RECORD

INDEX

FOR

APPEAL OF PLANNING COMMISSION APPROVAL OF A STREET VACATION OF RODENBURG WAY, A PUBLIC RIGHT-OF-WAY LOCATED BETWEEN BOROFF WAY AND CARROLL WAY IN THE 7A ADDITION TO THE TOWNSITE OF JUNEAU, SUB2001-00025,

FOR CHANNEL VIEW INC., APPLICANT, AND PROPERTY OWNERS, TRUCANO CONSTRUCTION, INC., M. BONNET & D.J. WOODIE, AND LARRY & ELOISE KNUDSEN

I. Staff Report for SUB2001-00025 ................................................................. 000001-000004
II. List of Attachments which accompanied the Staff Report ....................... 000005-000018
III. Additional Materials presented at the July 10, 2001 Planning Commission Meeting ................................................................. 000019-00021
IV. July 10, 2001 Planning Commission Meeting Minutes .......................... 000022-000030
V. Partial Transcribed Testimony of Page Bridges, submitted to Correct two errors in the minutes ................................................................. 000031-000031
VI. Notice of Decision dated July 30, 2001 .................................................. 000032-000033
DATE: July 5, 2001

TO: Planning Commission

FROM: Tim Maguire, Planner
Community Development

FILE NO.: SUB2001-09025


GENERAL INFORMATION

Applicant: Channel View Inc.

Property Owner: Trucono Cont. Inc, M. Bonnet & D J Woodie, and Larry & Eloise Knudsen

Property Address: Rodenburg Way

Legal Description: Rodenburg Way

Parcel Code Number: 1-C07-0-I01-002-0, 003-1, 004-0 and 1-C07-0-I02-008-0

Site Size: Approximately 110 Feet of right of way

Zoning: MU, Mixed Use

Utilities: CBJ Water and Sewer Services

Access: Boroff Way and Carroll Way

Existing Land Use: Vacant

Surrounding Land Use: North Single-family, Multi family Residential
South Retail/Residential
East Retail/Residential
West Retail/Residential
BACKGROUND

The owners of Lots 2A, 3, and 8 are requesting that the existing Rodenburg Way be vacated. This is a 5-foot wide right of way that extends from Boroff Way to Carroll Way (See Attachments A). Currently there are no improvements in this right of way. A residence was formerly located on Lot 8, and a portion of the Rodenburg right of way may have been used to access the site.

The purpose of this request to vacate Rodenburg Way is to allow Lots 1, 2A, 3, and 8 to be replatted into 3 parcels, Lot 1A, 2A1, and 3A. With the right of way vacated, Lot 8 can be attached to the three adjoining lots creating larger parcels, and in the case of proposed Lot1A a more buildable site (See Attachments B).

Also included in this proposed replat is the relocation of a portion of right of way on the uphill side of Lots 2A1 and 3A. Both these parcels include single family dwellings. This relocated right of way will allow Lot 3A to continue to have access from a public right of way, but will not extend to Boroff Way.

PROCEDURE

Requests to vacate public right way are decided by the Planning Commission. If the request is approved the applicant must submit an amended plat that reflects the inclusion of the vacated right of way into the adjoining properties.

ANALYSIS

Right of ways are dedicated to the public for public purposes, including access and utilities. The issue with this and any other vacation request is whether the right of way should be retained for public uses or whether it can be released for private development.

In the case of Rodenburg Way, the question is whether this right of way is needed for future use.

CBJ Engineering, Public Works, Parks and Recreation, Fire Department, Police Department and Lands and Resources were contacted and asked for comments regarding the public need of this right-of-way. The CBJ Engineering Department reports that there are no utility lines in the right of way or are there any planned to cross the site of this proposed street vacation. CBJ staff has no objection to vacating this right-of-way. (See Attachment C)
As noted above, vacating Rodenburg Way would land lock Lot 2A1. According to the platting code, all lots must have frontage on a public right of way.

(5) Rights-of-way.
(A) All lots shall have at least 30 feet of frontage on a dedicated right-of-way, except that a lot located within a subdivision designated as a remote subdivision.....

To meet this requirement the applicants are platting a new 5-foot access to the site directly from Carroll Way on the uphill side of Lots 2A1 and 3A. The proposed vacation of Rodenburg Way is therefore contingent on this replat being completed. Completion of the replat will be made a condition of approval.

**JCMP REVIEW**

The proposed development was reviewed for compliance with CBJ §49.70.900, the Juneau Coastal Management Program. The analysis reveals that the JCMP is not applicable to this development.

**FINDINGS**

After review of the application materials and the CBJ Land Use Code the director makes the following findings:

1. The request meets the submittal requirements of the CBJ Land Use Code and a majority of the owners of the front footage of the street signed the application according to CBJ§49.15.450(A)

2. The director has published the street vacation request in the municipal advertisement of the Juneau Empire, sent property owner notices to abutting properties within a 500-foot radius of the site and verified that a public notice sign was posted on site. Public notice was provided in compliance with CBJ§49.15.230, Public Notice.

3. The Land Use Code according to section §49.15.460(5) (A) requires all lots have frontage on a public right of way. This requested vacation and code requirement can be accommodated with the condition of approval for recording the proposed replat.
Planning Commission
File No.: SUB2001-00025
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4. There have been no other current or future public needs, including utilities, that have been identified for this public right of way.

