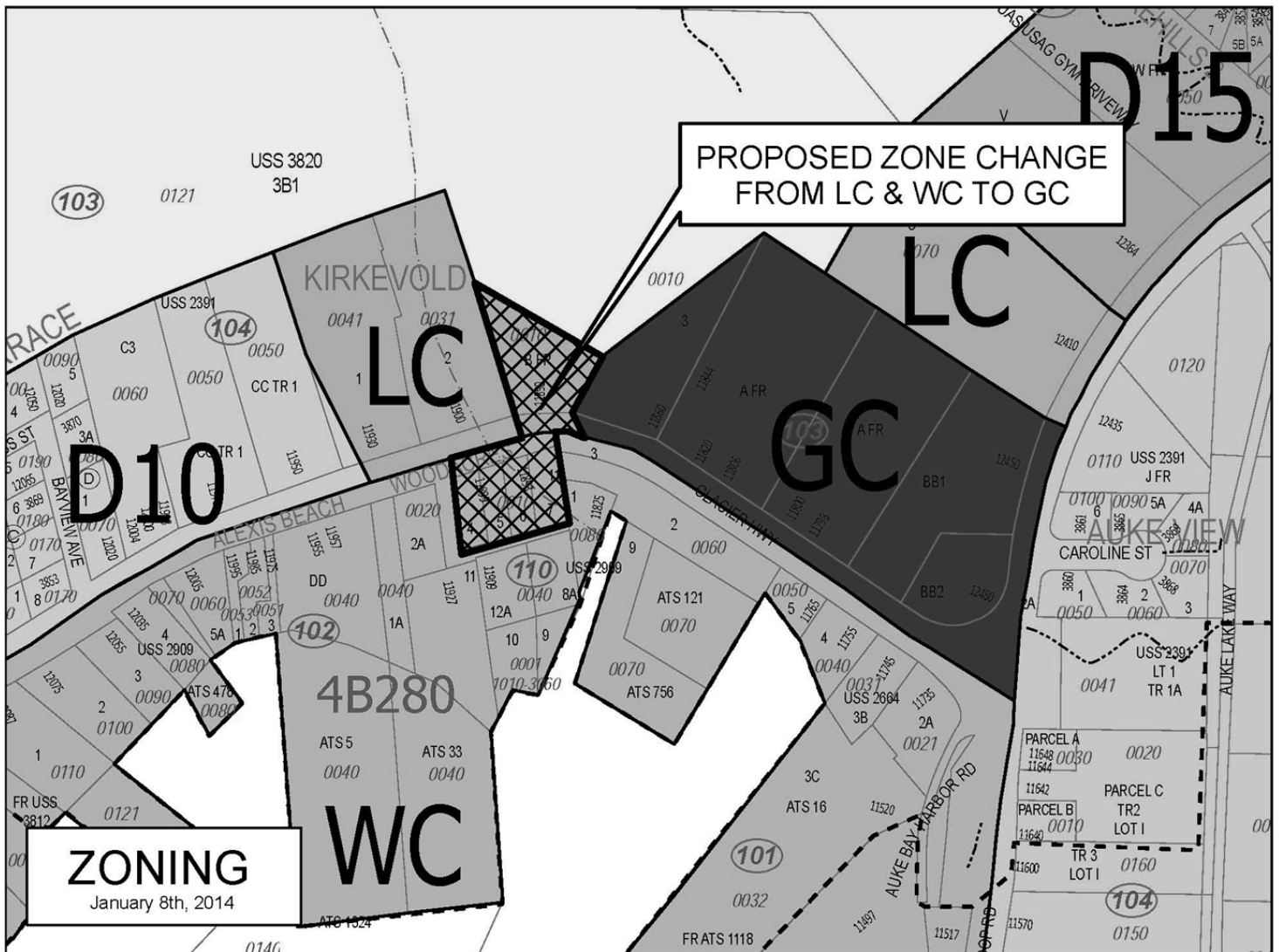
Access: Glacier Highway



Existing Land Use: United States Post Office and Multi-Family Residential; and, Single-Family Residence with an Apartment

Surrounding Land Use: North- Auke Bay Elementary School
South- Auke Bay Towers Condominiums
East - Squire's Rest Complex, Former Horton's Hardware Parking Lot, DeHart's, UAS Bookstore
West - Single- and Multi-Family Residences, RV Park, Auke Bay Fire Station, Fisherman's Bend Complex

Vicinity Map



ATTACHMENTS

Attachment A	Application for rezoning
Attachment B	Excerpts from CBJ 49.25 Related to AME2013 0009
Attachment C	E-mail from Greg Chaney to Ben Lyman, November 18, 2013
Attachment D	December 6, 2013 memorandum from Laura Boyce regarding the Auke Bay Area Plan Steering Committee's motion regarding the subject request
Attachment E	Declaration of Deed Restriction Limiting Height of Structures

BACKGROUND

The proposed ordinance would amend the zoning maps (CBJ 49.25.110) for five parcels; a single lot currently zoned Light Commercial (LC) (the "Iverson property") and four lots currently zoned Waterfront Commercial (WC) (the "Post Office"). The four WC-zoned parcels are developed with a single building, which houses the Auke Bay U.S. Post Office and twelve residences. The U.S. Postal Service recently reduced the amount of the building that it leases, leaving a portion of the ground floor vacant. The property owner proposes to convert this space to seven dwelling units, for a total of 19 units in the building in this phase. The current WC zoning precludes this conversion, as the property is already developed with as many residences as can be permitted on a WC-zoned lot of this size (see project narrative in Attachment A). Although the desired seven units could be constructed in the building if the property were rezoned to LC, this would be the maximum number of dwellings that could be constructed on the site in that zone. As there is some uncertainty if the Post Office will renew its lease when it next expires in five years, the property owner would like to rezone the property to General Commercial (GC) to allow the eventual conversion of the entire building to residential uses.

The Post Office properties are not, however, directly adjacent to an existing GC zone, and are less than two acres in size; under the provisions of CBJ 49.75.120, "*Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone*", this lot could not be rezoned to GC by itself. Accordingly, the applicant approached the owners (the Iversons) of a property on the north side of Glacier Highway that abuts the existing GC zone about including their property in the rezoning application. No redevelopment or change of use of that property, which is developed with a single-family residence with an apartment, is planned by the owners at this time.

A neighborhood meeting was held at the Auke Bay Fire Station, which is located next door to the Iverson property and across Glacier Highway from the Post Office, on October 14, 2013. Neighbors who attended the meeting expressed three general comments:

- 1) They were supportive of the redevelopment of the vacated Post Office space with residences;
- 2) They were concerned about the possibility of the Post Office closing when its lease expires;

- 3) They were concerned that other property owners might attend the Planning Commission hearing on the rezoning and ask to have their properties included in the rezoning; as there are large undeveloped or under-developed properties adjacent to the Post Office, new development on these properties would have a very different impact than redevelopment of interior space in an existing building.

