

MEMORANDUM

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

DATE: March 12, 2014

TO: Planning Commission

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: USE2014 0004

PROPOSAL: A Conditional Use Permit for Brotherhood Bridge replacement project staging area on Clinton Dr.

GENERAL INFORMATION

Applicant: Orion Marine Contractors, Inc.

Property Owner: William Bauer

Property Address: Vintage Blvd/Clinton Dr.

Legal Description: Vintage Park IIA Block C Lot 8A1

Parcel Code Number: 5-B16-0-144-008-2; 007-1; 006-1
formerly 5-B16-0-144-010-0; 009-0; 008-0; 007-0; and 006-0

Site Size: 59,615 square feet or 1.37 acres

Comprehensive Plan Future Land Use Designation: TTC – Traditional Town Center

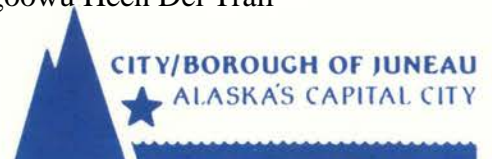
Zoning: LC - Light Commercial

Utilities: Public water and sewer available

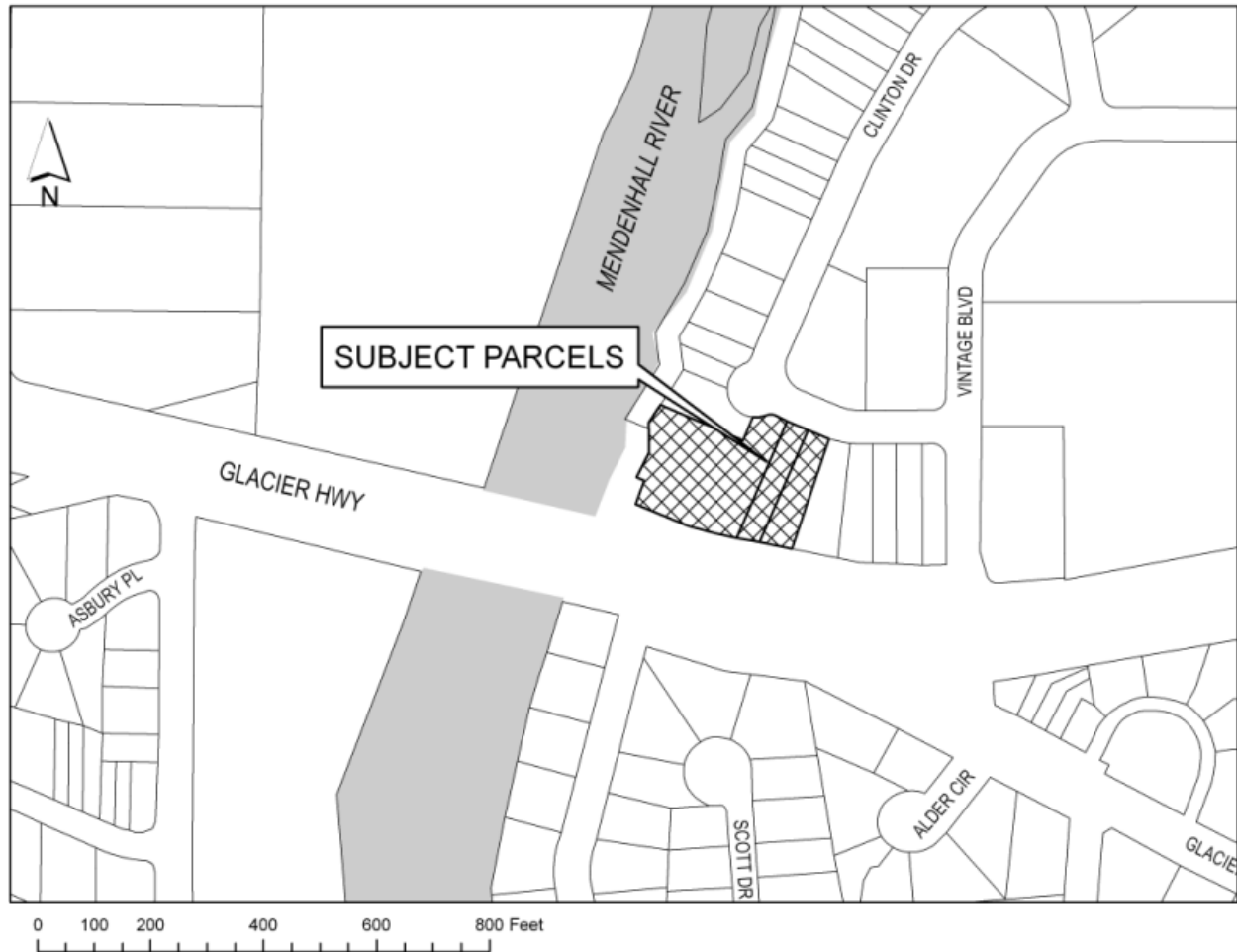
Access: Clinton Dr.

