

# MEMORANDUM

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

**DATE:** May 7, 2003  
**TO:** Planning Commission  
**FROM:** Tim Maguire, Planner  
Community/Development Department  
**FILE NO.:** MAP2003-00001

**PROPOSAL:** Discussion of upgrading the zoning to D5 residential or changing the zoning of an area of the West Mendenhall Valley located between Lake Creek and Goat Hill.

A property owner in the West Mendenhall Valley area requested a subdivision of his property. However the parcel is not large enough to subdivide under the current zoning of D1, Single-family/Duplex Residential. The owner has therefore requested that the Planning Commission upgrade the zoning of his property and surrounding property to D5, Single-family/Duplex Residential (See Attachment 1)

This property is currently zoned D1 T D5. This is a transition-zoning district and as such the zoning can be upgraded to the higher density zoning category, D5, without going through the zone change procedure. This upgrade procedure is discussed in more detail below.

## BACKGROUND

A major update of the Comprehensive Plan took place in 1984. This Plan update introduced the concepts of the Urban Service Area and Transition areas. The Urban Service Area is the area within the CBJ where urban type growth and services exist or are anticipated. Transition areas are the lands within the Urban Service Area where higher density development can take place when these services are provided.

In 1987, the Land Use code was amended to reflect these revisions to the Comprehensive Plan. The concept of transition areas was implemented in the Land Use Code with the adoption of transition zoning districts.

### ***49.70.700 Transition zones, generally.***

*Purpose. A transition zone is an overlay zone district for certain lands located in the urban service boundary that are set aside for higher density development after public water and sewer have been provided. Transition zones shall be identified as such by the designator "T" on the official zoning maps adopted pursuant to section 49.25.110. The overlay district specifies the current lower density zoning classification as well as the proposed increase. The increase in density will take place at the time public services are provided*



The West Mendenhall Valley was included in a transition zoning district, and was zoned D1-T-D5. The D1TD5 classification meant that the West Mendenhall Valley area could be developed under the D1 zoning (36,000 square foot minimum lot size) until such time that the minimum urban services are provided. When sewer and water are extended, then development could take place at the D5 zoning density (7000 square foot minimum lot size).

In the early 90's, water was extended to the entire West Mendenhall Valley and sewer extended to the upper West Mendenhall Valley. With the provision of both public utilities, the Planning Commission initiated the process to upgrade the zoning of the upper West Mendenhall Valley to D5, Residential. A public hearing was held and there was considerable objection from the property owners to a wholesale change to D5. The Planning Commission dropped the proposed zoning upgrade, and instead, recommended that the area be rezoned with a mix of D1, D3, and D5 residential zoning. (See Attachment 2).

In subsequent years, sewer was also extended from the upper West Mendenhall Valley to Auke Bay. This later expansion of services included those lands that now being considered by the Planning Commission for a zoning upgrade. There has been no formal request to upgrade or change the zoning for this area until the letter received from Mr. Harris.

## **PROCEDURE**

The following procedures for approving a zoning upgrade are taken from the Land Use Code:

### ***§49.70.720 Zoning upgrade.***

*For lands located within a transition zone, the zoning will be upgraded to the higher density classification at the time public water, sewer or other required improvements are provided according to the following procedures:*

- (1) ***Procedure.*** *A zoning upgrade in a transition zone may be initiated by either of two different procedures:*
  - A. *The applicant for a major development permit in a transition zone may make a concurrent request for a zoning upgrade. The plans accompanying the development permit application shall be based upon the density requested. A request for a zoning upgrade shall include preliminary plans and a determination by a certified engineer that such improvements are feasible.*
  - B. *The planning commission may initiate a zoning upgrade if the public sewer, water, or other required improvements already exist or will be provided by the City and Borough.*

