

MEMORANDUM

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

DATE: June 26, 2014

TO: Planning Commission

FROM: Sarah Bronstein, Planner
Community Development Department 

FILE NO.: USE2014 0011

PROPOSAL: A Conditional Use Permit for an asphalt plant on land zoned Industrial.

GENERAL INFORMATION

Applicant: JLC Properties, Inc.

Property Owner: JLC Properties, Inc.

Property Address: 5751 Concrete Way

Legal Description: JRM II Lot 2

Parcel Code Number: 5-B12-0-106-020-1

Site Size: 45,525 square feet

Comprehensive Plan Future Land Use Designation: Heavy Industrial

Zoning: Industrial

Utilities: Public water and sewer

Access: Concrete Way

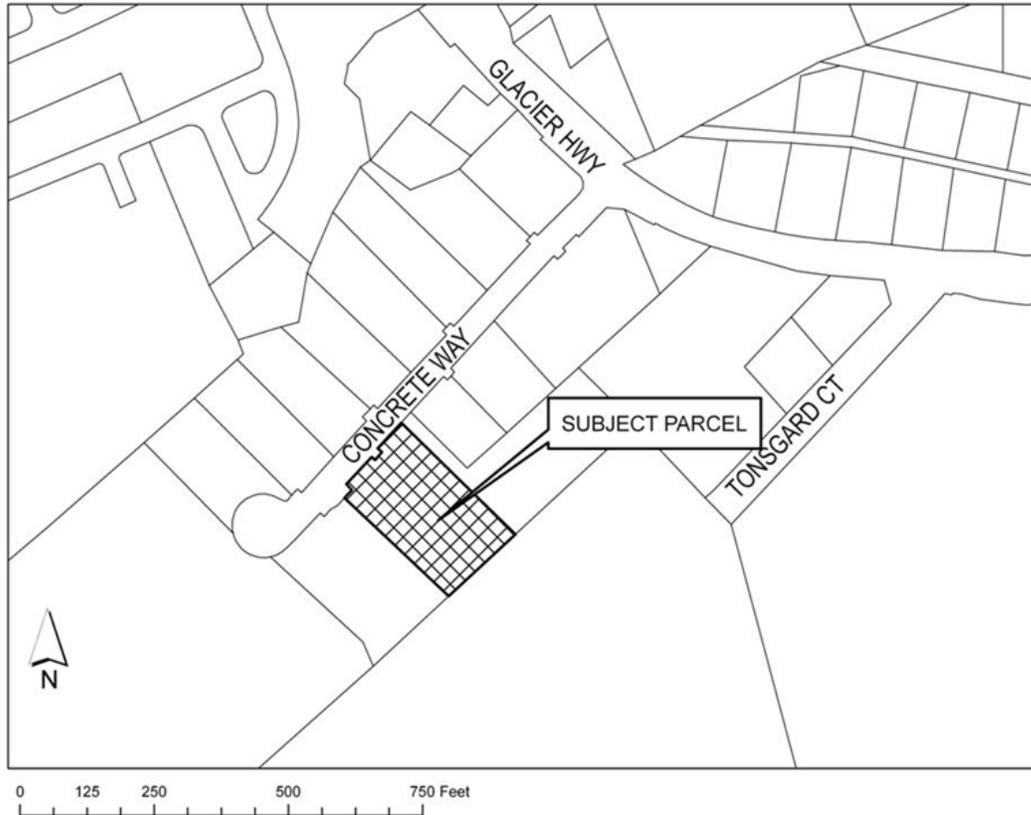
Existing Land Use: Industrial

Surrounding Land Use:

North	-	Industrial
South	-	Industrial, asphalt plant
East	-	Industrial, Juneau landfill
West	-	Industrial, Duck Creek



VICINITY MAP



ATTACHMENTS

- Attachment A – Development Permit Application
- Attachment B – Abutter’s Notice
- Attachment C – 2013 Lidar contour data

PROJECT DESCRIPTION AND BACKGROUND

The applicant has applied for a Conditional Use Permit for the development of a small-batch asphalt plant in Lemon Creek. The property, on Concrete Way, is zoned Industrial. There is an existing ready-mix concrete plant and a larger scale asphalt plant at the end of the street.