Everyone in attendance agreed that there was little that could be done to prevent the Post Office from vacating the space, and that the rezoning would not have any effect on the Postal Services' decision to remain in the building or relocate.

Staff assured those present that if any other property owners asked to be included in the rezoning, new public notice would be required before the Planning Commission could take action on the application.

Comments on the proposed rezone were solicited from CBJ, state, and federal agencies. The Alaska Department of Transportation and Public Facilities (DOT&PF) expressed concern about the eastern driveway from the Post Office to Glacier Highway, as it is located on a sharp corner with limited sight distance. DOT&PF and CBJ staff discussed this and agreed that the appropriate mechanism for managing access to Glacier Highway from the Post Office property would be when the use of the Post Office property is proposed to be changed, at which time a new driveway and approach road permit will be required from DOT&PF.

CBJ Land and Resources Manager Greg Chaney submitted comments requesting that the height limit on the Post Office property not be extended to 55 feet, but be retained at 35 feet, the current height limit in the WC zoning district.

During its regular meeting of November 26, 2013, the Planning Commission postponed action on this request pending review and comments by the Auke Bay Plan Steering Committee (ABSC). The ABSC was presented with the rezoning request at their inaugural meeting on December 4, 2013, and adopted the following motion regarding the requested zone change:

“At this time, we don’t have the experience or the knowledge to weigh in on this proposal, but we may weigh in on other proposals in the future.”(Attachment D)

On January 8, 2014, the property owner recorded document 2014-000077-0 with the Juneau Recording District (Attachment E). This document “creates, declares and establishes...a height [limit] of 35 feet” for a period of three years from January 7, 2014. The purpose of this document is to provide legal assurance that the full 55-foot height limit in the GC zoning district will not be utilized on the subject property in the foreseeable future, and that the property may be re-zoned to an as-yet non-existent zoning district that may be created through the Auke Bay Plan implementation process within the next three years. Recording this document is not a condition of this re-zoning, as it has already taken place and already encumbers the land. This document and the restrictions that it places on the subject property are existing conditions that already run with the land.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

Both the Post Office and the Iverson property are designated as Marine Mixed Use (M/MU) lands in the Land Use Maps of the *Comprehensive Plan*. The M/MU designation is described as:

These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhood-serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium- and high-density residential uses at densities ranging from 10 to 60 residential units per acre. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to the berthing locations, are appropriate for these areas.

Auke Bay is within the *Comprehensive Plan* Subarea 3: Auke Bay, Mendenhall Peninsula, & West Mendenhall Valley. Two Guidelines and Considerations for Subarea 3 relate to developing an Auke Bay Area Plan; that planning process is currently underway. The third Guideline and Consideration that relates to the Auke Bay area calls for “[encouraging] high-density, transit-oriented residential and/or mixed use developments in the Auke Bay “village” area and around the University, particularly for student and faculty affordable housing.”

Auke Bay is designated as using the “Urban” Community Form, which is defined in Chapter 3 of the *Comprehensive Plan*:

Urban: Urban areas are represented by downtown Juneau and Douglas, West Juneau, medium-density areas of Lemon Creek and Switzer Village, the mixed use area around and between the Mendenhall Mall and Nugget Mall, and the village area around Auke Bay Harbor and the University. In these urban areas, residential, commercial, mixed use and and/or public facilities share land and utilities in a compact area. Urban areas are characterized by low- to mid-rise residential and commercial structures, often with the uses mixed within the same structure or with commercial uses lining the edges of residential neighborhoods. Typical mass and scale of these urban neighborhoods are 2 to 3-story structures separated by parking lots, roads, sidewalks and landscaping or small yards... (p. 13)

The *Comprehensive Plan* states that:

*In considering re-zoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the *Comprehensive Plan* and associated land use maps. In some cases, the highest and best use may be increased density*

or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards. (p. 143)

A substantial revision of land zoned for residential uses was accomplished in 1987 to bring the zoning map into conformance with the 1984 Comprehensive Plan. The CBJ government should continue to conduct re-zoning processes to reflect the land use designations and densities recommended in this 2012 update. Most specifically, higher density residential developments along public transit routes are needed to satisfy affordable housing needs, to make the most efficient use of a limited amount of buildable land, and to provide public services efficiently therein. (p. 129)

There are several Policies that relate to the requested rezoning:

POLICY 3.2 TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

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

POLICY 4.2 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.

POLICY 4.3 TO DESIGNATE ON LAND USE MAPS AN ADEQUATE SUPPLY OF BUILDABLE LAND WITHIN THE URBAN SERVICE AREA, AND PARTICULARLY ALONG TRANSIT CORRIDORS, FOR RESIDENTIAL USE AT DENSITIES THAT CAN PRODUCE HOUSING AFFORDABLE TO ALL ECONOMIC GROUPS.

POLICY 4.8. 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 10.1 TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS.

POLICY 10.2 TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3 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.

POLICY 10.4 TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

Numerous Standard Operating Procedures, Development Guidelines, and Implementing Actions are somewhat related to the requested rezoning; two Standard Operating Procedures (SOPs) and one Development Guideline (DG) addresses the various residential land use designations and zoning districts with particularity. Although the General Commercial zone is not a residential zone, it allows some of the highest residential densities of any zoning districts (50 dwelling units/acre), so these residentially-focused SOPs are pertinent:

4.3 - SOP1 Monitor and, when necessary, designate an adequate amount of vacant land for residential development on the Comprehensive Plan Land Use Maps. Densities within the [Urban Service Area Boundary] USAB and New Growth Areas should foster compact development at medium- to high-densities. As a target goal for compact development, a minimum density of ten dwelling units per acre for residentially-zoned lands within the USAB would make prudent and efficient use of these limited land resources. A density of 30 dwelling units per acre, or greater, along major transit corridors is recommended to produce affordable housing and to make efficient use of transit services therein.

4.8 - DG1 When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.

10.3 - SOP1 Designate various categories of residential density on the Comprehensive Plan Land Use Maps and the Land Use Code maps based on evaluation of the following criteria:

A. Physical site conditions including slope, areas of natural hazard, wetlands, watershed value, and/or high value natural resources;

- B. Access and capacity of adjacent streets and intersections. Arterial streets should have limited, and controlled, access from local or collector streets;
- C. Availability of public facilities and services, especially municipal water and sewer systems and, for low- to moderate-income affordable housing, proximity to public transit;
- D. Compatibility of the proposed development with the scale and massing of surrounding neighborhoods with regard to building height and orientation, but not necessarily with regard to similar density as the surrounding or adjacent neighborhood, as the CBJ seeks to make the most efficient use of residentially-buildable lands;
- E. Potential of specific sites to accommodate the proposed density including size and shape of property and adequacy of internal circulation, parking, screening and privacy; and/or,
- F. Distance from incompatible land uses that may generate offensive or nuisance off-site impacts to the new residential development, including noise, dust, fumes, malodors and/or heavy truck traffic.

