



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: November 19, 2003
File No.: MAP2003-00002

ANIACHAK, Inc.
10518 Fox Farm Trail
Juneau, AK 99801

Application For: Zone change from RR to D-15.

Legal Description: USS 257

Parcel Code No.: 5-B12-0-107-003-0; 5-B12-0-131-004-0

Hearing Date: November 18, 2003

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 13, 2003 and approved staff's recommendation to approve transition zoning rather than the immediate zone change requested. This zone change would allow the current RR, Rural Reserve zoning to (T) transition to D-15, Multifamily Residential zoning (allowing 15 dwellings per acre) at such time that pedestrian improvements on Davis Avenue are complete, and the applicant provides a traffic impact analysis, which would demonstrate that the Davis Avenue and Glacier Highway intersection will operate at a level of service of "C" or better, after full build-out of the subject parcel. The analysis must be acceptable to the State of Alaska Department of Transportation and CBJ. The Commission recommends that the Assembly adopt this zone change request with the following conditions:

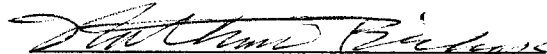
1. That the conditions of transition to D-15, Multifamily Residential should be noted on the zoning maps and in the CBJ permit tracking program, Permit Plan.
2. Prior to the zone change transition the subject parcel shall have its boundary adjusted to only include those areas above the ordinary high water mark of Lemon Creek.

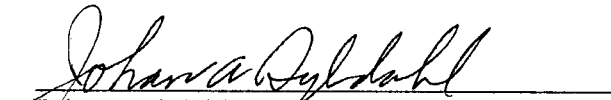
Attachments: November 13, 2003 memorandum from Nathan Bishop Community Development to the CBJ Planning Commission regarding MAP2003-00002.

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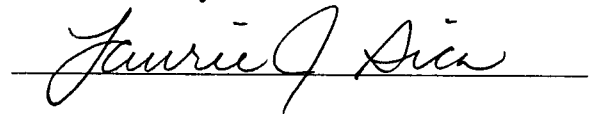
This Notice of Decision constitutes a recommendation to the CBJ Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision (CBJ 01.50.020 (b)).

Project Planner:


Nathan Bishop , Planner


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


11/20/03

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: November 13, 2003

TO: Planning Commission

FROM: Nathan Bishop, Planner
Community Development Department

FILE NO.: MAP2003-00002

PROPOSAL: Change zoning of 6.32 acres of land at the end of Davis Avenue (adjacent to Lemon Creek) to D15 (multi-family residential), from Rural Reserve and Industrial.

GENERAL INFORMATION

Applicant: ANIAKCHAK, Inc.

Property Owner: Ralph Horecny

Property Address: Davis Avenue

Legal Description: Fraction RSH III lot 26; USS 2557

Parcel Code No.: 5-B12-0-107-003-0; 5-B12-0-107-004-0; 5-B12-0-131-004-0

Site Size: 6.32 acres

Zoning: Rural Reserve and Industrial

Utilities: Sewer and Water in adjacent ROW

Access: Davis Avenue

Existing Land Use: Vacant

Surrounding Land Use:

- North - Multi-Family and Single family residential
- South - Lemon Creek, then industrial development
- East - Lemon Creek Correctional Facility
- West - Vacant and Single family residential



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

The applicant is requesting a zone change for a fraction of Lot 26 RSH III (currently zoned Industrial); and USS 2557 (currently zoned Rural Reserve), to D-15, multi-family residential (see Attached Maps). The combined area of these two parcels is approximately six acres. However, only approximately three of those acres are developable; the rest of the land is within the streambed of Lemon Creek. While this application is for the combined acreage of both lots, it is the applicants' intent to re-subdivide the land following a favorable recommendation from this Commission. Discussions between staff and the applicant have identified the Ordinary High Water (OHW) line of Lemon Creek as the logical southern line for the new lot (see Attachment A). This lot line adjustment would create a boundary that could be used to delineate the zoning districts (see Attachment B). If the zone change is approved it will allow for the development of 45 to 50 dwelling units. Under current zoning two dwelling units are permissible on the parcel zoned RR.

The following language is provided by the CBJ Land Use Code to describe the subject zoning designations:

The RR, rural reserve zoning district, is intended for lands primarily in public ownership managed for the conservation and development of natural resources and for future community growth. In addition, recreation cabins, lodges and small seasonal recreational facilities may be allowed.

(Serial No. 87-49, § 2, 1987)

The industrial district is intended to accommodate industrial activity, which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

(Serial No. 87-49, § 2, 1987)

The D-10 and D-15, residential districts, are intended to accommodate primarily multifamily residential development at 10 and 15 units per acre respectively. These are relatively low-density multifamily districts.

The applicant proposes that these parcels should be developed with multifamily structures. He believes these properties are suited for this type of development as they are bordered by multifamily-zoned lands to the north and Lemon Creek to the south. The applicant believes that these properties should be rezoned at this time as there is currently a shortage of available land. Secondary to the need for developable land, are the benefits of utilizing the currently low interest rates, for project financing. The applicant asserts that the profit margin for multifamily development is small enough that incremental changes in interest rates alter the feasibility of projects.

BACKGROUND

In 1953 Glacierview subdivision was platted, splitting U.S. Survey 2557 into 89 lots and a number of remaining fractions. This paper plat was modified in 1965, when Mobile Haven trailer park was permitted. The area being proposed for the zone change is a remnant fraction of these two subdivisions. Its land use designation in the CBJ Comprehensive plan is RD, Resource Development. Management guidelines for this category stipulate that the land uses should identify and conserve natural resources until specific land uses are identified and developed. Uses may include small-scale, visitor-oriented, seasonal recreational facilities, and minimal residential development.

Prior to and during the construction of the permitted subdivision the subject parcel was used in a variety of different ways, including a sawmill, an asphalt plant, and gravel extraction. The parcel has not been used for commercial purposes since in-stream gravel mining in Lemon Creek was discontinued. The applicant is now requesting a zone change to allow the parcel to be used in a similar fashion to the surrounding land use (see Attachment G).

ANALYSIS

ZONE CHANGE INITIATION

CBJ §49.75.110. INITIATION. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. The proposed zone change was initiated by the property owner during the appropriate time frame.
2. The director has provided adequate public notice through newspaper advertising, property owner mailings and requiring a public notice sign to be posted on-site.

RESTRICTIONS AND PROCEDURE

CBJ §49.75.120. RESTRICTIONS ON REZONINGS. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall not allow uses which violate the land use maps of the comprehensive plan.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request constitutes an expansion of the existing D-15 multifamily zone and is more than 2 acres.
2. No similar request has been made in the past year.
3. This rezone constitutes a boundary adjustment of the existing D-15 multifamily zone, it does not allow uses that violate the land use maps of the comprehensive plan.