Existing Land Use: Vacant

Surrounding Land Use: North – LC – Commercial Offices
South – D-5 across Glacier Highway
– Single-Family Dwelling
East – LC – Vacant Land
West – D-1 across Mendenhall River
– CBJ Park and Kaxdigoowu Heen Dei Trail



VICINITY MAP



ATTACHMENTS

- Attachment A – Conditional Use Permit and Development Permit Application and Project Narrative
- Attachment B – Proposed Site Plan and Site Pictures
- Attachment C – Public Notice
- Attachment D – Pictures of site

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit to use the subject lots on Clinton Drive as an off-site staging area during construction of the Brotherhood Bridge Replacement Project. The proposed use of the area would be for “general project support, vehicle parking, equipment parking, material delivery, material storage, material assembly, job shack location...” (see Attachment A). Construction for Brotherhood Bridge is anticipated to start at the beginning of April 2014 and substantial completion is expected on October 15, 2015.

BACKGROUND

The Planning Commission at their June 25, 2013 regular meeting approved CSP2013 0011 with conditions for replacement of Brotherhood Bridge and revisions to Industrial Blvd., Vintage Blvd., and trailhead parking lot intersections and separated path to Engineer’s Cutoff.

ANALYSIS

Project Site and Design - The project site is located in the Vintage Business Park on Clinton Drive. The site is currently a large, vacant, open, grassy area. The applicant plans to use 59,615 square feet (see Attachment B) of the vacant lots for the off-site construction staging area. As stated above the area would be used for material delivery, storage and assembly.

A small generator will be used for electrical needs and port-a-potties will be on site for use as rest rooms.

The proposed staging area will be fenced with a 6 foot chain link fence on the North and East sides of the proposed area, with an access gate on Clinton Dr. (see Attachment B).

Traffic, Parking and Circulation – The site would be accessed by a gate at the North side of the site onto Clinton Drive. Vehicles hauling material will enter and exit the site using the same access gate. The applicant has stated in their narrative that the street, curb, and gutter will be returned to its existing condition upon completion of use of the site for construction staging. The applicant also proposes to use the site as vehicle parking and equipment parking.

The proposed site is currently vacant. The applicant proposes to place a layer of gravel on the site to prevent “bogging” and limit transporting of soil and mud by vehicle to adjacent streets. The applicant has stated that “After completion of the project, the gravel will be removed and the area re-seeded to its current condition or to another condition as approved by the property owner and the Borough.”

Noise – The applicant has stated that one of the uses of the site would be for “material assembly,” so noise during use of this site and construction of Brotherhood Bridge is expected. Assembly and or prefabrication of materials will include welding and form prefabrication. The

City and Borough of Juneau Penal Code applies to this project – CBJ 42.20.095 *Disturbing the Peace* (b) states:

“(b) Construction of buildings and projects. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m. Saturday and Sunday, unless such permit shall be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.”

The applicant will comply with the Penal Code. Construction of Brotherhood Bridge will occur 6 days a week starting at 8 am for 10 hours a day.

Public Health or Safety – There are no public health or safety issues associated with the proposed development.

Habitat – The area proposed for construction staging is near the Mendenhall River, which is classified as an anadromous stream. The project is outside of the 25 foot no-disturb setback provided in Title 49 for anadromous streams. The project will be in accordance with the Storm Water Pollution Prevention Plan prepared for the Brotherhood Bridge Replacement Project. There are no other sensitive habitats in the project area.