RECOMMENDATION

We recommend that the Planning Commission adopt the director's findings and approve the request to vacate Rodenburg Way, a public right-of-way located between Boroff Way to Carroll Way in the 7A Addition to the Townsite of Juneau, subject to the following conditions:

1. That the applicant completes the replatting process according to the replat proposed in Attachment B.

2. That the CBJ Engineering Department approves the final vacation boundaries, prior to plat recording.

3. The applicant shall prepare an Order of Street Vacation in accordance with CBJ §49.15.450(E) to be filed with the replat.
List of Attachments
VAR2001-00020

Vicinity Map

Attachment A  Boroff Way to Carroll Way
Attachment B  Lot 1A, 2A1, & 3A Plat
Attachment C  Larry Smith consent E-mail
              Michael Newton consent E-mail
              Steve Gilbertson consent E-mail
              Dean Nordenson consent E-mail

Letter to Planning Commission from M. Bonnet & D. Woodie

Development Application, 313 Carroll Way

Development Application, 319 Carroll Way

Development Application, 1-C07-0-101-004-0

Street Vacation Application

Letter to Greg Cheney from Murray R. Walsh, AICP
ORIGINAL LOTS 1, 2A & 3, BLOCK 1
AND LOT 8, BLOCK 2
U.S. SURVEY 7A - AMENDED
ADDITION TO TOWNSITE OF JUNEAU, ALASKA
SCALE: 1" = 30'

ATTACHMENT A
Mr. Maguire, I received this e-mail from Al Bixby in ACS's Splicing Department. Please direct all right of way issues toward the Engineering Department. E-mails such as this may be mistakenly disregarded by the wrong person. I have no objection to the vacation of the Rosenburg Way right of way, as long as the owner is aware if there are any telephone cables within the vacated right of way, they will be responsible for the cost of relocating those facilities. Thanks for the heads up on this. Hope to hear from you again. Larry Smith Engineering Foreman-Southeast.

-----Original Message-----
From: Tim Maguire [mailto:Tim_Maguire@ci.juneau.ak.us]
Sent: Monday, June 25, 2001 2:42 PM
To: Ernie Mueller; Randy Waters; Mike Scott; Dean Nordenson; Tom Trego; Albert Bixby (E-mail); Michael Newton (E-mail); Terry Dunlap (E-mail); Steve Gilbertson; Terry Brenner
Subject: Rodenburg Way Street Vacation

The owners of Lots 1, 2A, 3, and 6 are requesting that the existing Rosenburg Way be vacated. This is a 5-foot wide right of way that extends from Boroff Way to Carroll Way (See Attachments Rodenburg 1 or 2). The purpose of the change is to allow Lot 8 to be attached to the three adjoining lots to the southwest, resulting in larger building sites. No portion of Rodenburg Way has been constructed.

Vacating Rosenburg Way will land lock Lot 2A. According to the plating code all lots must have frontage on a public right of way. To meet this requirement the applicants are plating a new 5-foot wide right of way on the uphill side of Lots 2A and 3, that will start from from Carroll Way but will not extend to Boroff Way (See Rodenburg 3.)

Any objection or comments on this proposed right of way vacation and replat?

If you have trouble reading these maps, Ill send paper copies.

Thanks

This transmittal may contain confidential information intended solely for the addressee. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly
Tim,
Thanks for the notification, I don't see that this vacation will affect AEL&P's system.
Michael

-----Original Message-----
From: Tim Maguire [mailto:Tim_Maguire@ci.juneau.ak.us]
Sent: Monday, June 25, 2001 2:42 PM
To: Ernie Mueller; Randy Waters; Mike Scott; Dean Nordenson; Tom Trego; Albert Bixby (E-mail); Michael Newton; Terry Dunlap (E-mail); Steve Gilbertson; Terry Brenner
Subject: Rodenburg Way Street Vacation

The owners of Lots 1, 2A, 3, and 8 are requesting that the existing Rosenberg Way be vacated. This is a 5-foot wide right of way that extends from Boroff Way to Carroll Way (See Attachments Rodenburg 1 or 2). The purpose of the change is to allow Lot 8 to be attached to the three adjoining lots to the southwest, resulting in larger building sites. No portion of Rodenburg Way has been constructed.

Vacating Rosenberg Way will land lock Lot 2A. According to the platting code all lots must have frontage on a public right of way. To meet this requirement the applicants are platting a new 5-foot wide right of way on the uphill side of Lots 2A and 3, that will start from from Carroll Way but will not extend to Boroff Way (See Rodenburg 3.)

Any objection or comments on this proposed right of way vacation and replat?

If you have trouble reading these maps, I'll send paper copies.

Thanks
Tim Maguire

From: Steve Gilbertson
Sent: Tuesday, June 26, 2001 7:24 AM
To: Tim Maguire
Subject: RE: Rodenburg Way Street Vacation

It doesn't affect any CBJ land. No concerns from us.