The requested rezone allows transition to D-15, Multifamily Residential, which permits a maximum of 15 dwellings per acre. The Comprehensive Plan defines this designation as follows:

Medium Density Residential Urban/suburban residential land for multifamily dwelling units at densities ranging from 7 to 20 dwellings per acre; may include subdivisions of mobile home parks where specifically permitted.

CBJ §49.75.130. PROCEDURE. A rezoning shall follow the procedure for a major development permit except for the following:

- 1) *The commission decision for approval shall constitute only a recommendation to the assembly.*

The action by the Planning Commission on a zone change request is different from action on a permit request. Action on a zone change request is discretionary. There is no assumption the zone change will be approved. Specifically, the Planning Commission action is to make a recommendation to the Assembly to change the zoning maps or deny the request.

LAND USE

The subject parcel is bounded on the north by Glacierview Subdivision, a multi-family residential development within the D-15 zoning district. Expanding the boundary of this district to include the subject parcel will ensure compatibility with future development.

To the east is Lemon Creek Correctional Facility, a maximum security, intake and long-term male prison. This facility is within the D-5 Zoning district which allows for such institutional uses. In a phone conversation with the Correctional Facility Department Director he indicated that they do not have a problem with the proximity of the proposed development and are not interested in pursuing retention of a buffer.

To the south is Lemon Creek and beyond that is an industrial subdivision. As this is an anadromous fish stream, development must be setback 50-feet from the ordinary high water mark. This setback

in conjunction with the width of the stream will provide at the minimum a 200-foot buffer between the industrial zone and the subject parcel.

As mentioned earlier, this parcel was once an active site for gravel extraction and processing. Since this practice was discontinued, deposition from upstream erosion has been raising the streambed. This has created an increased risk of flooding for the properties on the lower reaches of the creek. As such, CBJ in conjunction with other State and Federal Agencies is undertaking a watershed study to determine the risk and possible solutions to the problem. One of the proposals is to have several extraction points along the stream available for periodic mining. If extraction were to take place adjacent to the subject parcel it could create off site impacts on the proposed multifamily development. However, as the extraction activities would be for a limited duration, impacts would be minimal and could be dealt with by employing operational guidelines.

DENSITY

Current zoning for these lots will allow for two single-family dwellings or one duplex dwelling for a total of two dwellings. The proposed D-18 zoning would allow for approximately 45-50 dwellings, for an increase of up to 48 dwellings. All these figures are approximate because of possible variations in development schemes and variations in the final lot size.

COMPREHENSIVE PLAN

The Comprehensive Plan map designation of the subject site is RD, Resource Development (see Attachment F). This designation does not provide specific guidance on future land uses; it is a designation used to provide broad policies on how the land should be managed until such time that a future use is identified. Therefore, it leaves open a multiplicity of possible uses provided they conform to other specific policies within the plan.

The Comprehensive Plan offers general guidance for residential development:

POLICY 5.1. It is the policy of the CBJ 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 housing opportunities for all CBJ residents. It is further the policy of the CBJ to allow greater flexibility and a wider range of creative solutions in land development by encouraging such techniques as planned unit development and cluster housing.

5.1.1. Monitor land use designations to insure sufficient land available to meet projected needs for residential development in areas with existing or projected arterial access, public transit service, and other adequate public facilities and services.

POLICY 5.2. It is the policy of the CBJ to facilitate residential developments of various densities which are appropriately located in relation to site conditions, surrounding land uses, and capability of public facilities and transportation systems.

POLICY 5.4. It is the policy of the CBJ to require provision or availability of transportation access, sewer, water, and drainage facilities as a condition for approval of proposals for residential development and to support anticipated development through a program of extensions and improvements to municipal services.

5.4.5. Amend the Land Use Code to allow appropriate urban densities in areas served by community sewer and water systems.

Juneau has a limited amount of land available for residential development; this parcel has all the appropriate public services and is located such that it will be compatible with the surrounding land uses. However, it does not comply with policy 5.2 in that the local collector street is at or beyond capacity and is not capable of safely carrying more traffic.

POLICY 2.3. It is the policy of the CBJ to promote compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitate economic provision of urban facilities and services.

Developing this last remaining fraction of U.S Survey 2557 ensures efficient utilization of land resources and will help promote the development of more urban facilities and services in the area.

POLICY 2.8. It is the policy of the CBJ to encourage and facilitate provision of a variety of housing opportunities in sufficient quantities and at affordable prices, to meet the housing needs of its residents. Provision of an adequate supply of housing for low and moderate income families is a top priority.

The multifamily housing districts provide the most affordable housing options within our community; providing more available land would help to facilitate a greater variety of options.

The Comprehensive Plan also speaks to the need to protect the sensitive areas within our community.

POLICY 2.5. It is the policy of the CBJ to protect the region's scenic, environmental, and economically valuable natural resources from the adverse impacts of urban development. Development shall be controlled carefully and, if necessary, prohibited in naturally hazardous areas.

POLICY 3.10. It is the policy of the CBJ to conserve and protect from conflicting land uses known gravel deposits and those identified in the future.

3.10.2. Require additional review of any permanent structures or other development proposed within gravel resource areas which would preclude the eventual development of gravel resources: allow development if evaluation by a licensed civil engineer demonstrates that significant gravel resources do not exist on a particular site and if development does not interfere with extraction of gravel resources in nearby areas.

3.10.3. Recognize the potential for conflict between gravel extraction operations and other nearby development

Lemon Creek has been a valuable source of gravel resources. Since in-stream mining ended, the streambed has been raising from the deposition of materials from up-stream. This has created an increased flood risk in the area. CBJ in conjunction with other state and federal agencies has begun looking for ways to solve this problem. This zone change would preclude using this land as an extraction site for sand and gravel.

POLICY 3.6. It is the policy of the CBJ to preserve and protect a diversity of fish and wildlife habitat throughout the CBJ.

Implementing actions:

3.6.1. Recognize fish and wildlife habitats, streams and wetlands as important land uses during the planning process. Include protection of important fish and wildlife habitats in CIP and land use planning.

There are many other references to the importance of protecting the stream health and vitality; many of the uses allowed within the existing RR zoning designation could be more detrimental than those uses allowed under the proposed zoning. Streamside habitat setbacks will act to protect the viability of the fish and wildlife habitat.

ACCESS

The subject lot is long and narrow with the developable land being approximately 700 to 800 feet from the only potential access point on Davis Avenue. At the lot's narrowest point along Davis Avenue, its entire width is within the 50-foot streamside setback as well as the regulatory floodway as determined by the U.S Army Corp of Engineers for compliance with the Federal Emergency Management Act. The applicant applied for a permit for an access driveway through this buffer and floodway but decided against pursuing this access route when staff identified the issues and the procedure for addressing them. The access route the applicant is currently proposing (USE2003-00048) will be within the Davis Avenue ROW for a short section and then proceed on the subject parcel for the majority of the distance. This access route is outside of the required streamside setback, but it has a short section within the regulatory floodway (see Applicants' Exhibit D). R&M

Engineering has reviewed the proposed access route for its impact on the floodway; finding no appreciable impacts, they have prepared the necessary documents and certifications required by FEMA for the proposed road fill.