The applicant proposes to install and operate a small batch asphalt plant, which staff has classified as *4.100: Heavy Manufacturing* in the Table of Permissible Uses (TPU). Title 49 defines Heavy Manufacturing as “*the processing or fabrication of materials having the potential to produce noise, dust, glare, odors, or vibration beyond the owner’s property line or that may be offensive or obnoxious on adjacent properties.*” According to the TPU, a Conditional Use Permit is required for Heavy Manufacturing in the Industrial zone.

ANALYSIS

Project Site – The proposed project is located at 5751 Concrete Way. The lot is zoned as Industrial, and is designated in the Comprehensive Plan 2013 Update as “Heavy Industrial.” The lot is 45,525 square feet, approximately 1 acre. The neighborhood is characterized by other heavy industrial uses, including the city landfill to the east, and an existing cement plant to the south.

Project Design -

The asphalt plant will be placed along the northeastern lot line. There are no exterior lights on the structure.

There is a 5% vegetative cover requirement in the Industrial zone. The lot in question is 45,525 square feet, with a vegetative coverage minimum of 2,276 square feet. The rear portion of the lot is vegetated and will meet this requirement. However, the applicant indicated during the pre-application conference that this space may eventually be used for a covered storage facility associated with the asphalt plant. When the applicant moves forward with a building permit for a covered storage facility in this space, the plans will have to show how the vegetative coverage requirement will be met.

Drainage will be routed through a stormwater drain system indicated on the site plan, into a shared system with Lot 3 to the southwest. This system will include an oil-water separator at the northeastern edge of Lot 3, which is also owned by JLC Properties, Inc.

Traffic and Circulation – The plant will have one operator, and will serve 1-2 trucks per hour. The anticipated traffic impact is therefore far less than 250 trips per day, and does not warrant a traffic impact analysis. Trucks will enter the plant along a shared access easement on Lot 1 to the northeast, circle the plant and exit on a driveway at the northwestern corner of Lot 2. The sidewalks along Concrete Way have been poured with concrete and can handle the heavy load from truck traffic. Once the lot is paved, there will be a paved approach to the street, which will prevent wear on the apron of Concrete Way.

The site plan includes 6 parking spaces, which is enough to accommodate 6,000 square feet of warehouse or manufacturing space. This is more than adequate for the area taken up by the plant, which is a machine without floor space.

Noise - The plant will produce noise and vibrations audible off site, but no more so than the other industrial operations and the garbage dump in the vicinity. The nearest residential properties are across Glacier Highway to the northeast.

Public Health or Safety – According to the Flood Emergency Management Agency (FEMA) flood maps, adopted by the CBJ in August of 2013, the entire lot is within the AE high velocity flood zone, indicated to be 28 feet at this location (FEMA map panel #). According to Title 49, industrial

equipment or raw materials can be stored in the 100 year flood zone, but they must be protected from the impacts of such a flood event. CBJ 49.70.400(e)(6)(B) states that “*Industrial equipment and raw materials stored in 100-year flood plains shall be adequately bermed or otherwise protected.*”

Non-certified 2013 lidar data (Attachment C) indicates that the ground on the proposed plant site is above the base flood elevation. While the 2013 lidar data has not been approved as of this writing, and therefore cannot currently be used to apply for a Letter of Map Amendment (LOMA) to the FEMA flood maps, staff can utilize this data to analyze the presence of an elevated or bermed area that would meet the requirements of 49.70.400(e)(6)(B). Existing contours, as indicated in the 2013 lidar data, act as a sufficient berm to protect the plant and raw materials stored on site from a 100 year flood event in Lemon Creek. However, if the applicant wishes to remove the lot or the plant from the floodplain for flood insurance purposes, a LOMA will be necessary.

Habitat – There are no eagle nests within a 330 foot radius of the site, and no anadromous stream within 50 feet. No new wetlands will be filled as a result of the proposed project.

Property Value or Neighborhood Harmony - The applicant provided plans showing future material storage areas at the rear of the lot. Currently this area is all green space. Building the covered storage facility will require a building permit. At that time, the applicant will have to show how the vegetative coverage requirement is being met once the greenery at the rear end of the lot is removed.

Conformity with Adopted Plans – The Comprehensive Plan 2013 Update specifically includes asphalt and cement batch plants in the list of uses appropriate in Heavy Industrial areas (p. 149). Not only is this proposed use appropriate for this area, there are limited alternatives available in Juneau for heavy industrial operations. The City and Borough of Juneau has conducted a survey of available lands for future industrial development, and concluded that there are very few sites ideal for future industrial development. Although the Table of Permissible Uses requires a Conditional Use Permit for asphalt plants in all zones where they are allowed, projects such as this are ideally located in existing Industrial zoned land. There is no zone or neighborhood more appropriate than this for the proposed plant, which will meet an important and currently unmet community need for small-scale asphalt orders.