-----Original Message-----
From: Tim Maguire
Sent: Monday, June 25, 2001 2:42 PM
To: Ernie Mueller; Randy Waters; Mike Scott; Dean Nordenson; Tom Trego; Albert Bixby (E-mail); Michael Newton (E-mail); Terry Dunlap (E-mail); Steve Gilbertson; Terry Brenner
Subject: Rodenburg Way Street Vacation

The owners of Lots 1, 2A, 3, and 8 are requesting that the existing Rosenburg Way be vacated. This is a 5-foot wide right of way that extends from Boroff Way to Carroll Way (See Attachments Rodenburg 1 or 2). The purpose of the change is to allow Lot 8 to be attached to the three adjoining lots to the southwest, resulting in larger building sites. No portion of Rodenburg Way has been constructed.

Vacating Rosenburg Way will land lock Lot 2A. According to the platting code all lots must have frontage on a public right of way. To meet this requirement the applicants are platting a new 5-foot wide right of way on the uphill side of Lots 2A and 3, that will start from from Carroll Way but will not extend to Boroff Way (See Rodenburg 3.)

Any objection or comments on this proposed right of way vacation and replat?

If you have trouble reading these maps, I'll send paper copies.

Thanks
Our records indicate that there are no water lines or service lines on the proposed land to be vacated, so we have no objections or additional comments at this time. Thank you.

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

From: Tim Maguire
Sent: Monday, June 25, 2001 2:42 PM
To: Ernie Mueller; Randy Waters; Mike Scott; Dean Nordenson; Tom Trego; Albert Bixby (E-mail); Michael Newton (E-mail); Terry Dunlap (E-mail); Steve Gilbertson; Terry Brenner
Subject: Rodenburg Way Street Vacation

The owners of Lots 1, 2A, 3, and 8 are requesting that the existing Rosenburg Way be vacated. This is a 5-foot wide right of way that extends from Boroff Way to Carroll Way (See Attachments Rodenburg 1 or 2). The purpose of the change is to allow Lot 8 to be attached to the three adjoining lots to the southwest, resulting in larger building sites. No portion of Rodenburg Way has been constructed.

Vacating Rosenburg Way will land lock Lot 2A. According to the platting code all lots must have frontage on a public right of way. To meet this requirement the applicants are platting a new 5-foot wide right of way on the uphill side of Lots 2A and 3, that will start from from Carroll Way but will not extend to Boroff Way (See Rodenburg 3.)

Any objection or comments on this proposed right of way vacation and replat?

If you have trouble reading these maps, Ill send paper copies.

Thanks
July 4, 2001

Planning Commission
City and Borough of Juneau

Re: Rodenburg Way Street Vacation,
    CBJ File No. SUB2001-00025

Dear Planning Commissioner:

Because we will be out of town and unable to attend the July 10 Planning Commission meeting, we ask that you please consider our written comments regarding this request for street vacation.

We have joined neighboring property owners in this request because we believe the end result after street vacation and re-subdivision will be enhancement to our neighborhood at large as well as to our own individual lot. The vacation of the unused Rodenburg Way and re-subdivision will:

- enable us to stabilize the hillside behind our house with short block retaining walls, ending the sloughing of the hillside against the back of our house;
- provide us with enough land behind our house to allow us to install a small deck and garden, which will vastly improve the quality of our life here; and
- with the installation of the retaining walls, deck, and garden, transform unused land in our neighborhood into a cultivated, landscaped, useful and well-used backyard.

At 720 square feet, the lot our house at 313 Carrol Way sits on has got to be one of the smaller lots in Juneau. This street vacation and subsequent subdivision will result in a lot more than half again as large as our current lot. Access to adjacent lots after the proposed subdivision will be maintained via the access right-of-way at the back of the proposed lot. In short, no harm and considerable good will come of this action.

We are in our fifth year now of working through and with all the development that has occurred around us. It has been a decidedly trying time as we are sure you are aware from past actions in this neighborhood that have gone before the Planning Commission. Finally we have the possibility, after all of the effort of these past years, of ending up with a stable hillside, and an added bonus of a deck and a garden of our own on our own land.

Thanks again for your attention to our request.

Sincerely,

Michelle Bonnet

David Woodie
Project Name: CITY and BOROUGH of JUNEAU

Project Description: Vacate Rodenburg Way between Boroff Way and Carroll Way

Property Location:

Street Address: 313 CAROL WAY

Assessor's Parcel Number (if known): 107010100040, 107010100211, 10701020080

Property Owner's Name: Trucano Construction

Mailing Address: Box 20870 Juneau, AK 99802

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

Applicant's Name: M. Walsh

Applicant's Address: 3560 N. Douglas Hwy. Juneau, AK 99801

PERMIT APPROVALS:

PERMIT TYPE

C

K

DATE RECEIVED

APPLICATION NO.

PERMIT TYPE

C

K

DATE RECEIVED

APPLICATION NO.