TRAFFIC

The concern with traffic is primarily with the intersection of Davis Avenue and Glacier Highway. It is difficult and dangerous to make left turns from Davis Avenue onto Glacier Highway during times of peak traffic. Left-hand turns must cross an oncoming traffic lane and merge with traffic heading towards town. This turn is complicated by the intersection's proximity to the Lemon Creek bridge; the guardrail limits site distance, and the width precludes a merge lane. This condition is further exacerbated by the fact that this is the only route to town as the intersection improvements at Mapco/Williams Express and Yandukin both restrict access to the town-bound lanes on Egan Drive.

Mike Lukshin with the Alaska Dept of Transportation reviewed the information on the zone change and provided the following comments (see Attachment C):

"From our most recent turning counts at the Glacier Highway and Davis Avenue intersection, it is clear that a signal is warranted with the present traffic volumes. Adding 45 to 90 additional households would lower a Level of Service that is probably already LOS=F, our worst condition.... Additionally, the 45 to 90 new households would warrant a substantial investment in the improvement of the Davis and Churchill intersection. This many additional trips probably can't be accommodated safely with a driveway. Ideally, Davis would be realigned to take out the sharp 90 degree curve to the left and into Churchill."

Sam Kito, Community Development Transportation Manager also reviewed the proposal and had the following comments (see Attachment D):

"In regard to our earlier discussion, the Sunny Point intersection project is currently programmed in the DOT STIP for 2006-2007. There is a strong likelihood that, as a result of the project, the congestion experienced at the Davis street intersection would decrease.

When the Sunny Point interchange comes on line, many of the vehicles that drive southbound on Glacier to regain access to Egan Drive, will be gaining access via Sunny Point. This will likely result in less traffic passing Davis Street thereby decreasing the congestion and current delay for left turning vehicles entering Glacier Highway at Davis Street.

A warrant analysis for a possible signal will be beneficial at Davis Street at some point, but it is probably worthwhile to wait until after the Sunny Point is complete."

Mike Scott, Superintendent of Streets for CBJ commented (see Attachment E):

"Access and continuity to the City's streets is of concern here as is the potential increased traffic loading on Davis. I would not favor a cull-de-sac. The area is now serviced by substandard roads and increasing the traffic will only deteriorate them faster. Also I would be somewhat concerned about future erosion problems along the Lemon Creek property, the impact to a new street and utilities as well as properties adjacent to it.

Davis is currently scheduled for reconstruction in the next couple of years which may make development more practical."

Given the existing traffic conditions the following section of code would prohibit a major development such as is being proposed. While this does not preclude changing the zoning it runs counter to the intent of the code to postpone this review until we receive the application for the major development.

49.40.310 Traffic; minimum standards.

A major development which results in a reduction of two levels of service or a service level of "D" or less, as defined by the American Association of State Highway Transportation Officials, is prohibited. (Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 11, 1995)

The previous discussion predominantly focused on vehicle to vehicle collisions; also of great importance is pedestrian safety. Davis Avenue is a very busy pedestrian route but there are no pedestrian improvements (sidewalks or curbs) to provide for a safe passage. Reconstruction of Davis Avenue is programmed into CBJ 2007 Capital Improvement Plan and should resolve this situation.

According to ADOT, determining the impact of the zone change on the safety of the intersection would require a traffic impact analysis. Short of this full study CBJ and ADOT believe that existing data and conditions indicate that safety would be compromised if the zone change were allowed to proceed prior to intersection and street improvements.

ZONE CHANGE OPTIONS AND ALTERNATIVES

Although this proposed rezone conforms to the Comprehensive Plan Map, this traffic situation requires that alternatives to a straightforward change to D-18, Multifamily Residential be considered. In discussion with the applicant, a number of options were considered.

One option was to leave the properties zoned RR until such time that the traffic issues have been resolved. This approach does not meet the desire of the applicant to have the zoning changed while interest rates are low and demand is high, nor does it provide any insurance of a future change.

Another option is to delay the change of the zoning to D-18, Multifamily Residential for a determined number of years. The delay would provide time for public improvements to be planned and completed that would address the access issues for this area. The difficulty with this option is that there would be no guarantee that these improvements would be made on time, or at all. The zoning could change without a mechanism to address the traffic and safety issues.

A final option is to have the zoning change to D-18, Multifamily Residential at the time that adequate improvements are made to the access situation. The mechanism to be used is **transition zoning**. Typically transition zoning is based on the extension of public utilities whereby the zoning is upgraded to a higher density when improvements are extended. The intent is that this transition is somewhat automatic whereby the zoning upgrade is predictable to the owner and adjoining property owners.

There are examples, however, where more than the condition to extend public services is required to trigger an upgrade in the zoning. Lands in the West Juneau area are zoned D-5 (T) transition to D-18. However, the transition to D-18, Multifamily Residential is dependent on a second access being provided via construction of a bridge across Kowee Creek, as well as the provision of public utilities. In addition, the zone change for 12 lots in Glacier Village #2 was conditioned on improvements being made to the intersection of Valley Boulevard and the Mendenhall Loop Road to bring the intersection to a safe level of service as well as conditions on pedestrian improvements.

Using Transition zoning provides a milestone that determines when the zone change will happen. In this case there are a number of different scenarios that could trigger the transition. It could be improvements being made to the intersection of Davis Avenue and Glacier Highway, or the construction of the Sunny Point interchange, or a combination of the two.

Staff believes the zone change should transition at such time that pedestrian improvements on Davis Avenue are complete, and the applicant can provide a traffic impact analysis that demonstrates that the Davis Avenue and Glacier Highway intersection will operate at a safe level of service after full build out. The analysis must be acceptable to the State of Alaska Department of Transportation and CBJ. This concept of requiring public improvements is reinforced in Policies 5.2 and 5.4 of the Comprehensive Plan.

IMPROVEMENTS

The applicant proposes to develop the subject parcel as a multifamily complex accessed by private streets and served with public sewer and water. Sewer and water are available at the termination point of the constructed portion of Davis Avenue; installation of these utilities would be done at the time of construction.

SUMMARY

This proposed rezone expands the boundaries of the existing multifamily zone to the north of the subject parcel. While proposed D-15 zoning is not a listed use in the Comprehensive Plan Map designation of Resource Development, this boundary adjustment recognizes the need for flexibility in drawing zoning boundaries. It is CBJ's policy to have these boundaries follow property lines whenever feasible, in this case Lemon Creek is the more logical boundary and this adjustment seeks to correct this situation. The Comprehensive Plan maps are general in nature; in reviewing a specific zone change request, the particular characteristic of the site should be considered. The Comprehensive Plan policies address more specific needs for higher-density residential development, including public services and transportation access. Transition zoning settles the zoning question and gives notice to adjoining property owners. It also is a method to ensure the need for transportation access, and safety for multifamily residential development is addressed.