(2) *Hearing and decision.*

- A. *Hearing. The commission shall consider the upgrade at a hearing upon notice provided in accordance with section 49.15.230. The commission shall base its decision to grant the upgrade on the determination of the feasibility of providing public water, sewer, and other required improvements. The staff report to the commission shall include a review of the plans and a feasibility report by the City and Borough engineer. The feasibility of providing public services shall consider the ability of the existing sewer and water system to handle the increased demand created by the proposed development.*

These provisions of the code give the Commission the authority to grant this upgrade without further action by the Assembly. The upgrade was, in essence, "pre-approved" by the Assembly when the transition zoning designation was applied to this area in 1987. However, the Commission does not have discretion to select a zoning category other than D-5. A change of zoning to a different classification, such as D1 or D3, would need to follow the rezoning procedure set forth in Chapter 49.75 of the Land Use Code

## **ANALYSIS**

The Planning Commission requested some additional information about these properties:

**LOT SIZE** - The attached maps (Attachment 3) provide an indication of the range of lot sizes in the area and a comparison with the minimum lot sizes requirements for the D1, D3, and D5 residential zoning districts.

The majority of lots fall within the range of lot size for the D3 zoning classification. There are also a large number of lots that meet or exceed the D1 zoning standards. Some of these larger parcels can be considered undeveloped with the potential for future subdivision. Only one lot would be classified as D5 lot.

**OWNERSHIP** - These lands are primarily in private ownership. The CBJ owns 2 large parcels in this area, including 51 acres of undeveloped land to the north (See Attachment 4). The Lands and Resources Department has said these properties have little development potential due to steep topography, wetlands, and stream setbacks.

**UTILITIES** - public water and sewer has been extended in all the public rights of ways.

As noted above, if the Planning Commission decides to upgrade the zoning in the area to increase density, the only zoning classification that can be chosen is D5, Residential.

A change of zoning to a different classification, such as D1 or D3, would need to follow the rezoning procedures set forth in Chapter 49.75 of the Land Use Code.

The following are options for consideration by the Planning Commission:

**Option 1 - Upgrade the Zoning to D5**

- Requires a public hearing by the Planning Commission and a decision.

**Option 2 - Zoning Change to D3 or D1**

- Requires a public hearing by the Planning Commission and a recommendation to the Assembly
- Requires a public hearing by the Assembly and a decision.

The Planning Commission could direct staff to do a notice to property owners for both options.

**William Harris**

P.O.Box 22673 Juneau AK 99802

Phone (907)790-4595  
Fax (907)790-4147

April 02, 2003

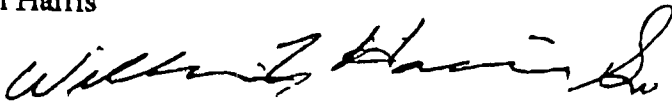
To: Dale Pernula, Community Development Director

Re: Zoning Upgrade

I am the owner of a parcel of property described as ( Lot-9 Auke Aven Subd. CBJ Parcel # 4B2701040090 ) located at 11695 Mendenhall Looproad, This Parcel is located within a D-1 Transition D-5 Zone. I would like to request an initiation of the Zoning upgrade, To the entire zoning district or specifically to our location. All Public utilities are Currently available to our property and have been for more than five years, I am Sure you would find this a reasonable request since all of the lots directly surrounding our property are developed to D-5 standards

Thank You,

William Harris

**ATTACHMENT 1**

NORTH TOMBARD NATIONAL FOREST BOUNDARY

USA 3020  
CSJ

**D-1(T)D-5**

See 4-828-0

**D-3**

(23)

(22)

(21)

USA 3020  
LOT 1  
CSJ

USA 2391

USA 2000

MENDENHALL

SUBJECT

USA 3000

**D-5**

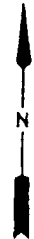
(20)