ALLOWABLE USE APPROVAL

WATER PERMIT

CONDITIONAL USE APPROVAL

SEWER PERMIT

VARIA

GRADING PERMIT

DESIGN REVIEW APPROVAL

DRIVEWAY PERMIT

SUBDIVISION

RIGHT-OF-WAY PERMIT

STREET VACATION

6/5/01

SUB 2001-25

NOTES: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
**Development Permit Application**

**Application - Please Fill in the Project Applicant Information**

- **Project Number:**
- **Project Name (City Staff to assign name):** Roofembury Way vacation

**Property Location**

- **Street Address:** 379 Carroll Way
- **City/State:** Juneau, AK
- **Block/Tract/Lot:**

**Property Information**

- **Owner's Name:** C. Knudsen
- **Mailing Address:** 18055-124 M Ave SE
- **Contact Person:** Same
- **Work Phone No.:**

**Project / Applicant**

**Applicant's Name:**
**Mailing Address:**
**Contact Person:**
**Work Phone No.:**

**Signature:**

**.requests for Planning permits not needed for Building/ brainstorming)**

**Landowner/Lessees Consent**

- **Application Type:**
- **Owner's Initials:**

**Application Date:**

**Application 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 noticed tenant given above. Further, the Planning Commission and the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearings.

**Staff Approvals**

- **Zone:**
- **Total Lot Area:**
- **Required Setbacks:**

**Comments:**

- Consent is conditioned upon CBJ imposition of a deed or plat notice instructing future owners that there may be no excavation, drilling or pile-driving in the former Rodenberg Way unless the landowner engaged in the activity warrants to repair any damage to uphill properties caused by the excavation, drilling or pile-driving.

**NOTE:** Development Permit Application Form must accompany all other Community Development Department Applications.
DEVELOPMENT PERMIT APPLICATION

Project Number

CITY and BOROUGH of JUNEAU

Project Name (City Staff to assign name)

Rodenburg Way vacation

Project Description

Vacate Rodenburg Way between Boroff Way and Carroll Way

PROPERTY LOCATION

Street Address

City / Zip

Subdivision (if known)

Survey (if known)

Block / Tract (if known)

Lot (if known)

Assessor’s Parcel Number (if known)

1C0701010040 (for 7 A Addn BL 1 L 3)

I ANNOUNCER / ESQFF

1C0701010031, 1C070100720, 1C07010080

Property Owner’s Name

Michelle Bonnet/D.J. Woodie

Contact Person

M. Bonnet

Work Phone No.

465-5066

Home Phone No.

586-5074

FAX No.

Landowner/Lessee Consent

(Required for Planning permits not needed in Building Engineer permits)

INITIAL ALL THAT MAY APPLY

APPLICATION TYPE

ALLOWABLE USE

CONDITIONAL USE

VARIANCE

DESIGN REVIEW

SUBMISSION

OTHER

필수

RDM Vacation

Applicant’s Name

Trucano Construction

Mailing Address

3560 N. Douglas Hwy. Juneau, AK 99801

Date of Application

(Office Use Only Below This Line)

PERMIT TYPE

妄

DATE RECEIVED

APPLICATION NO.

PERMIT TYPE

妄

DATE RECEIVED

APPLICATION NO.

ALLOWABLE USE APPROVAL

WATER PERMIT

CONDITIONAL USE APPROVAL

SEWER PERMIT

VARIANCE

GRADING PERMIT

DESIGN REVIEW APPROVAL

GRIVENAY PERMIT

SUBMISSION

RIGHT-OF-WAY PERMIT

STREET VACATION

SUBDIVISION

OTHER - (Describe)

X

BUILDING PERMIT

Required Setbacks

Front

Back

Side

Other

TOTAL LOT AREA

COMMENTS:

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

(Applicant please fill in shaded areas as a minimum)

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<tr>
<th>Project Number</th>
<th>Project Name</th>
<th>Case Number</th>
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<th>Date Received</th>
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<td>Rodenberg Way Vacation Sub 61-25</td>
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<td>6-5-01</td>
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**NAME OF RIGHT-OF-WAY TO BE VACATED:**

Rodenberg Way

**DESCRIBE WHY YOU WISH THE CITY TO VACATE THE STREET RIGHT OF WAY:**

ALLOWS A RE-PLAT

**EXISTING USE OF SUBJECT RIGHT-OF-WAY:**

NONE

**PROPOSED USE OF SUBJECT RIGHT-OF-WAY:**

INTEGRATE INTO ADJACENT LOTS

**DIMENSIONS OF AREA TO BE VACATED:**

- Width: 5 ft.
- Depth: 119 ft.
- Total Area: 595 S.F.

**ADDITIONAL PROPERTY OWNERS ADJACENT TO PROPERTY TO BE VACATED:**

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

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

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

**SEE ATTACHED DRAWINGS**

**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.

**PLEASE NOTE:** INCOMPLETE APPLICATIONS WILL NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION AND WILL BE RETURNED TO THE APPLICANT FOR COMPLETION.

<table>
<thead>
<tr>
<th>REVIEW APPROVALS</th>
<th>STREET VACATION FEES</th>
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<td>Planning</td>
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Total: $550

**NOTE:** MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
June 5, 2001

Mr. Greg Cheney  
CBJ Community Development Dept.  
155 South Seward Street  
Juneau, AK 99801

RE: Vacation of Rodenberg Way and Resubdivision of Adjoining Properties

Dear Greg,

This is an application on behalf of Trucano Construction and other property owners to vacate Rodenberg Way and resubdivide the associated properties as depicted on the attached plat. Three of the four relevant property owners have signed DPA forms for this purpose and these are attached. Also included are the closure computations for the lots and other required forms and fees. Thank you for your assistance so far in the pursuit of this application and please advise if you need any other information.