FINDINGS

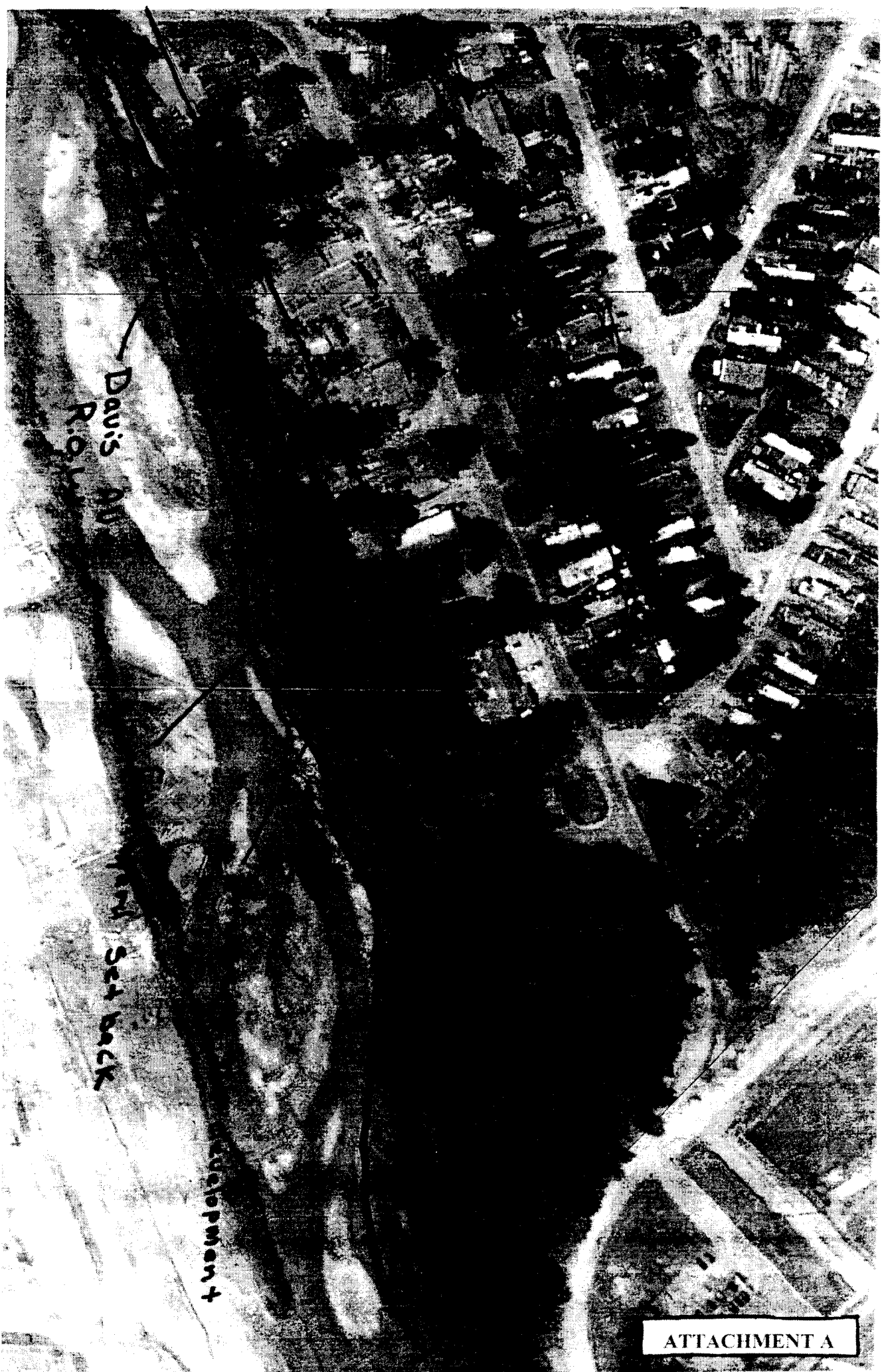
After review of the application materials, the CBJ Land Use Code and the CBJ Comprehensive Plan the Director makes the following findings:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. This proposal does not violate the Land Use maps of the Comprehensive Plan.
3. Transition zoning of RR (T) D-15 would ensure that access to the subject site is addressed, including safety concerns associated with additional traffic on residential streets. This proposal conforms to Policies 5.2 and 5.4 of the Comprehensive Plan concerning transportation access.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve transition zoning rather than the immediate zone change requested. This zone change would allow the current RR, Rural Reserve zoning to (T) transition to D-15, Multifamily Residential zoning (allowing 15 dwellings per acre) at such time that pedestrian improvements on Davis Avenue are complete, and the applicant provides a traffic impact analysis that demonstrates that the Davis Avenue and Glacier Highway intersection will operate at a safe level of service after full build out of the subject parcel. The analysis must be acceptable to the State of Alaska Department of Transportation and CBJ. Staff recommends the following conditions:

1. That the conditions of transition to D-15, Multifamily Residential should be noted on the zoning maps and in the CBJ permit tracking program, Permit Plan.
2. Prior to the zone change transition the subject parcel shall have its boundary adjusted to only include those areas above the ordinary high water mark of Lemon Creek.