Discussion

The 2013 *Comprehensive Plan* calls for developing a neighborhood or small-area plan for Auke Bay, and that planning process is currently underway. The right of property owners to proceed with development, including requesting that their properties be re-zoned, is not subject to moratorium or other restriction while that planning process is underway. The proposed redevelopment of the now-vacant portion of the existing Post Office building with additional residential units does support the identified need to develop additional housing, especially multi-family units, in the community; however, it is important to remember that the zoning designation will run with the land regardless of the intentions of the owner or the condition of the structure. That is, once re-zoned, either the Iverson Property or the Post Office could be developed by their present owners or by new owners as any use allowed in the General Commercial zoning district. The fact that there are existing structures on both properties that are in good condition may provide some reasonable expectation that significant redevelopment will not occur on either property in the near future, but that is nevertheless only an expectation, not a requirement.

Findings

The requested rezoning is in conformance with the Land Use Maps of the *Comprehensive Plan*, as well as the relevant Policies, Standard Operating Procedures, Development Guidelines, and Guidelines and Considerations therein.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

The following sections of Title 49 have been examined to determine whether or not the proposed ordinance is in compliance with the Code:

49.05.100 Purpose and intent

49.05.200 Comprehensive plan

49.25 Zoning Districts (see Attachment B for comparison of WC, LC, and GC zoning districts)

49.75 Article I. Rezonings

CBJ 49.75.120 Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the Comprehensive Plan.

HABITAT

Discussion

A rezoning of land has no direct impact on habitat in and of itself. The Post Office property is already fully developed, and no further impacts to habitat are expected from any potential development of that property. The Iverson Property, however, is largely undeveloped, and is adjacent to Bay Creek, a cataloged anadromous fish stream that is subject to habitat setbacks under CBJ 49, the Land Use Code.

Whatever development is proposed on the subject property, it will have to follow the applicable permitting requirements, at which time impacts to habitat will be reviewed.

FINDINGS

The requested rezoning from WC and LC to GC, and the uses allowed therein, are in conformance with the land use maps of the *Comprehensive Plan*.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend that the Assembly amend the zoning maps as provided CBJ 49.25.110(c).

ZONE CHANGE APPLICATION

Project Number A1	Project Name (15 characters)	Case Number AME20130009	Date Received 7/3/13
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LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:

WOOD ACRES Lots 4-7
Parcel: 4B 280 1020010

IS THIS AN EXPANSION OF AN EXISTING ZONE?

Yes No

Total Land Area of Proposed Change 0.057 acres Comp Plan Designation _____

Current Zone(s) WC Comp Plan Map _____

New Zone Requested G/C

TYPE OF ZONE CHANGE REQUESTED:

Regular Transition

HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?

Yes No

UTILITIES AVAILABLE:

WATER: Public On Site

SEWER: Public On Site

PURPOSE OF THE REQUESTED ZONE CHANGE:

Requested zone change would Allow FOR Remodel OF Existing APT/OFFICE/BUSINESS BUILDING to Change OFFICES into (7) APTS within EXIST. Bldg.

IS THERE A PROPOSED USE OF THE LAND?

Yes No

PROPOSED BUFFERS TO ADJACENT ZONES?

Yes No

DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):

To Accomodate Additional Housing Units, From 12 to 19, zoning would need to change to G/C to Allow For Housing Density on EXIST. SITE. (See Attached Letter for Addl. Breakdown.)

DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:

STREETS: Vehicle traffic changed from Daytime on site @ Post Office to Morning AND Evening @ APTS. (minimized w/ 7 ^{New} UNITS)

WATER:

Increased From OFFICE use to Residential.

SEWER:

Increased From OFFICE use to Residential.

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.

ZONE CHANGE FEES


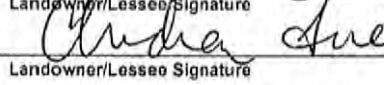
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>600</u>	_____	_____	_____
Admin. of Guarantee	\$ _____	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____
Total Fee	\$ <u>750</u>	<u>2083</u>	<u>CDD8947</u>	<u>7/3/13</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

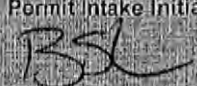
DEVELOPMENT PERMIT APPLICATION

RECEIVED
PERMIT CENTER

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		PERMIT CENTER

PROJECT / APPLICANT INFORMATION	Project Description Rezoning is required from WC to GC at the Auke Bay Post Office building (11893 Glacier Hwy) in order to renovate the existing first floor from office area to apartments. Increases apartment count from 12 to 19 units. Extending the GC zone from Squires Rest property to the Auke Bay Post Office building crosses over the residential property owned by the Iversons (their property is listed below, and consent is given by the signing of this form.)		
	PROPERTY LOCATION		
	Street Address 11890 Glacier Highway	City/Zip Juneau, AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 2391 Lot B, Fraction		
	Assessor's Parcel Number(s) # 4B2801040010		
	LANDOWNER/ LESSEE		
	Property Owner's Name David Iverson	Contact Person: David Iverson	Work Phone:
	Mailing Address PO Box 032924 Juneau, AK 99803	Home Phone: 907-789-5754	Fax Number:
	E-mail Address	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. (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	 Landowner/Lessee Signature	9/27/2013 Date	
X	 Landowner/Lessee Signature	9/27/13 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 a date at X below)			
Applicant's Name Gerald Gotschall, Northwind Architects, LLC	Contact Person: Gerald Gotschall	Work Phone: 907-586-6150 x3	
Mailing Address 126 Seward Street, Juneau, AK	Home Phone: 907-723-8257 cell	Fax Number:	
E-mail Address gerald@northwindarch.com	Other Contact Phone Number(s): for Wright Services, Inc. 907-780-5457		
X	Applicant's Signature	Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	Sign	Date Received	Application Number(s)
		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)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	<input checked="" type="checkbox"/> Zone Change Application		10-1-13	AME2013-0009	
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials 	

DEVELOPMENT PERMIT APPLICATION

Project Number AME20130009	CITY and BOROUGH of JUNEAU	Date Received: 7/3/2013
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description REMODEL EXISTING BUILDING From OFFICES TO Apartments. Increasing APT. Count From 12 to 19.		
	PROPERTY LOCATION		
	Street Address 11893 GLACIER Hwy	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Parcel: 4B2801020010, WOODACRES LOTS 4-7.		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name Myron Klein, Wright Services	Contact Person: Myron Klein	Work Phone: 780-5454
	Mailing Address 5454 SHAUNE DRIVE, Juneau	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	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		<u>Myron W. Klein</u> Landowner/Lessee Signature	<u>7/1/2013</u> Date
X		_____ 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 before the scheduled public hearing date.			
APPLICANT (If the same as OWNER, write "SAME" and sign and date at X below)			
Applicant's Name GERALD GOTSCHALL, NORTHWIND ARCH'S.		Contact Person: GERALD. G.	Work Phone: 586-6150 x3
Mailing Address 126 SEWARD STR. Juneau		Home Phone:	Fax Number:
E-mail Address gerald@NorthwindArch.com	Other Contact Phone Number(s): c: 723-8257		
X	<u>Gerald Gotschall</u> Applicant's Signature	<u>7.3.2013</u> Date of Application	

OFFICE USE ONLY BELOW THIS LINE			
	Permit Type	***SIGN	Date Received
STAFF APPROVALS	<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)		
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	Variance Case (De Minimis and all other Variance case types)		
	Wetlands Permits		
	X Zone Change Application		
Other (Describe)			AME20130009
Comments:			***Public Notice Sign Form filled out and in the file.
			Permit Intake Initials ESF



July 1, 2013

To: CBJ - Community Development Dept.