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 that 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 4.100, for the Industrial 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 June 27, 2014 and July 7, 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. The proposed project will have no direct negative impact on the health and safety of the community or adjacent neighbors.

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

No. The proposed project is in the Industrial zone, the ideal location for heavy manufacturing operations. The noise, dust and traffic impacts from this asphalt plant will be consistent with other adjacent operations in the neighborhood.

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

Yes. The use of this lot for Industrial activities is consistent with the Comprehensive Plan designation of the land as “Heavy Industrial.”

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an asphalt batch plant on land zoned as Industrial. The approval is subject to the following conditions:

- 1) Any industrial equipment and raw materials stored in the 100-year flood zone shall be adequately bermed or otherwise protected.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number <u>USE20140011</u>	Project Name (15 characters)	Case Number	Date Received <u>05/27/14</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: _____

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

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

Locate and operate an asphalt plant and accessory uses.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

- NO YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S):

Operating a precast concrete and rebar fabrication business along with supporting a general contracting company and material testing laboratory.

PROPOSED USE OF LAND OR BUILDING(S):

Add the operation of an asphalt batch plant and paving operation.

UTILITIES PROPOSED:

WATER: Public On Site

SEWER: Public On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 91000 square feet

Total Area of Existing Structure(s) 13000 square feet

Total Area of Proposed Structure(s) N/A square feet

EXTERNAL LIGHTING:

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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- | | |
|--|--|
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input type="checkbox"/> Floor Plan of proposed buildings | <input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
| <input type="checkbox"/> Elevation view of existing and proposed buildings | |
| <input 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>500</u>	_____	_____	_____
Admin. of Guarantee \$ _____	_____	_____	_____
Adjustment \$ _____	_____	_____	_____
Pub. Not. Sign Fee \$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit \$ <u>100</u>	_____	_____	_____
Total Fee \$ <u>650</u>	<u>045987</u>	<u>CDD5251</u>	<u>05/27/14</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number USE 20140011	CITY and BOROUGH of JUNEAU	Date Received: 05/27/14
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Locate an asphalt plant and accessories		
	PROPERTY LOCATION		
	Street Address 5751 and 5761 Concrete Way		City/Zip Juneau, 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) JRM lots 2 and 3		
	Assessor's Parcel Number(s) 5B1201060191 and 5B1201060201		
	LANDOWNER/LESSEE		
	Property Owner's Name JLC Properties Inc	Contact Person: Dave Hanna	Work Phone: 780-4225
	Mailing Address PO Box 20834, Juneau 99802	Home Phone: 789-1902	Fax Number: 780-4230
	E-mail Address hannaco@gci.net	Other Contact Phone Number(s): 723-1902	
	LANDOWNER/LESSEE CONSENT		
<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>			
X <u><i>Dave Hanna</i></u> <u>OWNER - JLC PROPERTIES INC</u> Landowner/Lessee Signature		<u>5-25-14</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 (check X) below.			
Applicant's Name Same <u>SAMIE</u>		Contact Person: _____	
Mailing Address _____		Home Phone: _____	
E-mail Address _____		Other Contact Phone Number(s): _____	
X <u><i>Dave Hanna</i></u> Applicant's Signature		<u>5-25-14</u> Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	City	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)			
	<input checked="" type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<u>05/27/14</u>	<u>USE 20140011</u>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:					Planner/Staff Initials
_____					<u>CHS</u>



JCL Properties, Inc.

Box 20834 Juneau, AK 99802

Phone: (907) 789 1902

Sarah Bronstein
Community Development Department
City borough of Juneau
RE Asphalt plant permit

Sarah,

Attached are the drawings and photos of the operation we wish to permit on our property in the Lemon Creek industrial area. Our property is located at 5751 and 5761 Concrete Way adjacent to the already operating concrete and asphalt batch plants. As noted in the pre-application report we have an already filled and graded site that will need no further development in order to accommodate the proposed plant. This property has been traditionally used for the operation of concrete and asphalt batch plants, material processing and stockpiling and related uses for over 60 years. No new or unexpected impacts to the area should occur.