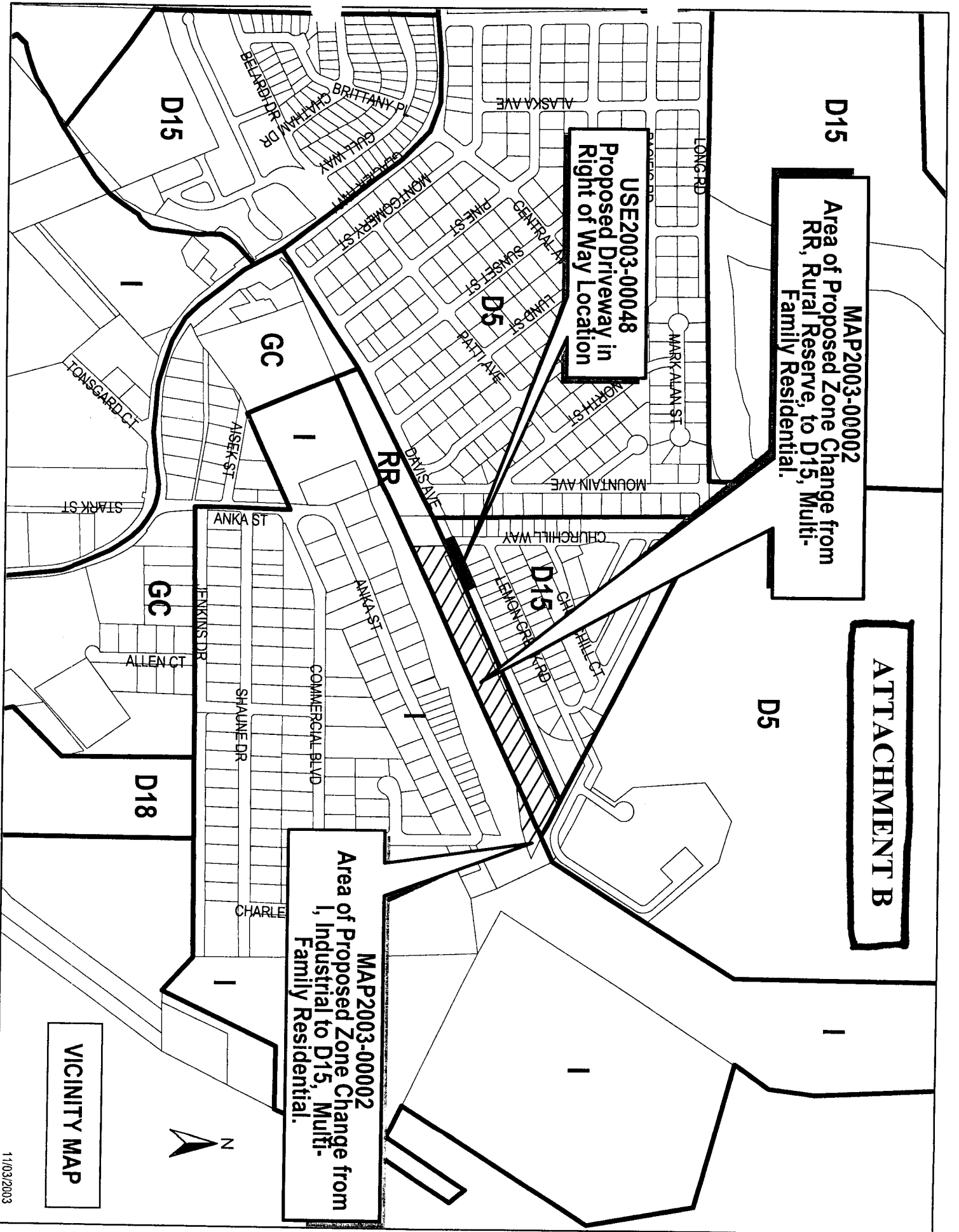
ATTACHMENT B

MAP2003-00002
Area of Proposed Zone Change from
RR, Rural Reserve, to D15, Multi-
Family Residential.

USE2003-00048
Proposed Driveway in
Right of Way Location

MAP2003-00002
Area of Proposed Zone Change from
I, Industrial to D15, Multi-
Family Residential.

VICINITY MAP



Nathan Bishop

From: Michael A Lukshin [michael_lukshin@dot.state.ak.us]
Sent: Wednesday, September 03, 2003 5:55 PM
To: Nathan Bishop
Cc: Richard G Purves
Subject: Re: Proposed zone change on Lemon Creek

Nathan,

I have reviewed the information on the Lemon Creek zone change. From our most recent turning counts at the Glacier Highway/Lemon Road and Davis Street intersection, it is clear that a signal is warranted with the present traffic volumes. Adding 45 to 90 additional households would lower a Level of Service that is probably already LOS=F, our worst condition. If the developer is successful in changing the zoning than it would be in the best interest of the public that he pay for the installation of a traffic signal.

Additionally, the 45 to 90 new households would warrant a substantial investment in the improvement of the Davis and Churchill intersection. This many additional trips probably can't be accommodated safely with a driveway. Ideally, Davis would be realigned to take out the sharp 90 degree curve to the left and into Churchill.

Someone asked if a traffic signal could be installed at Central Avenue, but that it a low speed local road. Central doesn't have as good sight distance as Davis Street. A signal at Central would result in diverting the majority of traffic through a residential area and upset the neighborhood residents.

Davis Street is clearly the main arterial that best serves the Lemon Creek area and the highest density of residents in the area. Davis provides good spacing and generally good sight distance. A signal at Davis would best serve Capital Transit and its users and service to and from the Lemon Creek jail.

In my opinion, Lemon Creek is a fully built out community, except for a handful of vacant lots.

Michael Lukshin

Nathan Bishop wrote:

Hi Mike thanks for looking at this, I apologize for not including you in the original mass email, somehow your name slipped my mind. Anyway I will look forward to your comments. CBJ Community Development has recieved an application for a zone change on a parcel adjacent to Lemon Creek. Staff is currently soliciting comments from interested parties and co-operating agenies, this is a time sensitive issue, please open the attached letter titled "Lemon Creek..." for more details

ATTACHMENT C

11/5/2003

Nathan Bishop

From: Sam Kito
Sent: Wednesday, September 03, 2003 9:03 AM
To: Nathan Bishop
Subject: RE: Proposed zone change on Lemon Creek

Nathan,

I did talk to DOT briefly about this and they suggest Davis as the best location for a possible signal.

DOT suggested that perhaps the Kmart signal could be relocated to Davis in the near term.

We should discuss with Rorie and Mike Scott.

Thanks,

sam.

some initial thoughts.

I think Davis is too close to Anka for a signal to work.

this rezone will not result "in a reduction of two levels of service or a service level of "D" or less" (49.40.310) as the intersection is already operating at a LOS F.

the development will result in increased delay for left turns out of Davis as there will be more vehicles trying to make that movement.

Is the rezone an increase in density?

Recommendation of a future signal at Central Ave, may help traffic at Davis. You should check with Rick or Mike Lukshin to see if this would work for them.

-----Original Message-----

From: Nathan Bishop
Sent: Thursday, August 28, 2003 1:34 PM
To: Sam Kito
Subject: Proposed zone change on Lemon Creek

Hi Sam, I forgot to send you this, I am going to need some input from you regarding this proposal. In my conversations with neighbors and DOT it appears that the Davis/Glacier intersection is already function at LS "F" (Mike Lukshin). Drop me a line when you have time to discuss, Thanks.

CBJ Community Development has recieved an application for a zone change on a parcel adjacent to Lemon Creek. Staff is currently soliciting comments from interested parties and co-operating agenies, this is a time sensitive issue, please open the attached letter titled "Lemon Creek..." for more details

ATTACHMENT D

11/5/2003

Nathan Bishop

From: Mike Scott
Sent: Thursday, September 04, 2003 9:36 AM
To: Nathan Bishop; 'ben_kirkpatrick@fishgame.state.ak.us'; 'brady_scott@dnr.state.ak.us'; 'carl_schrader@dnr.state.ak.us'; 'fred_thorsteinson@dot.state.ak.us'; Grant Ritter; 'jim_powell@dec.state.ak.us'; Joe Buck; 'john.c.leeds@poa02.USACE.army.mil'; Kim Kiefer; 'mike.newton@aelp.com'; Rich Etheridge; Richard Gummow; 'rick_purves@dot.state.ak.us'; Scott Jeffers; Steve Gilbertson; 'susan.walker@noaa.gov'; Tom Trego; 'mike_jacobson@fws.gov'; 'richard_enriquez@fws.gov'
Cc: Tim Maguire
Subject: RE: Proposed zone change on Lemon Creek

Access and continuity to the City's streets is of concern here as is the potential increased traffic loading on Davis. I would not favor a cull-de-sac. The area is now serviced by substandard roads and increasing the traffic will only deteriorate them faster. Also I would be somewhat concerned about future erosion problems along the Lemon Creek property, the impact to a new street and utilities as well as properties adjacent to it.