Sincerely,

Murray R. Walsh, AICP

Attachments

Received on  
JUN 05 2001

CBJ Permit Center
ADDITIONAL MATERIALS FOR THE
REGULAR PLANNING COMMISSION MEETING
Assembly Chambers
7:00 pm

MEETING DATE: July 10, 2001

A. SUB2001-00025 - Development Permit Application. To replace application #2 of
the three D.P. Applications in Staff Report.

B. VAR2001-00021 - Letter from Robert D. Carnes to Planning Commission dated
July 6, 2001

B. Planning Commission Attendance: May 9, 2000 - June 26, 2001
MINUTES

PLANNING COMMISSION MEETING
CITY AND BOROUGH OF JUNEAU
Johan Dybdahl, Chair

REGULAR MEETING
July 10, 2001

Chair Dybdahl called the regular meeting of the City and Borough Planning Commission to order at 7:00 p.m., in the Assembly Chambers of the Municipal Building.

I. ROLL CALL

Commissioners present: Mike Bavard, Dan Bruce, Johan Dybdahl, Maria Gladziszewski, Marshal Kendziorek, Mark Pusich, Merrill Sanford, Jody Vick

Commissioners absent: Roger Allington

A quorum was present.

Staff present: Oscar Graham, Acting Director of Community Development; Tim Maguire, CDD Principal Planner; Sylvia Kreele, CDD Planner

II. APPROVAL OF MINUTES -

June 12, 2001 - Special Meeting
June 26, 2001 - Regular Meeting

Motion - by Mr. Kendziorek to approve the minutes of June 12, 2001 Special Meeting as corrected and the June 26, 2001 Regular Meeting as written.

Hearing no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

Bill Leighty, 227 Gastineau Avenue announced that Frank Guzzo, the Sales Manager of Siemens Transportation Systems would be in Juneau on July 25th and 26th. Mr. Leighty extended the invitation following an informal meeting between Dave Palmer and a group of light rail proponents. While in Juneau, Mr. Guzzo will evaluate the community to determine under what circumstances would light rail transit be a good investment. Of interest to Planning
Commissioners and CDD staff is a meeting at noon on July 26th in Assembly Chambers. Mr. Guzzo will give a presentation of light rail transit systems and what services Siemens provides. Later, Mr. Guzzo's presentation will be featured at a public meeting held on the evening of July 26th at Centennial Hall. Mr. Guzzo's visit is paid for by Siemens Transportation Systems.

Although the Area Wide Transportation Plan is nearing completion, Mr. Leightly argues that it is deficient in that it did not seriously consider light rail transit nor did it consider what energy sources would power the community transportation systems 20 years from now.

IV. RECONSIDERATION OF THE FOLLOWING ITEMS - None

V. CONSENT AGENDA

Mr. Dybdahl announced that there were three items on the Consent Agenda and he inquired if there was any member from the public who wished to testify. No one wished to comment and there were no questions from the commissioners. Mr. Dybdahl did note that a letter had been received relative to VAR2001-00021.

MOTION - by Mr. Kendziorek to approve the Consent Agenda that included USE2001-00023; VAR2001-00020 and VAR2001-00021, as listed below.

USE2001-00023
A Conditional Use permit to approve a one-bedroom 600 square foot apartment over a detached garage.

Location: 08488 THUNDER MOUNTAIN RD
Applicant: STEVE BURNETT

Staff recommendation: 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 one-bedroom, 600 square foot accessory apartment above a detached garage in the D-5 Zone.

VAR2001-00020
A Variance to allow construction of a second story deck over an existing single story enclosed porch.

Location: 00115 GASTINEAU AVE
Applicant: ALASKA RENOVATORS

Staff recommendation: That the Board of Adjustment adopt the director’s analysis and findings and approve the requested Variance.
VAR2001-00021

A Variance to allow a 14-foot front yard setback on one of the street sides of a corner lot, in the D-5 zoning district, where a 20-foot setback is required by code.

Location: 03198 PIONEER AVE
Applicant: JACK CADIGAN

**Staff recommendation:** Staff recommends that the Board of Adjustment adopt the staff analysis and the Director’s findings, which conclude that the grounds for Variances are met and approve the request to allow a 14-foot front yard setback.

VI. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

SUB2001-00025
A request to vacate Rodenburg Way, a public Right Of Way located between Boroff Way and Carroll Way.

Location: 00313 CARROL WAY
Applicant: TRUCANO CONSTRUCTION INC

Mr. Pusich announced that he had a conflict of interest in that he participated in the preparation of the subdivision vacation plat for this project. Mr. Pusich stepped down from the panel and recused himself from further consideration of this item.

**Staff report:** Tim Maguire reviewed the staff report for the Planning Commission. He noted that right of ways are dedicated to public for public purposes including access and utilities. At issue is whether the right of way should be retained for public uses or whether it can be released for private development. In the case of Rodenburg Way, the question is whether the right of way is needed for future use. Mr. Maguire indicated that currently there are no improvements in the right of way and following a survey of CBJ departments and the various utility companies; there was no objection to the vacation as no public need was envisioned.