The proposed plant is small in size in comparison to most operations and is expected to serve the smaller mostly private paving market. Juneau is currently served by only one asphalt paving operation. While they do an admirable job of trying to serve all the community's needs, given the limited paving weather and short season, many people find it difficult to get their paving done when they need it. This operation will fill a growing need in the community. The plant will likely only generate one or two trips per hour maximum which is incidental to the traffic existing on Concrete Way.

As shown on the attached sketch, the asphalt operations traffic will enter on the adjacent access easement and exit on the driveway adjacent to it, thus keeping that traffic separate from the current loading and unloading that occurs during the course of our existing concrete operations. Parking for the asphalt plant will be sized to accommodate the large vehicles that frequent it.

We will be installing a new storm drain system on the property as shown on the attached sketch. This will not only control any day to day runoff from our operation, but will also give us an excellent way to control any unexpected spills or releases that could occur.

The plant will be self contained and will need no lighting or other utilities hooked to it. Our adjacent shop has all the necessary facilities to support the operation such as restroom and first aid stations.

We feel that this is perhaps the best possible place in the area to site an operation like this and believe it is a much needed addition to the business community. Please contact me for any additional information you may need.

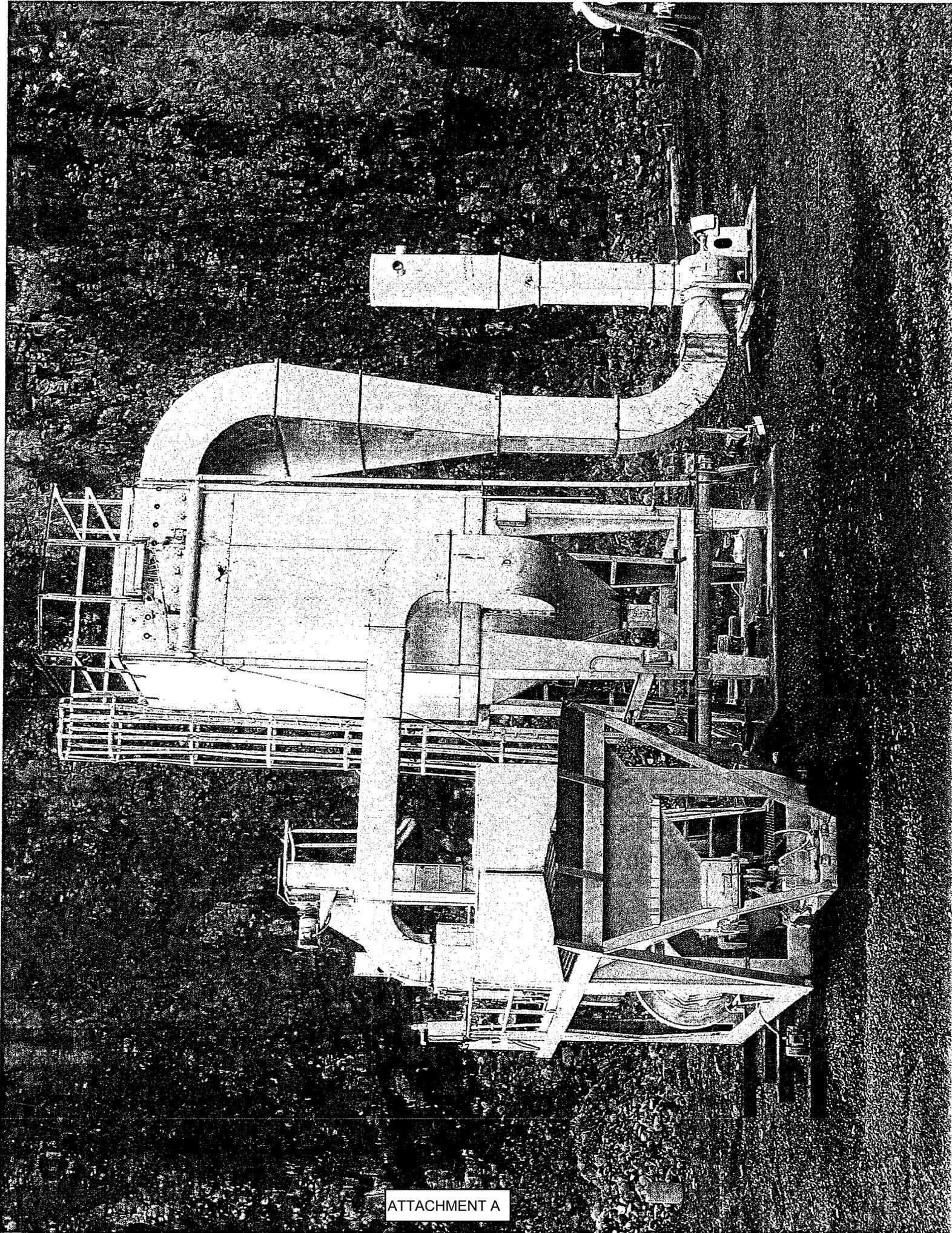
Dave Hanna
President, JLC Properties inc.