From: Gerald Gotschall, AIA -
Principal Architect
NorthWind Architects

Project: Auke Bay Building – Apartment Infill for Wright Services, Inc.
Re: Zoning Revision Request

Address: 11893 Glacier Hwy; Lot: Woodacres Lot 4-7; Parcel: 4B2801020010

Zoning for the Auke Bay Building:

The current zoning for this building is WC and it does not allow for the existing building to be renovated for the (7) additional apartments currently planned.

Proposal: Request that the GC zoning be extended over and across to cover this property. Thus expanding the capacity from 20 units/acre to 30 units/acre, and expanding the capacity of this 0.67- acre site from 12 units to 18 units.

This zoning change to the property would provide seven (7) new *quality* rental housing units and it would allow the currently vacant portion of the existing building to be reconfigured to new, higher value rentable space. It would not adversely affect the current mix of residential & commercial uses along that stretch of Glacier Highway. It would also be an initial good faith step toward the eventual change to the Marine Mixed Use (M/MU) type of development and zoning classification that is proposed in the Comprehensive Plan for this area; a change that would allow for the remainder of this building to be renovated to a higher and better use in the future.

Background:

The CBJ 2008 Comprehensive Plan identifies this area for a future upgrade to M/MU (marine mixed use) district.

Current zoning for the building is WC Waterfront Commercial.

This zone type allows for up to 18 units per acre.

This site is 0.657 Acre.

Therefore:

- For WC, $0.657 \times 20 \text{ units/acre} = 11.8 \text{ units (12)}$
- For LC (Light Commercial), $0.657 \times 30 \text{ units/acre} = 17.7 \text{ units (18)}$
- For GC (General Commercial), $0.657 \times 50 \text{ units/acre} = 32.8 \text{ units (33)}$

The potential of the existing building shell for residential units is a maximum of 22-24 housing units, parking included. Our **goal** with the current phase of our project is to add 7 units for a total of **19 housing** units onsite.

NorthWind
Architects, LLC

To change the current zoning on this site - per our conversation with the CBJ planners - it would need to be an extension of an existing zone. In this case, it was proposed that the GC zone at the Squires Rest building would be extended to the Auke Bay Fire Station (currently an LC zone) and then extended across the street to cover this building site and it's 4 joined lots (currently WC zone). This would allow for an increase to 33 units/acre as noted above.

The current zoning is WC - Waterfront Commercial for buildings or development associated with the waterfront. This site is *not* on the waterfront and is in fact closer to 100' above the mean water line and faces toward the street with no connection or adjacency of the property to a beach or waterfront area. There are lots on all sides of this property that buffer it from any waterfront access or adjacency.

This is also an existing building attempting to provide a higher density, housing development to this area of Auke Bay along Glacier Highway. This building is a model of the type of mixed use development that could be constructed for to upgrade this Auke Bay '*harbor district*' to a higher density, mixed use zone.

The following maps are excerpts from CBJ maps for both current zoning of the area and proposed future zoning from the 2008 Comprehensive Plan.

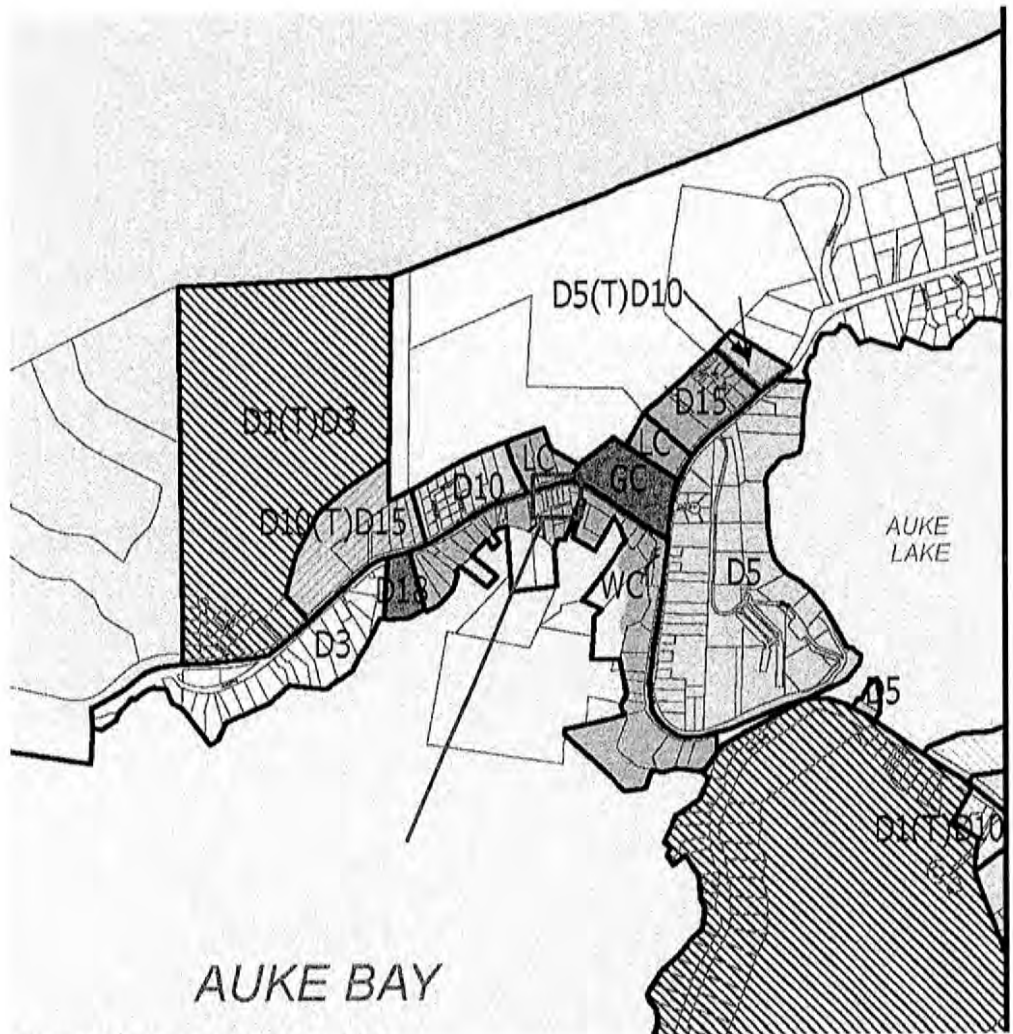
We would be happy to meet to discuss this issue further. Please call should you have any questions or need additional information.