Davis is currently scheduled for reconstruction in the next couple of years which may make development more practical.

-----Original Message-----

From: Nathan Bishop
Sent: Tuesday, August 26, 2003 3:23 PM
To: 'ben_kirkpatrick@fishgame.state.ak.us'; 'brady_scott@dnr.state.ak.us'; 'carl_schrader@dnr.state.ak.us'; 'fred_thorsteinson@dot.state.ak.us'; Grant Ritter; 'jim_powell@dec.state.ak.us'; Joe Buck; 'john.c.leeds@poa02.USACE.army.mil'; Kim Kiefer; 'mike.newton@aelp.com'; Mike Scott; Rich Etheridge; Richard Gummow; 'rick_purves@dot.state.ak.us'; Scott Jeffers; Steve Gilbertson; 'susan.walker@noaa.gov'; Tom Trego; 'mike_jacobson@fws.gov'; 'richard_enriquez@fws.gov'
Cc: Tim Maguire
Subject: Proposed zone change on Lemon Creek

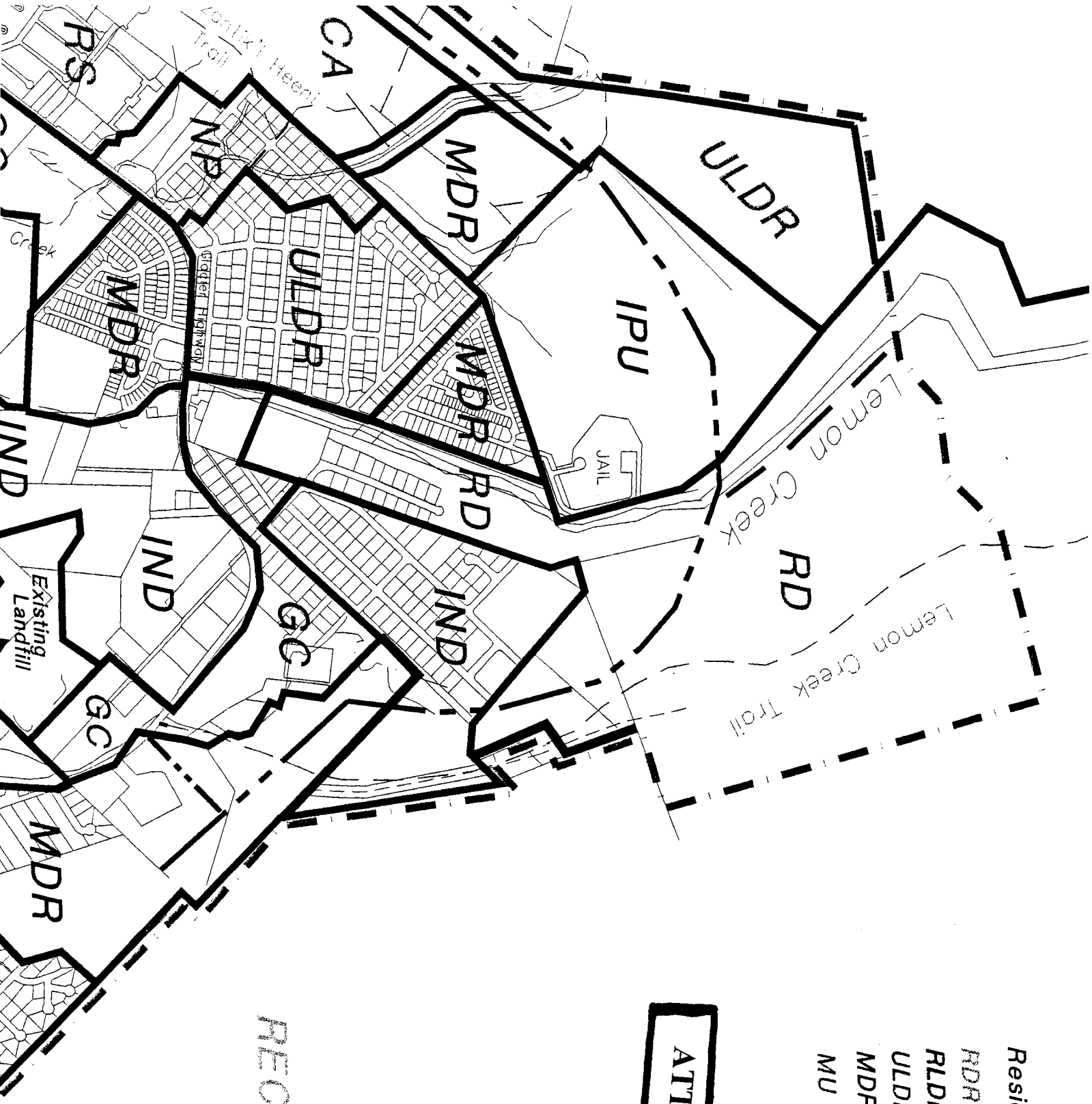
CBJ Community Development has recieved an application for a zone change on a parcel adjacent to Lemon Creek. Staff is currently soliciting comments from interested parties and co-operating agencies, this is a time sensitive issue, please open the attached letter titled "Lemon Creek..." for more details

ATTACHMENT E

Residential

- RDR** Rural Dispersed Res
- RLDR** Rural Low Density 1
- ULDR** Urban Low Density
- MDR** Medium Density Re.
- MU** Downtown Mixed Use
- High Density Resid.**

ATTACHMENT F



(APPLICANT - PLEASE FILL IN SHADED AREAS AS A MINIMUM)

REVISION NO. DATE

Project No:	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to assign name)		

Project Description	<i>Rezone Fr. U.S.S. 2557 from RR to D-15</i>
---------------------	---

PROPERTY LOCATION

Street Address	<i>Davis Avenue</i>	City / Zip
Subdivision (if known)	Survey (if known) <i>Fr. U.S.S. 2557</i>	Block / Tract (if known) Lot (if known) <i>6.32 Acres</i>
Assessor's Parcel Number (if known) <i>5.B12.0.107.003.0/5.B12.0.107.004.0/5.B12.0.131.004.0</i>		

LANDOWNER / LESSEE

Property Owner's Name	Contact Person	Work Phone No.
<i>Ralph S. Horenczy</i>	<i>Jan VanDort</i>	<i>789-3441</i>
Mailing Address	Home Phone No.	FAX No.
<i>10518 FOX FARM TRAIL JUNEAU AK 99801</i>	<i>789-4952</i>	<i>789-4084</i>

LANDOWNER/LESSEE CONSENT (Not required for Building or Engineering permits)

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

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

Ralph S. Horenczy
Landowner/Lessee Signature

Date

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 and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.