RECEIVED

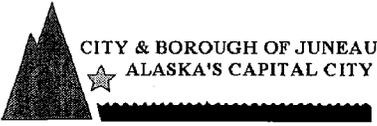
MAY 27 2014

PERMIT CENTER/CDD

ATTACHMENT A



ATTACHMENT A



Public Notice Sign Lease Agreement

Community Development Department

Case # USE2014 0611 Sign # _____ Hearing Date: _____
Assessor's Parcel # 5B1201060191 Check # 045987 Receipt # CDD5251
Applicant: J.L.C. PROPERTIES INC Phone #: 789-1902
(please print)
Application Received by: _____ Date: 05/27/14
(CDD staff initials/name)

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

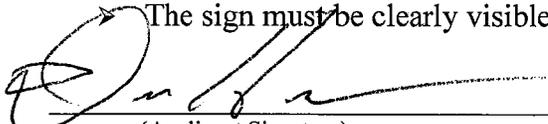
CHARGE: \$50 Preparation Fee
\$100 Refundable Deposit

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)

5-27-14

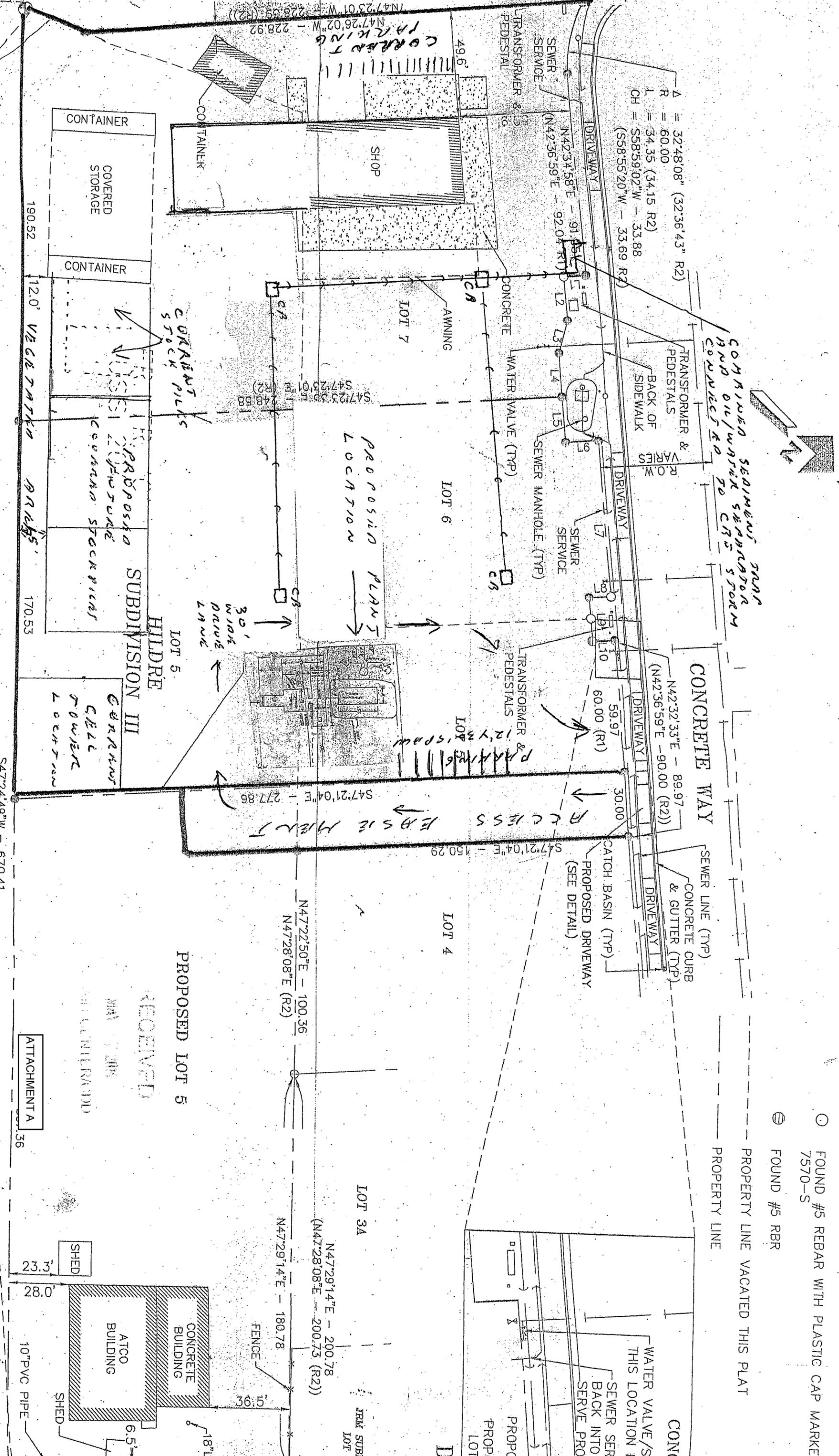
(Date)