Sincerely,



Gerald Gotschall, AIA

Principal Architect - NorthWind Architects, LLC

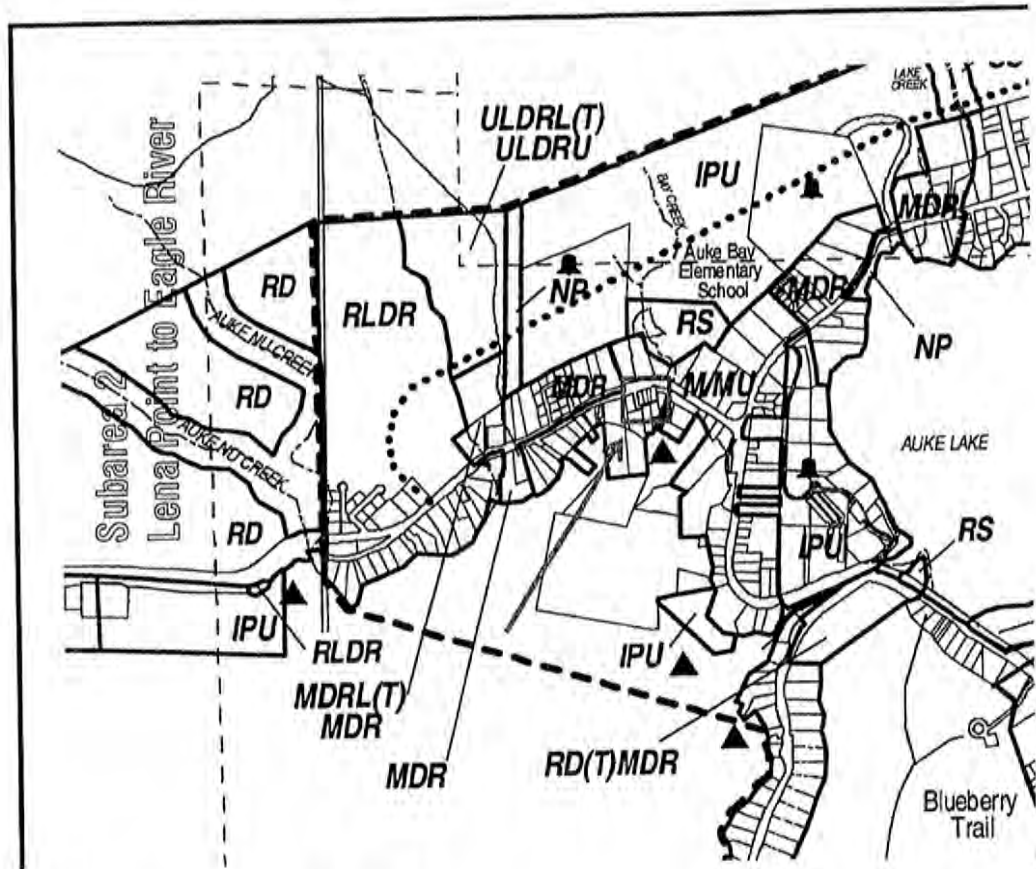


Current Zoning of Project Site: WC

- Nearby property of GC would extend to cover LC and across the street to the Project Site.