INITIAL ALL THAT MAY APPLY

APPLICATION TYPE	OWNER'S INITIALS
ALLOWABLE USE	
CONDITIONAL USE	
VARIANCE	
DESIGN REVIEW	
SUBDIVISION	
OTHER	

APPLICANT (If same as OWNER, write "SAME" and sign & date at X)

Applicant's Name	Contact Person	Work Phone No.
<i>Amakchak, Inc.</i>	<i>Jan VanDort</i>	<i>789-3441</i>
Mailing Address	Home Phone No.	FAX No.
<i>10518 FOX FARM TRAIL JUNEAU, AK 99801</i>	<i>789-4952</i>	<i>789-4084</i>
<i>X</i> <i>John W. Lund, Pres.</i> Applicant's Signature	<i>7-23-03</i> Date of Application	

(OFFICE USE ONLY BELOW THIS LINE)

C	K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C	K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
		ALLOWABLE USE APPROVAL						WATER PERMIT		
		CONDITIONAL USE APPROVAL						SEWER PERMIT		
		VARIANCE						GRADING PERMIT		
		DESIGN REVIEW APPROVAL	MINOR MAJOR					DRIVEWAY PERMIT		
		SUBDIVISION	MINOR MAJOR PUD					RIGHT-OF-WAY PERMIT		
		STREET VACATION						PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL						OTHER - (Describe)		
		BUILDING PERMIT	EXPEDITED EARLY START FAST TRACK					7130102 MAP 03-2		
Zone <i>RR & I</i> Total Lot Area						Required Setbacks Front Back Side Other				

COMMENTS:

ATTACHMENT G

ZONE CHANGE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name DAVIS ST ZONE CHANGE	Case Number MAP 2003-2	Hearing Date	Date Received 7/30/03																																										
NEW ZONE REQUESTED: S-B12-0-107-003-0 ; S-B12-0-107-004-0 ; S-B12-0-131-004-0																																														
DESCRIBE LIMITS OF AREA TO BE REZONED: <i>The area to be rezoned is a fraction of U.S.S. 2557, generally trapezoidal in shape, and located south of the Davis Street R.O.W.</i>																																														
TYPE OF ZONE CHANGE: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Transition																																														
PURPOSE OF THE REQUESTED ZONE CHANGE: <i>To create space for much-needed multi-family housing.</i>																																														
TYPE AND DENSITY OF PROPOSED DEVELOPMENT: <i>D-15. Area would be added to the D-15 zone adjoining it to the north.</i>																																														
DESCRIBE IMPACTS TO ROADS AND ANY ADDITIONAL ROADS PROPOSED: <i>No known impact of any significance. Intersection of driveway with developed road system has not been determined.</i>																																														
UTILITIES AVAILABLE WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site SEWER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site																																														
DIMENSIONS OF SITE: <i>X</i> Width 186.5 ft. Depth 165 ft. Square Feet 30,825																																														
REVIEW APPROVALS <table style="width:100%;"> <thead> <tr> <th></th> <th>Initials</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Buildings</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Engineering</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Planning</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>			Initials	Date	Buildings	_____	_____	Engineering	_____	_____	Planning	_____	_____	ZONE CHANGE FEES <table style="width:100%;"> <thead> <tr> <th></th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ 500⁰⁰</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Public Notice Sign</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Public Notice Sign Deposit</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ 500⁰⁰</td> <td>1211</td> <td>110493</td> <td>7/30/03</td> </tr> </tbody> </table>				Fees	Check No.	Receipt	Date	Application Fees	\$ 500⁰⁰	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Public Notice Sign	\$ _____	_____	_____	_____	Public Notice Sign Deposit	\$ _____	_____	_____	_____	Total Fee	\$ 500⁰⁰	1211	110493	7/30/03
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Total Fee	\$ 500⁰⁰	1211	110493	7/30/03																																										

RECEIVED

PERM CENTER/CDD

ANIAKCHAK, INC.
10518 Fox Farm Trail
Juneau, Alaska 99801
(907) 789-3441 Voice : (907) 789-4084 Fax
E-mail : jvandort@gci.net

July 29, 2003

Mr. Dale Pernula, Director
DCD
155 S. Seward Street
Juneau, Alaska 99801

Re: Rezone of Approx. 6 Acres In Lemon Creek Area From RR to D-15

Dear Mr. Pernula:

Pursuant to CBJ 49.75.110-130, we are herewith applying for a change in the zoning of a parcel of land in the Lemon Creek area from RR to D-15.

Ownership and Legal Description

The parcel is presently owned by Ralph Horecny. Aniakchak, Inc., the applicant, has contracted to purchase the land from him. Horecny has executed the landowner consent provision on the Development Permit Application form which is submitted herewith. The legal description of the affected land is attached as Exhibit A

Location; Features; Topography

The parcel is roughly trapezoidal in shape, located south of the undeveloped portion of the Davis Street right-of-way and extends from the intersection of Davis Street in a northeasterly direction to the State jail. The southeast boundary of the property is generally in the active stream course of Lemon Creek. See Exhibit B. The property was originally used for gravel extraction, has gentle to moderate slopes to Lemon Creek, is densely forested with alder and willow, contains a developed access road and is well-drained. An aerial map of the property with superimposed approximate property lines was submitted at the pre-application conference and is in possession of DCD staff. The area is serviced by City water and sewer.

Zoning; Rezone Purpose

The parcel is presently zoned RR. Its zoning was not changed when most of the land in the area was rezoned from RR to I by Ordinance 90-48. This application requests that the D-15 zoning of the adjacent property to the north be extended to this parcel. See Exhibit C. The purpose of

the request is to create much-needed land for development of multi-family housing.

Issues

Certain issues were identified in the pre-application conference which must be resolved. These are:

A. Access. There are two possible places where the project's driveway can join the existing road system. The first place is the bend in Davis Street at its intersection with Churchill Way. This will involve some construction in the undeveloped portion of the Davis Street right-of-way which is likely to affect more than four existing lots and will, therefore, be dependent on the acquisition of a conditional use permit. The other is near the bus turn-around at the end of Lemon Creek Road. This is not acceptable to the applicant because of the poor quality of and care given to the homes on that road. It is also doubtful that the State will grant an access easement which would be needed because of its proximity to the jail. At either location, the applicant can construct the driveway grades in a manner which will match those required for City streets.

B. Floodplain and Floodway. The FEMA maps for this area are badly outdated and need to be revised. They erroneously show the western end of the property to be in the Lemon Creek floodway. See Exhibit D. Although no buildings will be constructed in this area, the driveway will be. It may be necessary to obtain a Letter of Map Amendment (LOMA) from FEMA before the driveway can be constructed. At present, staff and the applicant have differing views on this matter.