Property Value or Neighborhood Harmony – The proposed Conditional Use Permit would be for off-site construction storage and some material assembly. This activity will be for a temporary period of time and may have some impacts to neighborhood harmony. The staging area will be next to existing office buildings, but should not cause more than regular construction noise. Noise will be regulated by the penal code as noted above. Property values should not be affected by this temporary use of the site. Therefore, with the recommended conditions, approval of the off-site staging area during construction of Brotherhood Bridge will not negatively impact property values or neighborhood harmony.

Conformity with Adopted Plans – Staff reviewed the 2013 Comprehensive Plan for policies that may be relevant to the project:

POLICY 5.2. THROUGH A COOPERATIVE EFFORT WITH THE STATE OF ALASKA, TO PLAN FOR AND SUPPORT DEVELOPMENT OF AN ATTRACTIVE SETTING, FACILITIES, AND OTHER SERVICES TO ENHANCE THE STATE CAPITAL AND TO STRIVE TO PROVIDE AN ATMOSPHERE CONDUCIVE TO GOOD LEADERSHIP IN THE STATE, ACCESSIBLE TO AND SUPPORTIVE OF ALL PEOPLE OF THE STATE OF ALASKA.

POLICY8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

The construction staging area is a temporary use of this land for the permanent construction of Brotherhood Bridge. Reconstruction of Brotherhood Bridge will enhance State Capital facilities and promote an improved transportation system.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

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

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

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

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 10.400 for the LC (Light Commercial) zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 14, 2014 and March 24, 2014 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. *Will the proposed development materially endanger the public health or safety?*

No. As stated above there is no evidence that the proposed development will materially endanger the public health or safety.

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

No. As stated above the use, with conditions, will maintain values and will be in harmony with the neighboring area.

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

Yes. As stated above the proposed development generally conforms to the land use plan, thoroughfare plan, and adopted plans.

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

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

N/A

RECOMMENDATION

Based upon the proposed project (identified as Attachments A and B), and the findings and conclusions stated above, the Community Development Department Director **RECOMMENDS** the Planning Commission **APPROVE** the request with the following conditions.

Recommended conditions:

1. Prior to any site preparation or construction activity, the applicant shall obtain a grading permit, issued by the Community Development Department.
2. The applicant shall ensure transported material is secure and safe, and any debris falling on the street or sidewalk be cleaned up as soon as possible.
3. The applicant shall ensure that the sidewalks in front of the subject site shall remain passable for all pedestrians, and cleared of any material that may originate from the construction staging operations except for permitted closures.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number <u>USE20140004</u>	Project Name (15 characters)	Case Number	Date Received <u>02/18/14</u>
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TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

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

Please list the Table of Permissible Uses Category: 10.400

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

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

Construction staging area for Glacier Highway Brotherhood Bridge Replacement. Uses include, material storage, vehicle parking, jobsite office, material prefabrication.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? NO YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S):

Bare land

PROPOSED USE OF LAND OR BUILDING(S):

The area will be used as a construction staging area. Uses will include: temporary job shack, material storage, vehicle parking, material assembly, work site access.

UTILITIES PROPOSED: WATER: ~~None~~ Public On Site SEWER: ~~Portable~~ Public On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 59,615 square feet Total Area of Existing Structure(s) 0 square feet
 Total Area of Proposed Structure(s) 0 square feet

EXTERNAL LIGHTING: NONE

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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

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

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

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

ALLOWABLE/CONDITIONAL USE FEES

Fees	Check No.	Receipt	Date
Application Fees \$ <u>750</u>	_____	_____	_____
Admin. of Guarantee \$ _____	_____	_____	_____
Adjustment \$ _____	_____	_____	_____
Pub. Not. Sign Fee \$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit \$ <u>100</u>	_____	_____	_____
Total Fee \$ <u>900</u>	<u>092458</u>	<u>CDD4798</u>	<u>02/19/14</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