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: _____

DIFFERENT FROM MEASURED OR CALCULATED, RECORDED
 LINES ARE SHOWN IN PARENTHESES.
 EASEMENTS AND RESTRICTIONS OF RECORD.
 AND SEWER PROVIDED BY CBU PUBLIC UTILITIES.



*COMBINED SEWER MAIN
 AND WATER SEWER MAIN
 COVERTED TO 30" DIA*

*PROPOSED
 LOCATION
 FOR
 GARAGE
 AND
 STOCK
 PILES*

ACCESS EASEMENT

- FOUND #5 REBAR WITH PLASTIC CAP MARKET DOWL HKM 7712-S
- FOUND #5 REBAR WITH PLASTIC CAP MARKED 7570-S
- FOUND #5 RBR
- PROPERTY LINE VACATED THIS PLAT
- PROPERTY LINE

U.W. DEAN L.S. 2000

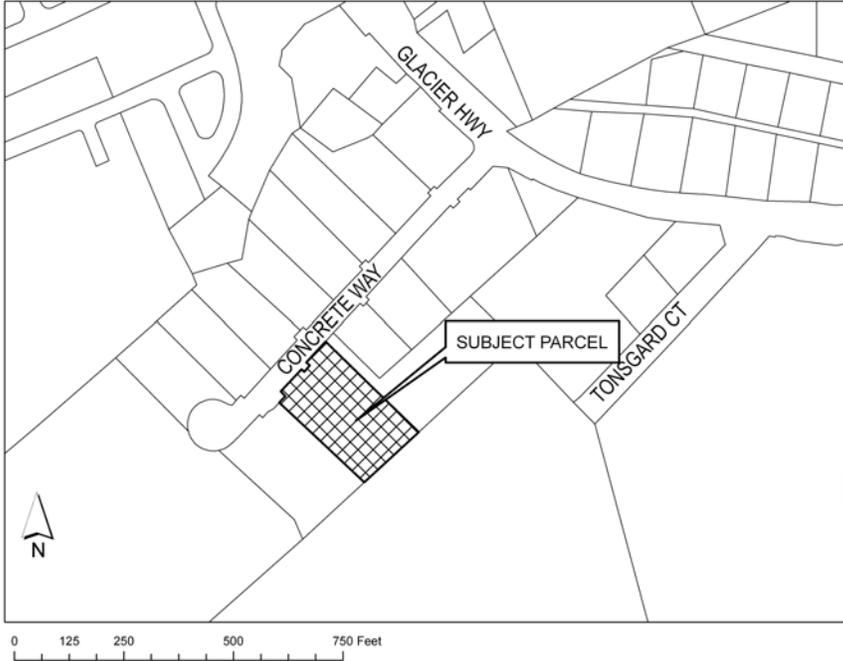
S47°24'49"W - 670.41

ATTACHMENT A 36

10" PVC PIPE

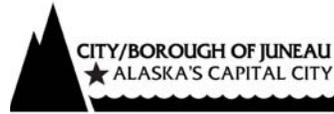


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Conditional Use Permit for an asphalt plant on land zoned Industrial.