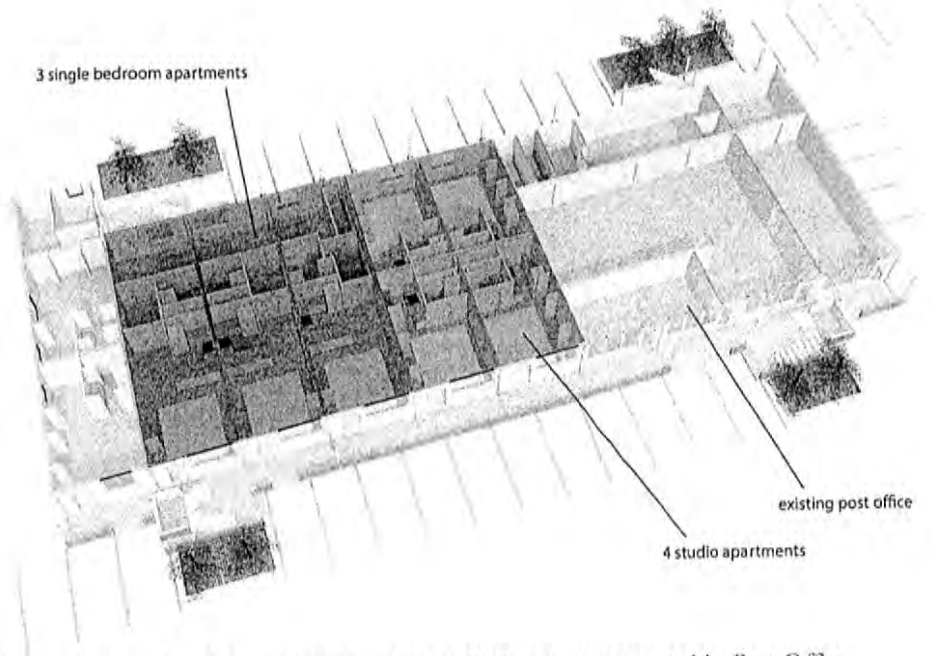


NorthWind
Architects, LLC

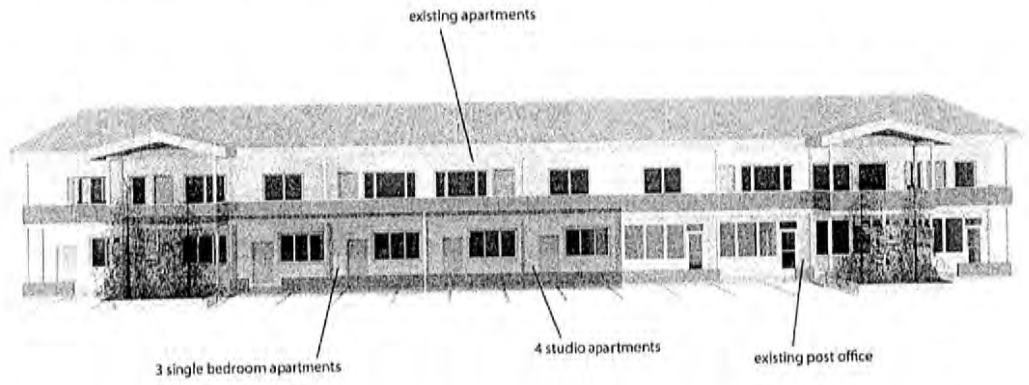


Comprehensive Plan, Proposed Zoning: M/MU

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Architects, LLC

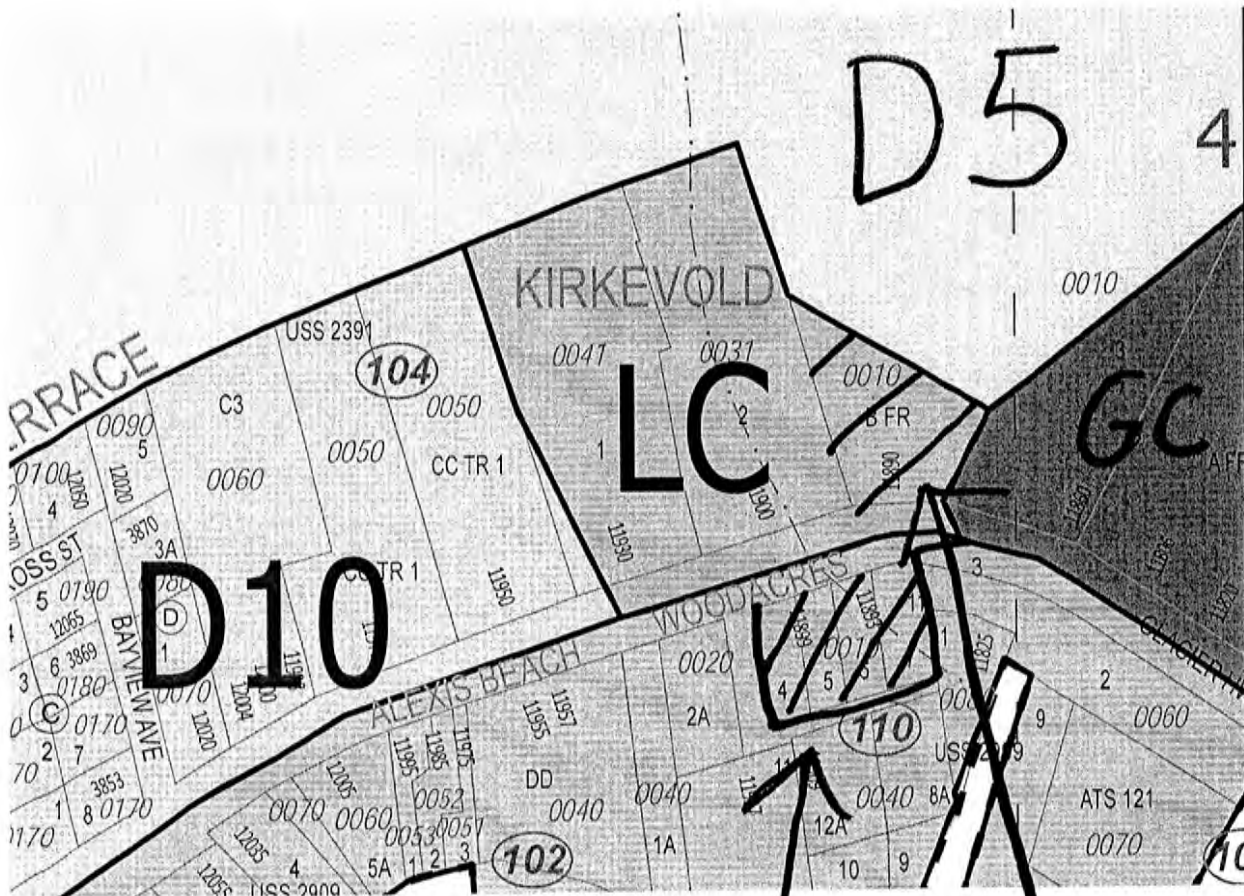


Proposed expansion of 7 new housing units on 1st floor in area vacated by Post Office.



Street elevation of existing building with minor upgrades at infill apartments, existing Post Office.

D5 4



Rezoning WL → GC

Excerpts from CBJ 49.25 Zoning Districts

Related to AME2013 0009

49.25.230 Commercial districts.

The following districts are established to accommodate commercial activities:

- (a) The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.
- (b) The GC, general commercial district, is intended to accommodate most commercial uses. Commercial activities are permitted outright in the zone except for those few uses that are listed as conditional uses to ensure compatibility. Residential development is allowed in mixed- and single-use developments in the general commercial district.

49.25.250 Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

- (a) The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. Residential development is allowed in mixed- and single-use developments in the waterfront commercial district.

ARTICLE III. - TABLE OF PERMISSIBLE USES

49.25.300 - Determining uses.

- (a) (1) *Listed uses.* There is adopted the table of permissible uses, table 49.25.300. The uses permitted in a zoning area shall be determined through the table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the zone thus located shall be as indicated thereat by the digits "1," "2" or "3" as more fully set out in this section and by letters of the alphabet as more fully set out by footnotes in the table. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified zone.

ATTACHMENT B

- (2) *Unlisted uses.* The allowability of a use not listed shall be determined pursuant to section 49.20.320
 - (3) *Uses listed more than once.* Where a use might be classified under more than one category, the more specific shall control. If equally specific, the more restrictive shall control.
 - (4) *Accessory uses.* Uses constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.
- (b) (1) When used in conjunction with a particular use in the table of permissible uses, the number "1" indicates that the use requires department approval pursuant to chapter 49.15, article III, in conjunction with the issuance of a building permit. The use is allowed in the district, but limited conditions may be attached to the approval.
- (2) The number "2" indicates the use requires an allowable use permit from the planning commission. Such uses are allowed in the district, but specified conditions may be attached to the allowable use permit by the commission. The permit procedure is outlined in chapter 49.15, article I.
- (3) The number "3" indicates the use requires a conditional use permit from the commission. The use may or may not be allowed at a particular location, depending on a determination of its compatibility with surrounding or proposed land uses. The planning commission may attach any condition to ensure the compatibility of the proposed use. The conditional use permit procedure is outlined in chapter 49.15, article I.
- (c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.
- (1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.
 - (2) If the project is a major development the second number shall indicate the applicable procedure.
 - (3) The following are the distinctions between minor and major development:
Minor development means development which is classified by zoning district as follows:
...
Commercial and Mixed Use Districts: A residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 10,000 square feet or using less than one-half acre of land.
...
- (d) *Exceptions.* Exceptions to the use of minor and major development classifications as a method of determining the applicable approval procedure shall be as noted in the table of permissible uses.