The owners of Lots 2A, 3, and 8 request that the existing Rodenburg Way right of way is vacated. This is a 5-foot wide right of way that extends from Boroff Way to Carroll Way, as depicted on Attachments A in the staff report. Currently there are no improvements in this right of way. A residence was formerly located on Lot 8, and a portion of the Rodenburg right of way may have been used to access the site.

Planning Commission - June 27, 2001 Page 3
The purpose of this request to vacate Rodenburg Way is to allow Lots 1, 2A, 3, and 8 to be replatted into 3 parcels, Lot 1A, 2A1, and 3A. With the right of way vacated, Lot 8 can be attached to the three adjoining lots thereby creating larger parcels, and in the case of proposed Lot1A - a more buildable site. Also included in this proposed replat is the relocation of a portion of right of way on the uphill side of Lots 2A1 and 3A. Both of these parcels include single-family dwellings. This relocated right of way will allow Lot 3A to continue to have access from a public right of way, but it will no longer extend to Boroff Way.

Vacating Rodenburg Way would land lock Lot 2A1. According to the platting code, all lots must have frontage on a public right of way. To meet CBJ code requirements, the applicants are platting a new 5-foot access to the site directly from Carroll Way on the uphill side of Lots 2A1 and 3A. The proposed vacation of Rodenburg Way is therefore contingent on this replat being completed. Completion of the replat will be made a Condition of approval.

Mr. Maguire called commissioner's attention to the revised development permit application in their Blue Folders. This replaces the application No. 2 of 3 that was provided as an attachment to the staff report.

**Staff recommendation:** That the Planning Commission adopt the director's findings and approve the request to vacate Rodenburg Way, a public right-of-way located between Boroff Way to Carroll Way in the 7A Addition to the Townsite of Juneau, subject to the following Conditions:

1. That the applicant completes the replatting process according to the replat proposed in Attachment B.
2. That the CBJ Engineering Department approves the final vacation boundaries, prior to plat recording.
3. The applicant shall prepare an Order of Street Vacation in accordance with CBJ §49.15.450(E) to be filed with the replat.

Prior to opening public testimony, Chair Dybdahl reviewed recent modifications to the Planning Commission's rules of order as they relate to the order of public testimony. He then called the applicant forward to address the Commission.

**Public Testimony:**
**Steve Landvik,** 4212 Taku Boulevard, appeared for the applicant, Trucano Construction. Reading from Michelle Bonnet's letter to the Planning Commission, Mr. Landvik cited several positive aspects in support of granting the vacation. In the letter dated July 4, 2001, Ms. Bonnet states that the vacation of the unused Rodenburg Way and the re-subdivision would allow her to stabilize the hillside with short block retaining walls. This step would end the sloughing of the hillside against the back of her house. The vacation would also provide the Bonnet/Woodie's with enough land behind their house to allow for the
construction of a small deck and garden. Once the installation of the retaining wall, deck and garden is complete, the unused land would be transformed into a cultivated, landscaped, and well-used backyard for Ms. Bonnet and her household. Mr. Landvik adds that these aspects also apply to the house that Trucano Construction has next door.

Jeremy Neldon, 412 Gastineau Avenue, #5, began by quoting CBJ Code:

"A street or right of way is regarded as being held in trust for the public in general. When it can be demonstrated that the right of way is useless or is no longer needed for a public purpose... it can be vacated."

"A street vacation is inappropriate where the principle purpose is to bestow a private benefit."

Mr. Neldon states that the right of way provides open green space in an urban setting. This serves a very important public purpose. He also believes that the sole purpose of the vacation is to bestow a private benefit to Trucano Construction and to Ms. Bonnet. In effect, this would be a private taking of public lands. Mr. Neldon also noted that the right of way vacation involves an inequitable land swap with the property owners. While the current Rodenburg Way easement goes from Carroll Way to Boroff Way, the amount of land that the City would claim in exchange for the vacation is less than half of the original amount.

Mr. Kendziorek asked Mr. Neldon to elaborate on the equity of the land swap. Mr. Neldon described that the replatting provides for five-feet wide swath near the stairwell. This is in exchange for the much longer swath of the Rodenburg Way right of way which extends from Boroff Way all the way across to Carroll Way.

Mr. Kendziorek stated he understood one objective of the vacation was to allow the landowners to stabilize a creeping hillside. Mr. Neldon thought that that objective could still be achieved without vacating the entire span of Rodenburg Way.

Page Bridges, 334 Carroll Way, elaborated on Mr. Neldon's comments. The old Rodenburg Way extended all the way across from Carroll Way to Boroff Way, while the new Rodenburg Way will only extend less than half way across. She added that the largest private benefit bestowed by this particular vacation will go to the Belgian developers of Lot 1A. They will have an even larger parcel to build upon. Destabilization of the hillside is a pressing concern for Ms. Bridges. She noted that when the apartment building dropped several inches, her home did as well. As a result of the boring and construction, her internal doors do not close. She fears further encroachment and development would amplify the impacts upon the neighborhood buildings. If the right of way were retained, a buffer between the development and the homes would be maintained.
She hoped that the Planning Commission, the property owners and the developers could arrive at a creative solution for the neighborhood. She added that the neighborhood depends upon the existence of the greenbelt area especially since recent development has left her portion of Goldbelt beleaguered. She suggested one solution might be for the Planning Commission to recommend that the Assembly dedicate the right of way as a greenbelt so that the neighborhood and tourists alike could continue to enjoy its beauty. Another idea could entail the City giving Ms. Bonnet permission to install a retaining wall and construct a deck behind her house.