DEVELOPMENT PERMIT APPLICATION

Project Number USE20140004	CITY and BOROUGH of JUNEAU	Date Received: 02/18/14
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Brotherhood Bridge Replacement Project staging area		
	Street Address Vintage Blvd Lots 6A, 7A, 8A1		City/Zip Juneau, AK 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tract DIA & Lots 1A-10A, Block C		
	Assessor's Parcel Number(s) Lot 6 - 5B1601440060 Lot 7 - 5B1601440070 Lot 8A1 - 5B1601440080		
	Property Owner's Name William J Bauer		Contact Person: Elizabeth Clayton
	Mailing Address PO Box 34139 Juneau, AK 99803		Work Phone: 907-789-3060
	E-mail Address vintagebp@gmail.com		Home Phone: 907-789-9682
	Other Contact Phone Number(s):		
	<p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.</p>		
	<p>X <u><i>Wm. J. Bauer</i></u> Landowner/Lessee Signature</p>		<p><u>2-17-14</u> Date</p>
<p>X _____ Landowner/Lessee Signature</p>		<p>_____ Date</p>	
<p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.</p>			
Applicant's Name Orion Marin Contractors, Inc.		Contact Person: John Smithson	
Mailing Address 6120 A Street Anchorage, AK 99518		Work Phone: 907-561-9811	
E-mail Address jsmithson@orionmarinegroup.com		Home Phone: 907-561-9844	
Other Contact Phone Number(s):			
<p>X <u><i>John Smithson</i></u> Applicant's Signature</p>		<p>17 Feb 2014 Date of Application</p>	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	<input checked="" type="checkbox"/>	Bonding/Grading Permit		
		City/State		
		Project Review and City Land Action		
		Inquiry Case (Fee in Effect, Letter or ZG, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, list in all applicable permit #'s)		
		Subdivision (Minor, Major, PLD, St. Vacation, St. Name Change)		
	<input checked="" type="checkbox"/>	Use Approval (Accessory, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	02/18/14	USE20140004
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
	Zone Change Application			
	Other (Describe)			
<p>Comments: ***Public Notice sign form filed out and in the file.</p>				



Public Notice Sign Lease Agreement

Community Development Department

Case # USE 20140004 Sign # _____ Hearing Date: _____

Assessor's Parcel # 58160144 0061, 71 + 82 Check # 092458 Receipt # CDD4798

Applicant: JOHN SMITHSON Phone #: 907-561-9811
(please print)

Application Received by: _____ Date: 02/18/14
(CDD staff initials/name)

I, ORION MARINE CONTRACTORS in cooperation with the Community Development Department (CDD), have leased a Public Notice Sign and agree to the terms listed below:

CHARGE: \$50 Preparation Fee
\$100 Refundable Deposit

RETURN TIME: The sign **MUST** be returned to the Community Development Department **by 4:30 p.m. on the Monday** following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded.

PENALTIES: The sign **MUST** be returned to the Permit Center Staff in the same condition it was taken: clean, undamaged, and with no attachments. **If a sign is not returned on time, or has been damaged, the \$100 deposit fee will be forfeited.**

POSTING REQUIREMENTS:

- The sign must be posted by the applicant/developer on the site at least 14 days prior to the hearing date.
- The sign must be clearly visible and readable from a public Right-of-Way.

(Applicant Signature)

(Date)

Sign Received by: _____ Date: _____ Staff Initials: _____

Sign Returned by: _____ Date: _____ Staff Initials: _____

REFUND INFORMATION: Receipt Number: _____
Amount Refunded: _____ Method: _____ Date: _____ Staff Initials: _____
Refund Received by: _____ /mailed to: _____



18 February 2014

City and Borough of Juneau
Community Development Department
155 S. Seward Street
Juneau, Alaska 99801

Re: Conditional Use Permit

Attn: Mr. Jonathan Lange

Dear Mr. Lange:

Orion Marine Contractors is submitting the following documents for consideration and approval: Allowable/Conditional Use Permit Application, Development Permit Application, Exhibit A (Plat showing general layout and location of subject property) and Exhibit B (Plat showing property improvements). In addition to these documents, Orion is providing the following additional information.