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

Use Description		LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
1.300	Multifamily dwellings	1, 3	1, 3	3
1.450	Halfway houses	3	3	
1.500	Day care homes			
	1.510 Child; 8 or fewer children under the age of 12	1	1	
	1.520 Child; 9 to 12 children under the age of 12	3	3	
	1.530 Adult; 8 or fewer people, 12 years and older	1	1	
	1.540 Adult; 9 to 12, people 12 years and older	3	3	
1.550	Child care residence, 6 to 9 children under 18 years of age	3	3	
	1.610 Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	1, 3	1, 3	3 ^N

Use Description		LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
	1.620 Hotels, motels	1, 3	1, 3	3 ^N
	1.820 Mobile home parks ^E	3	3	
	1.830 Mobile home subdivision ^E	3	3	
1.900	Common wall development			
	1.920 Three or more dwelling units	1, 3	1, 3	
	1.930 Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)	3		
	2.120 With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods	1	1	3 ^N
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods	1, 3	1, 3	3 ^N
3.100	Offices greater than 1,000 but not more than 2,500	1	1	3 ^N

		square feet			
Use Description			LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
4.070	Medium manufacturing			3	3 ^N
4.210	Seafood processing				3
	5.110	Elementary and secondary schools including associated grounds and other facilities	3	3	
5.300	Libraries, museums, art galleries		1, 3	1, 3	3 ^N
6.100	Indoor recreation, amusement, or entertainment activity conducted entirely within building or substantial structure				
	6.110	Bowling alleys, billiard, pool halls	1, 3	1, 3	
	6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges	1, 3	1, 3	
	6.130	Theaters seating for 200 or fewer	1	1	3 ^N
	6.135	Theaters seating	3	1	3 ^N

		from 201 to 1,000			
Use Description		LC (Iverson Residence)	GC (Proposed)	WC (Post Office)	
	6.140	Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people		3	3 ^N
	6.150	Indoor shooting range		3	
	6.210	Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	1, 3	3 ^N
	6.220	Miniature golf courses, skateboard parks, water slides, batting cages	3	1, 3	3 ^N
	6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks		3	
7.100	Hospital		3	3	
7.150	Health care clinics, other medical treatment facilities		1, 3	1, 3	

	providing out-patient care			
Use Description		LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
7.200	Nursing care, assisted living, sheltered care	3	1, 3	
7.300	Day care centers for children and adults	1, 3	1, 3	
7.400	Halfway houses	3	3	
7.500	Correctional facilities	3	3	
8.100	Restaurants, bars without drive through service	1, 3	1	1 ^N , 3 ^N
8.200	Restaurants, coffee stands with drive through service	1, 3	1	1 ^N , 3 ^N
8.300	Seasonal open air food service without drive through	1, 3	1	1 ^N , 3 ^N
9.050	Motor vehicle, mobile home sale or rental	1, 3	1, 3	
9.100	Motor vehicle repair and maintenance, including body work		3	
9.200	Automotive fuel station	3	1	
9.300	Car wash	3	1	
9.400	Boat sales or rental	3	1	1
9.450	Boat repairs and maintenance		3	1

Use Description		LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
9.500	Marine fuel, water sanitation			1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic			3
10.100	Automobile parking garages or parking lots not related to a principal use on the lot	3	1	
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored			
	10.210 All storage within completely enclosed structures	3	1	1 ^N , 3 ^N
	10.220 General storage inside or outside enclosed structures		1, 3	1 ^N , 3 ^N
	10.232 Neighborhood snow storage basin, less than ½ acre	3 ^Z	1	3 ^Z
	10.237 Area wide snow storage basin, over 1 acre		3 ^Z	
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by		1, 3	1 ^N , 3 ^N

	the user of the lot and parking and storage is more than a minor and incidental use of the lot			
Use Description		LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	3	1, 3	3
	10.510 Public or commercial moorage	3	3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation			3
	11.120 Enclosed structures for recyclable materials collection	1 ^P , 3 ^P	1 ^P , 3 ^P	1
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	3 ^N
12.100	Veterinary clinic	3	1, 3	1 ^N , 3 ^N
12.200	Kennel	3	3	
12.250	Day animal services, grooming, walking, day care	3	3	
12.400	Horseback riding stables, dog team yards	3	3	
14.100	Aquaculture	3	3	1

Use Description		LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1
14.200	Commercial agricultural operations			
	14.210 Excluding farm animals	3	3	
	14.230 Stabling of farm animals ^M	3	3	
14.400	Mining operations			3 ^N
14.800	Spring water bottling	3	3	
15.100	Post office	1, 3	1, 3	3 ^N
15.500	Heliports, helipads		3	3 ^N
15.600	Transit facilities			
	15.610 Transit center	1, 3	1, 3	3
	15.630 Park and ride not associated with transit station	1	1	
15.700	Public works facility	3	3	
16.200	Full service onsite laundry and/or dry cleaning	3	1, 3	3 ^N
17.150	Intermediate Utility Facilities	3	1, 3	1, 3
19.100	Open air markets (farm,	1, 3	1	1 ^N , 3 ^N

craft, flea, and produce)				
Use Description		LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
19.210	Nurseries, commercial greenhouses with retail sales	1, 3	1	
19.220	Nurseries, commercial greenhouses without retail sales	1, 3	1	
20.100	Cemetery	3	3	
20.300	Funeral home	1, 3	1	

Key:

1. Department approval requires the department of community development approval only.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

- E. See special use regulations for mobile homes, chapter 49.65, article III.
- F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- G. All uses subject to additional performance standards, chapter 49.65, article VIII.
- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.

- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.
- U. No storage permitted on the first floor of a building.
- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications. See CBJ§49.25.510(d)(2).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.

49.25.400 - Minimum dimensional standards.

There is adopted the table of minimum dimensional standards, table 49.25.400. Minimum dimensional standards for all zoning districts shall be according to the table of minimum dimensional standards, subject to the limitations of the following sections and as otherwise specifically noted in the special area or use sections, chapters 49.60 and 49.65.

TABLE 49.25.400
TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	LC (Iverson Residence)	GC (Proposed)	WC (Post Office)
Minimum Lot Size ¹	2,000	2,000	2,000
Minimum lot width	20'	20'	20'
Minimum lot depth	80'	60'	60'
Maximum height permissible uses	45'	55'	35' ⁴
Accessory	35'	45'	35' ⁴
Minimum front yard setback ³	25'	10'	10'
Minimum street side yard setback	17'	10'	10'
Minimum rear yard setback ³	10'	10'	10'

Minimum side yard setback ³	10'	10'	10'
--	-----	-----	-----

Notes:

1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4. (Height Bonus) Reserved.