C. Boundary Adjustment. To the applicant's knowledge, it has long been City policy for zoning lines to follow property lines. Staff is opposed to extending a new D-15 zoning line beyond the ordinary high water line of Lemon Creek. There is some merit in staffs' position because the City has recommended removal of gravel from the bed of Lemon Creek and removal may be made more difficult if a portion of the area where removal is to occur has D-15 zoning. From the applicant's point of view, loss of area from the parcel means fewer units can be built. Since the cost of the road, water and sewer improvements is largely fixed, fewer units means higher per unit costs. These costs, of course, must be passed on to the people who live in the new apartments. The Commission will have to decide which competing interest has priority. Regardless, some adjustment of the boundary will probably need to occur and a short plat prepared and submitted as part of the regulatory process. The zoning line would, presumably, follow the adjusted boundary.

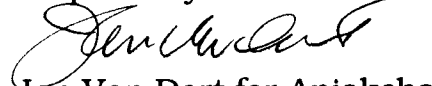
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D. Miscellaneous. The City is discharging water from a culvert across the parcel to Lemon Creek. One or more easements for drainage in favor of the City need to be identified and created.

We strongly believe that approval of this request and the resulting opportunity for the construction of new multi-family housing is in the best interest of this community. Hopefully, you agree.

Respectfully submitted,



Jan Van Dort for Aniakchak, Inc.

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EXHIBIT "A"

PARCEL A:

That portion of U.S. Survey 2557, Juneau Recording District, First Judicial District, State of Alaska, described as:

BEGIN at Corner 1 of this description, which lies N 66° 30' E 174.22 feet from Corner 3 of U.S. Survey 2557, run from Corner 1 N 66° 30' E along the Southeasterly sideline of U.S. Survey 2557 1,662.72 feet to Corner 2; thence N 63° 03' W 179.82 feet to Corner 3; thence S 66° 30' W 1,487.41 feet to Corner 4; thence S 0° 11' W 151.40 feet to Corner 1, the point of beginning;

PARCEL B:

That portion of U.S. Survey 2557, Juneau Recording District, First Judicial District, State of Alaska, described as:

BEGIN at Corner 3 of said U.S. Survey 2557, run thence N 66° 30' E 174.72 feet; thence N 0° 11' E 151.40 feet; thence S 66° 30' W 174.72 feet to a point on the West boundary line of said U.S. Survey 2557; thence S 0° 11' W 151.40 feet to the point of beginning.

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Exhibit A

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U. S. S. 5 504

LOT 3

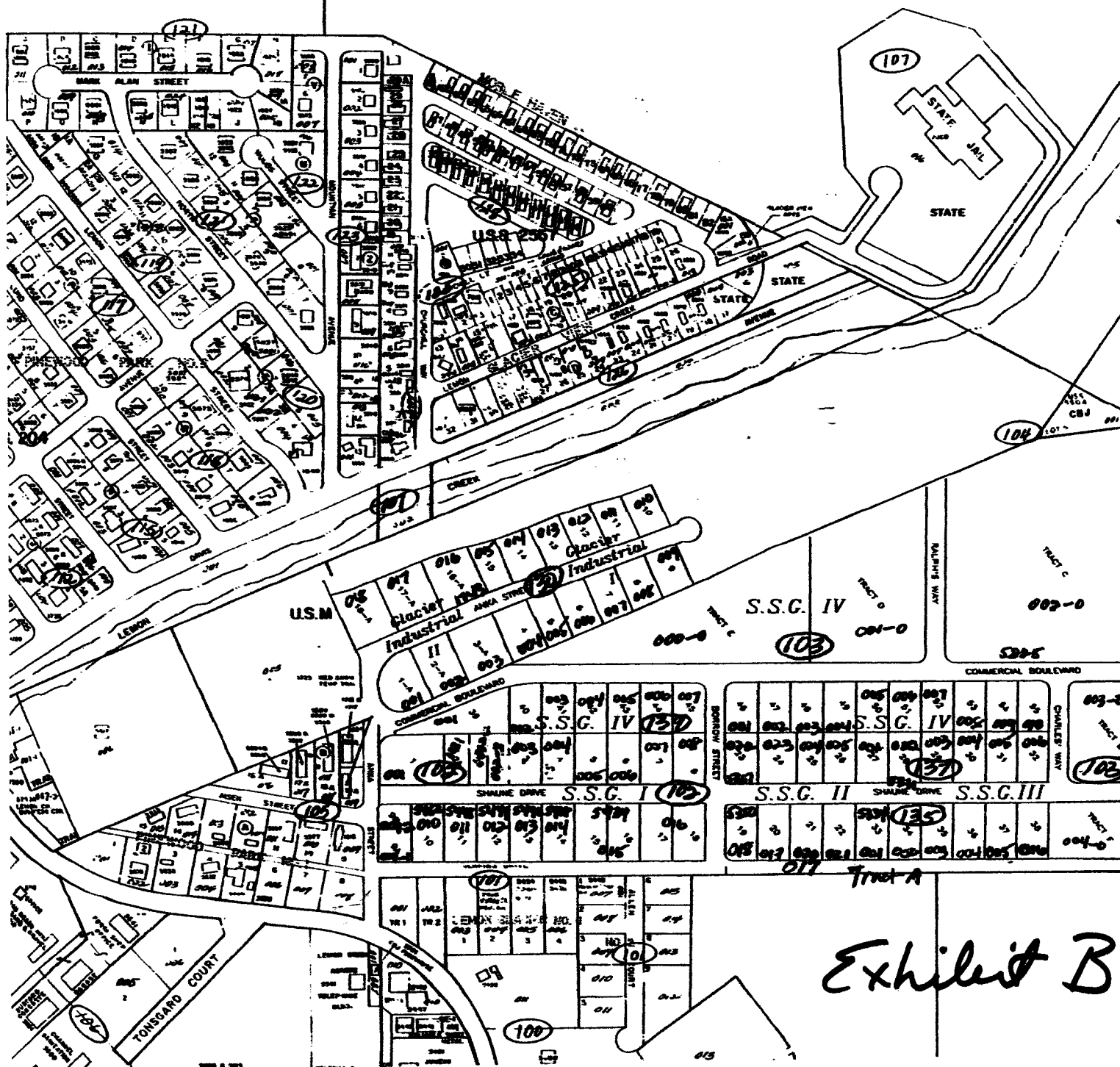


Exhibit B

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Note: The Survey & Mapping Unit does not warrant the accuracy of alignment of the City & Borough of Chicago does not warrant the accuracy of alignment of scale.

D-15

STATE
U. S. S. 5504
LOT 3

D-5

D-5

D-5

U.S.S. 5504

STATE

MS-1

U.S.S. 609

U.S.S. 2487

BORROW PIT
U.S.S. 7257

RR

U.S.S. 4874

U.S.S. 668

U.S.S. 1782
T.E.B.

Exhibit C

U.S.S. 204

N