Most importantly, Ms. Bridges appealed for justice in the replat of Rodenburg Way. She proposed that Rodenburg Way is replatted to span the distance between Carroll Way and Boroff Way. Two things would be achieved: the amount of land swapped would be equitable and there would be a buffer between the development on Lot 1A and the hillside homes.

Ms. Bridges also asked where the public notice sign were located. Mr. Maguire said the sign was posted in front of the property, off of Franklin Street.

Chris Joy 412 Gastineau Avenue, #9, said that the neighbors have consistently spoken in favor of saving the swath of land as well as retaining other unique qualities of Gastineau Avenue. She complains that the brown house forfeited its yard in favor of the development that the Belgians undertook. Now they are saying that the land is important and they need a garden. Ms. Joy believes that accommodating the wishes of the brown house is not in the best interest of the neighborhood. She asks that the CBJ step in and assist the parties in achieving balance. She requests that the CBJ purchase land in the area for its historic and natural attributes.

Sandra Sistera, 412 Gastineau Avenue, #10, states that she has lived in Juneau since 1993 but since recently moving to the neighborhood, its problems are now personal for her. She is angry that people in Juneau, Alaska must beg for a little green space to buffer their neighborhood from commercial development. She asks the Planning Commission to take into account the harsh impact that the downhill development has had on Gastineau Avenue. Evidence of slides and engineers quitting has been presented to the CBJ. They are building and building and the hillside is sliding and sliding and the developers now want more land to impact. She hoped that the Planning Commission would consider this and present at a creative solution for this problem.

Nancy Waterman, 227 Gastineau Avenue, states that she is conservative about public rights of way. There is an existing walkway connecting Carroll Way and Boroff Way and she asked if that was on private property. She suggests that in conjunction with a vacation, that Rodenburg Way be expanded so that Carroll Way and Boroff Way are connected. Moving the right of way up to and adjacent to the private property where a walkway currently exists can accomplish this.
Mr. Kendziorek asked staff where the walkway is situated. Mr. Maguire explained that the walkway is on Lot 2, close to Lot 8. It is just above the property line. He understood that the walkway was private and that the owners of the apartment building put it in.

In response, Ms. Waterman requested that rather than just vacating a right of way, that the CBJ consider acquiring some of Lot 2 in order to move the public right of way adjacent to the private right of way so that the opportunity for public access between Carroll Way and Boroff Way is expanded.

Chair Dybdahl recalled the applicant to address the Planning Commission.

Steve Landvik, referred commissioners to Lot 8 as it was depicted on Attachment A. He said that currently, Lot 8 is a stand-alone lot that was large enough for a building to be developed on it. If the applicant were allowed to proceed as they proposed, Lot 8 would no longer be a stand-alone lot. Considering that the other lots can only be developed to 80% of the lot coverage, the area above the existing right of way will remain green and vegetated. This is true even if the building below is built to 80% of the lot coverage. Mr. Landvik thought that that ensured the green belt would remain.

Further, Mr. Landvik thought that the applicant would agree to moving Rodenburg up and continuing it over to Boroff. If the CBJ ever chose to develop that walkway, they could.

Chair Dybdahl asked if that meant running the right of way across the property line on Lot 8? Mr. Landvik clarified that the right of way would be between Lot 8 and Lot 2.

Mr. Bavard asked staff what would be needed to accomplish this? Mr. Maguire said that a Condition must be added that extends the right of way the full length between Carroll Way and Boroff Way.

Mr. Bavard asked why this wasn't done in the first place. Mr. Maguire said that CDD solicited comments from various individuals and departments. There wasn't any identified use for the full right of way in the future. The partial street was necessary so that Lot 2A1 meets the Code requirement for access.

Mr. Kendziorek asked Mr. Landvik to clarify for the Commission that, as the applicant's representative, he supported a Condition that extends the suggested right of way across the top of lot 8 to connect Carroll Way to Boroff Way. Referring to Attachment B, Mr. Kendziorek reiterated that the 110 square foot access right of way would be extended to Boroff way. Mr. Landvik said that Mr. Kendziorek was correct. The new right of way would be 5-feet wide and it would go between Lot 2 and Lot 8 all the way across.
Ms. Gladziszewski asked what was on Lot 2, Lot 8 and Lot 1 and who owns them. She also asked Mr. Landvik to clarify what lots he represents before the Planning Commission. Mr. Landvik said he represented Lot 2 and he has an option to purchase Lot 8. Lot 1 is not a part of tonight's discussion. Mr. Maguire said that the apartment building and the constructed walkway are on Lot 2. The owner of Lot 2 currently owns the vacant Lot 8 as well.

Public testimony was closed.

Mr. Bavard asked why the "un-named lot" noted on Attachment B was not considered to be the access to Lot 2A1. Mr. Maguire stated that the current plats indicate this fraction of land is of unknown ownership and it isn't a right of way.