File No:	USE2014 0011	Applicant:	JLC Properties LLC
To:	Adjacent Property Owners	Property PCN:	5-B12-0-106-020-1
Hearing Date:	July 8, 2014	Owner:	JLC Properties LLC
Hearing Time:	7:00 PM	Size:	1.05 Acres
Place:	Assembly Chambers	Zoned:	Industrial
	Municipal Building	Site Address:	5751 Concrete Way
	155 South Seward Street	Accessed Via:	Glacier Hwy
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

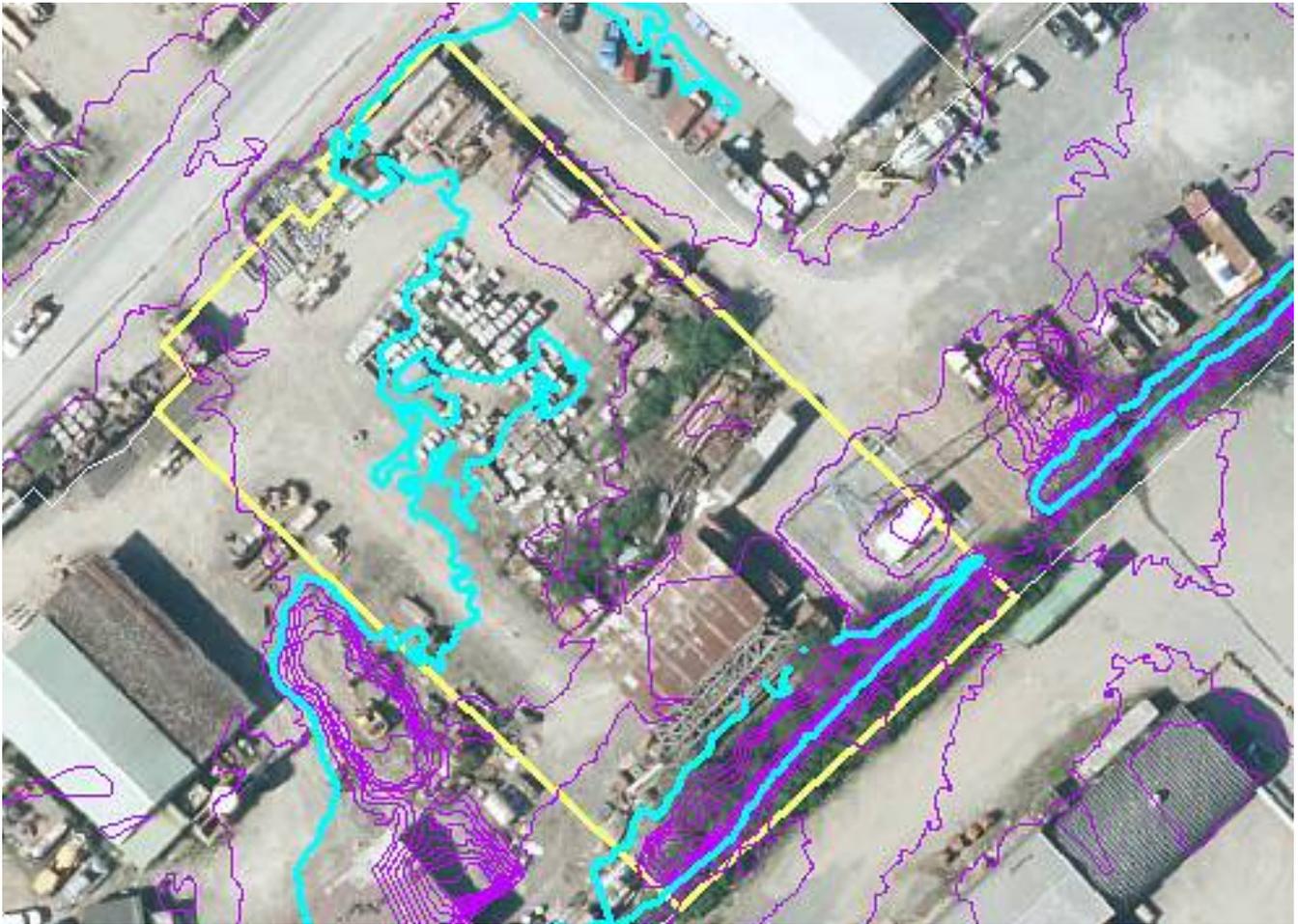
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included 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 Sarah Bronstein at sarah_bronstein@ci.juneau.ak.us or at 586-0466.



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

ATTACHMENT B



ATTACHMENT C