49.25.500 Density.

The maximum number of dwelling units allowed per acre shall be as provided in the following table:

Zoning District	Maximum Dwelling Units/Acre
LC	30 units per acre
GC	50 units per acre
WC	18 units per acre

Benjamin Lyman

From: Greg Chaney
Sent: Monday, November 18, 2013 4:05 PM
To: Benjamin Lyman
Subject: RE: AME2013 0009 Auke Bay Zone Change

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Ben,

After giving the matter some consideration, the Lands and Resources Division does not object to the potential rezone but we would like the current height limit of 35' retained for the property that is currently zoned WC (south side of Glacier Highway). Development on CBJ's property north of the proposed rezone is limited to 35' and a 55' height limit is out of character with other development on the water side of Glacier Highway in Auke Bay. Furthermore, the property in question is nearly due south of our lot and a building over 35' would cast a significant shadow on our property around noon and block potential views of Auke Bay if CBJ decided to build a taller building in the future.

Thank you for the opportunity to comment.

- Greg Chaney
CBJ Lands and Resources Manager

PS I am a bit confused as to how this 0.68 acre rezone complies with 49.75.120 which restricts rezoning proposals to properties greater than 2 acres in size.

From: Benjamin Lyman
Sent: Friday, October 04, 2013 3:33 PM
To: 'Heidemann, Marie E (DOT) (marie.heidemann@alaska.gov)'; Gary Gillette; Ron King; Charlie Ford; Dan Jager; Sven Pearson; George Schaaf; Kirk Duncan; Ed Foster; Hazel Reynolds; John Kern; Dave Crabtree; Tom Trego; Jim Penor; Greg Chaney; Tom Mattice; David Campbell
Subject: AME2013-9 Auke Bay Zone Change

Good afternoon-
The owner of the building that contains the Auke Bay Post Office has applied to re-zone that 0.65-acre property from Waterfront Commercial to General Commercial in order to allow the conversion of the first floor of the building to residential units. A 0.68-acre lot across the street is included in the re-zoning request, with that lot proposed to be changed from Light Commercial zoning to General Commercial. The changes are shown in the attached map. The application is also attached.

The Waterfront Commercial zone only allows 18 dwelling units/acre, while the Light Commercial zone allows 30 units/acre and the General Commercial zone allows 50 units/acre.

The subject property is not directly adjacent to another lot zoned General Commercial, so the applicant has obtained permission from a property owner across the street to include their property in the re-zone application. This 0.68-acre lot is occupied by a single-family residence with an apartment, and the property owner has no plans to redevelop it; however, this lot could potentially be developed with as many as 20 dwellings under its current Light Commercial zoning, or as many as 34 dwelling units under the proposed General Commercial zone.

The Post Office will be vacating the site when its lease runs out in five years, so the conversion will be gradual, with an initial addition of seven new dwellings if the zone change is approved. Twelve units currently exist on the property, the maximum allowed in the Waterfront Commercial zone. Twenty units would be permitted on the lot if it was zoned Light Commercial, and in General Commercial a maximum of 33 dwellings could be developed on the property. The applicant has stated that the existing building shell can only accommodate 22-24 units maximum, with three to five additional dwellings added after the Post Office vacates the space.

A neighborhood meeting on this request is scheduled for 5 pm on Monday, October 14, 2013 at the Auke Bay Fire Station, across the street from the Post Office.

Please submit any comments, concerns, or questions you have about the project at your earliest convenience, but no later than close of business on Monday, October 21, 2013.

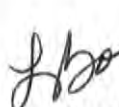
Thank you,
Ben

Ben Lyman
Senior Planner
Community Development Department
City and Borough of Juneau, Alaska

(907)586-0758

MEMORANDUM

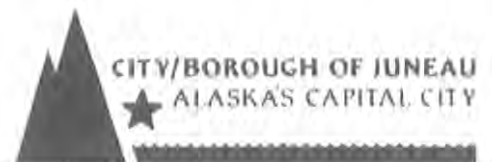
CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

Date: December 6, 2013
To: Planning Commission
From: Laura Boyce, Senior Planner 
Community Development Department
File No.: AME2013 0009
Subject: Proposed Auke Bay Re-zone Project

At its December 4, 2013, meeting, the newly formed Auke Bay Area Plan Steering Committee of the City and Borough of Juneau passed the following motion regarding the proposed rezone request for a property located in Auke Bay:

Motion: At this time, we don't have the experience or the knowledge to weigh in on this proposal, but we may weigh in on other proposals in the future.

Attachment D



CCx 2

RECEIVED

JAN 08 2014

PERMIT CENTER/CDD

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2014-000077-0

Recording Dist: 101 - Juneau

1/8/2014 12:25 PM Pages: 1 of 2



**DECLARATION OF DEED RESTRICTION
LIMITING HEIGHT OF STRUCTURES**

THIS DECLARATION OF DEED RESTRICTION LIMITING HEIGHT OF STRUCTURES ("Declaration") is made by MYRON W. KLEIN ("Declarant"), whose address is: MYRON W. KLEIN, 5454 Shaune Drive, JUNEAU AK 99801-9539, for themselves and their successors and assigns.

WHEREAS Declarant is the sole owner in fee simple of the following real property:

Lots 4, 5, 6 and 7, Woodacres Subdivision, located in the Juneau Recording District, First Judicial District, State of Alaska.

consisting of 28,627 square feet, more or less, (hereafter the "Property").

WHEREAS, the Property is located in the Auke Bay area in the City and Borough of Juneau ("CBJ"), and the CBJ is currently engaged in developing an Auke Bay Area Plan; and

WHEREAS, the purpose and intent of the Auke Bay Area Plan is to develop a community vision for the Auke Bay area, and to subsequently adopt changes to land use regulation in CBJ 49 to realize that vision; and

WHEREAS, the Declarant is supportive of and engaged in the Auke Bay area planning process, and intends to support a potential re-zoning of the Property following adoption of the Auke Bay Plan by the CBJ Assembly; and

WHEREAS, the Declarant intends to increase the number of residential dwellings on the Property, but not to increase the height of the existing structure on the Property;

NOW THEREFORE, Declarant creates, declares and establishes the following restriction which shall run with the Property, and be binding on all parties having a present or future right, title or interest in said Property:

For a period of three years after the date upon which the Declarant signs this Declaration, development of structures on the Property shall be limited to a height of 35 feet, measured as established at CBJ 49.25.420.

RECEIVED
JAN 08 2014
PERMIT CENTER/CDD

The height restriction in this Declaration may be released prior to the specified date if the Property is re-zoned following the adoption of the Auke Bay Area Plan by the Assembly.

For purposes of this Declaration, "development of structures" means construction, reconstruction, or enlargement of any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, processes, equipment, goods or materials, or any site work in preparation or anticipation of such construction, reconstruction, or enlargement.

IN WITNESS WHEREOF, the above named party has hereunto set his hand and seal on this 7 day of January, 2014.

Myron W. Klein
MYRON KLEIN, Declarant

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me on this 7th day of January, 2014 by MYRON KLEIN, Declarant of said instrument.



Notary Public for Alaska [Signature]
My Commission Expires: 04/16/2016

When recorded, return to:
MYRON KLEIN
5454 SHAUNE DRIVE
JUNEAU AK 99801-9539