Planning Commission action:
MOTION: by Mr. Kendziorek to approve SUB2001-00025: the Vacation of an Easement, with staff's findings, analysis and recommendations excepting that the recommended easement be extended all the way from Carroll Way to Boroff Way following the property line and that it is the same width to make them roughly equivalent in terms of the amount of area that is being traded.

Mr. Kendziorek said that this was a good example of how public testimony can result in creative solutions. In this case, concerns about green spaces and equity were addressed.

Mr. Bavard cited the letter submitted by Michelle Bonnet and David Woodie. They too have experienced the disruptions of development yet they support of the vacation. They anticipate initiating stabilization work on the hillside and their interests are important to the discussion as well.

Roll call vote:
Yeas: Bavard, Bruce, Dybdahl, Gladziszewski, Kendziorek, Sanford, Vick
Nays: 
Absent: Allington, Pusich

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XII. PLANNING COMMISSION QUESTIONS AND COMMENTS

Mr. Sanford asked for a copy of the staff report for the tree-clearing project at the airport. Mr. Graham said it would be delivered to him shortly.

Planning Commission - June 27, 2001
XIII. DIRECTOR’S REPORT

Acting Director Oscar Graham updated the Commission on the status of Totem Creek, Inc.’s application and of recent media events. CDD continues to receive correspondence from the public regarding the golf course. Most of the letters are in support, he noted. CDD awaits further submittals from TCI and to date, their application remains incomplete. The media interested in the topic is apparent and recently, a panel discussion was broadcast on television. Mr. Graham said that factual information from the file is readily provided to the media, but declines to comment on the application in the media. He is reluctant to establish a second process when the public process before the Planning Commission is ongoing.

Chair Dybdahl, Mr. Sanford and Mr. Vick advised Mr. Graham that they would be absent for the July 24, 2001 Regular meeting.

Mr. Kendziorek asked Mr. Graham to comment on current staffing in CDD. Mr. Graham announced that Sylvia Kreeel has resigned and will be moving to the Division of Governmental Coordination to work on coastal zone issues. The recruitment process for planning staff is ongoing. At this time Tim Maguire, Terri Camery, Greg Chaney, and Chris Yonis, the newest Planner I, staff CDD. Mr. Graham had a good pool of applicants that responded to the Planner I vacancy announcements but there is a limited level of interest for the Planner II positions for some unknown reason. Planner I positions are advertised locally while the Planner II positions are advertised both locally and in the Pacific Northwest.

XIV. ADJOURNMENT

Motion: by Mr. Kendziorek to adjourn. There was no objection to the motion and Chair Dybdahl adjourned the meeting at 8:00 p.m.
Partial testimony of Page Bridges, submitted to correct two errors in the minutes:

1) p. 5, not "internal doors" but "downstairs door"

Maybe you don't know that when the apartment building fell down two or three inches this winter, do did my house. And I haven't even had the energy yet to talk to Steve, and I hope we can talk about it. My door is like this... an inch-and-a-half open downstairs and I can't close it, and my house has been kind of squished there. And so we do fear, I think rightly, more encroachment in that way on our land, in our area. And if you kept this right-of-way where it was, they couldn't build back behind that.

1) p. 6, not "her portion of Goldbelt beleaguered" but "this neighborhood beleaguered"

What we had was a huge paradise with trees and quiet, and all of a sudden now we have just this tiny strip and all the trees are gone. And the people are complaining about the quality of life, they're threatening to move, there's noise everywhere. It's just, this neighborhood has been so beleaguered. But still it's so beautiful.
Channel View, Inc.
PO Box 34556
Juneau, AK 99803

Application For: A vacation of Rodenburg Way

Legal Description: Rodenburg Way, a public right-of-way located between Boroff Way and Carroll Way in the 7A Addition to the Townsite of Juneau

Parcel Code No.: 1-C07-0-I01-002-0, 003-1, 004-0 and 1-C07-0-I02-008-0

Hearing Date: July 10, 2001

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 5, 2001 and approved the request to vacate Rodenburg Way, a public right-of-way located between Boroff Way and Carroll Way in the 7A Addition to the Townsite of Juneau as described in the drawings submitted with the application and with the following conditions:

1. That the applicant completes the replatting process according to the replat proposed in Attachment B including the extension of the right of way at the same width and following the property line to Baroff Way.

2. That the CBJ Engineering Department approves the final vacation boundaries, prior to plat recording.

3. The applicant shall prepare an Order of Street Vacation in accordance with CBJ §49.15.450(E) to be filed with the replat.

Attachment: A July 5, 2001 memorandum from Tim Maguire, Community Development to the CBJ Planning Commission regarding SUB2001-00025.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).
Channel View, Inc.
File No.: SUB2001-00025
July 13, 2001
Page 2 of 2

Effective Date: The permit is effective upon approval by the Commission.
(July 10, 2001)

Expiration Date: The permit will expire 18 months after the effective date or January 10,
2003, if no plat has been recorded in accordance with the approved
vacation request. Application for permit extension must be submitted
thirty days before the permit expires.

Project Planner: Tim Maguire, Planner

Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk
7/30/01

cc: Plan Review
   Steve Landvik
   Terry Brenner
   Ernie Mueller
   Douglas Trucano
   Murray Walsh
   Michelle Bonnet
   Larry & Eloise Knudsen

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.