- All uses of the property will be in accordance with the Storm Water Pollution Prevention Plan (SWPPP) which is being prepared for the Brotherhood Bridge Replacement Project.
- Uses of the property will include: general project support, vehicle parking, equipment parking, material delivery, material storage, material assembly, job shack location and project access.
- The adjoining street and curb and gutter will be surveyed for existing condition prior to using the property as a staging area. The same area will be surveyed for condition after the project is completed. Any damage as a result of Orion's construction activities will be repaired by Orion Marine Contractors.
- The proposed staging area will be fenced on the North and South boundaries. There will be an access gate installed from Clinton Drive as shown on Exhibit B. The South and East property boundaries adjoin the project Right of Way and boundaries.
- The proposed site will require very little grading.
- The site will be capped with gravel to prevent "bogging" and transport of soil and mud by vehicles to adjacent streets.
- There will be no electric, water or sewer utilities installed on the site. A small generator will be used for power for electrical needs and Porta Potties will be used for rest rooms.
- After completion of the project, the gravel will be removed and the area re-seeded to its current condition or to another condition as approved by the property owner and the Borough.
- No hazardous materials will be stored on site.
- Local noise ordinances will be adhered to.





**WEST CONSTRUCTION
COMPANY**

ORION MARINE GROUP

Orion Marine Contractors, Inc.

- Location of various uses on the site may vary depending on project activities.

We hope the information provided in our application and attachments will facilitate approval of the Conditional Use Permit. Please review this submittal and let us know if you have any questions or require additional information.

Thank you.

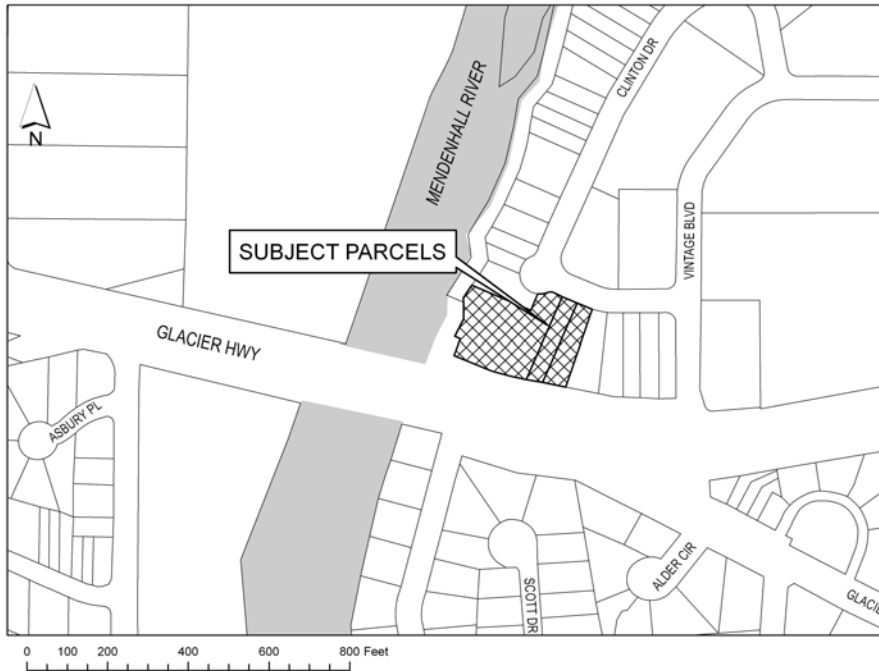
Sincerely,
Orion Marine Contractors, Inc.

John W. Smithson
Sr. Project Manager

RECEIVED
FEB 18 2014
PERMIT CENTER/CDD

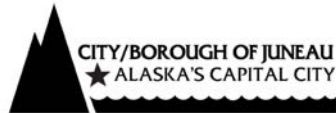


NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit for Brotherhood Bridge replacement project staging area on Clinton Drive.

File No:	USE2014 0004	Applicant:	Orion Marine Contractors, Inc.
To:	Adjacent Property Owners	Property PCN:	5-B16-0-144-010-0; 009-0; 008-0; 007-0, 006-0
Hearing Date:	March 25, 2014	Owner:	William Bauer
Hearing Time:	7:00 PM	Size:	59, 615 Square Feet
Place:	Assembly Chambers	Zoned:	Light Commercial
	Municipal Building	Site Address:	Clinton Drive
	155 South Seward Street	Accessed Via:	Clinton Drive
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Jonathan Lange at jonathan_lange@ci.juneau.ak or at 586-0218.



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

Date notice was printed: February 24, 2014

ATTACHMENT D



ATTACHMENT D