USA 3008

See 4-822-0

AUKE

LAKE



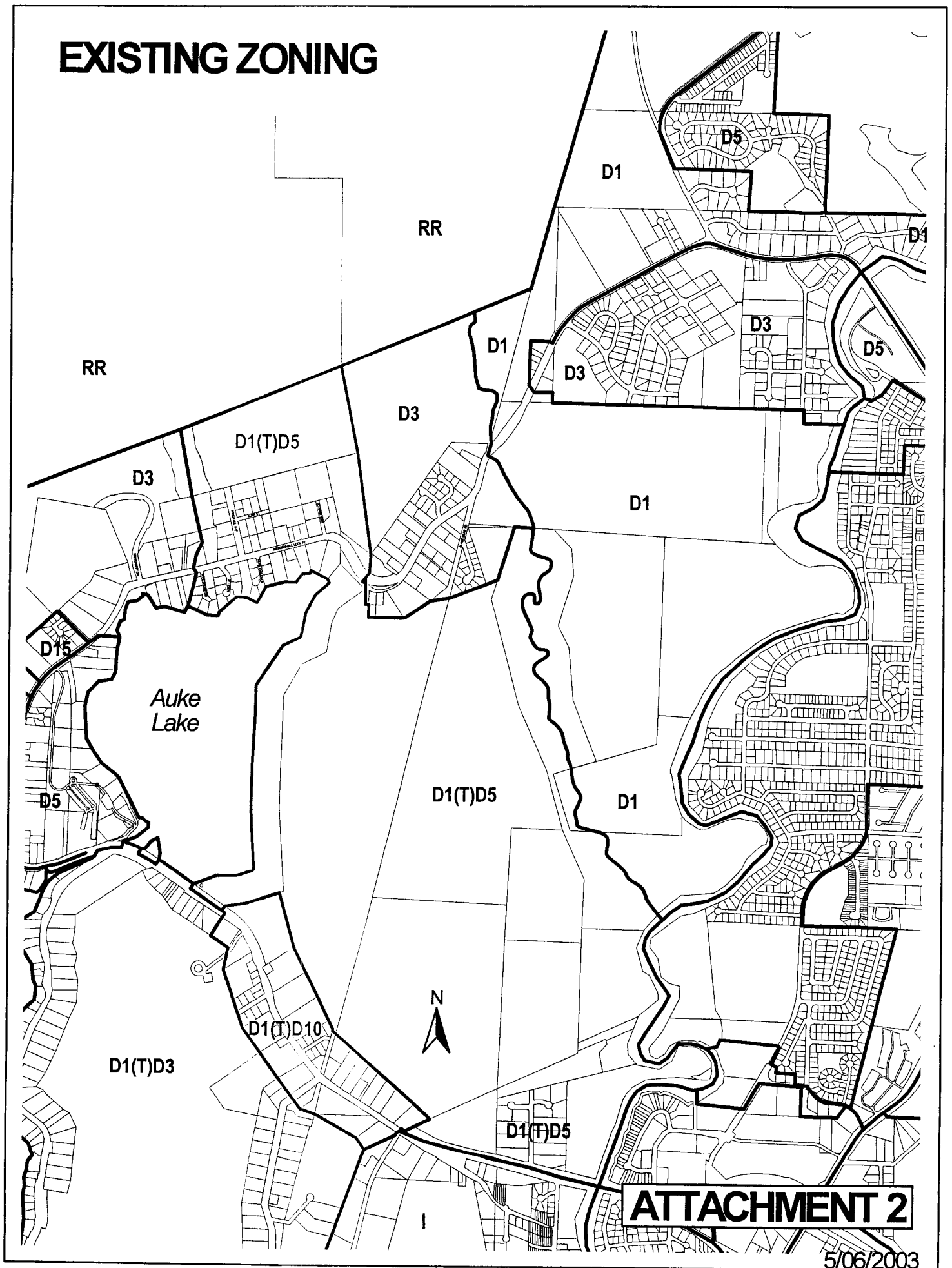
**D-1(T)D-5**






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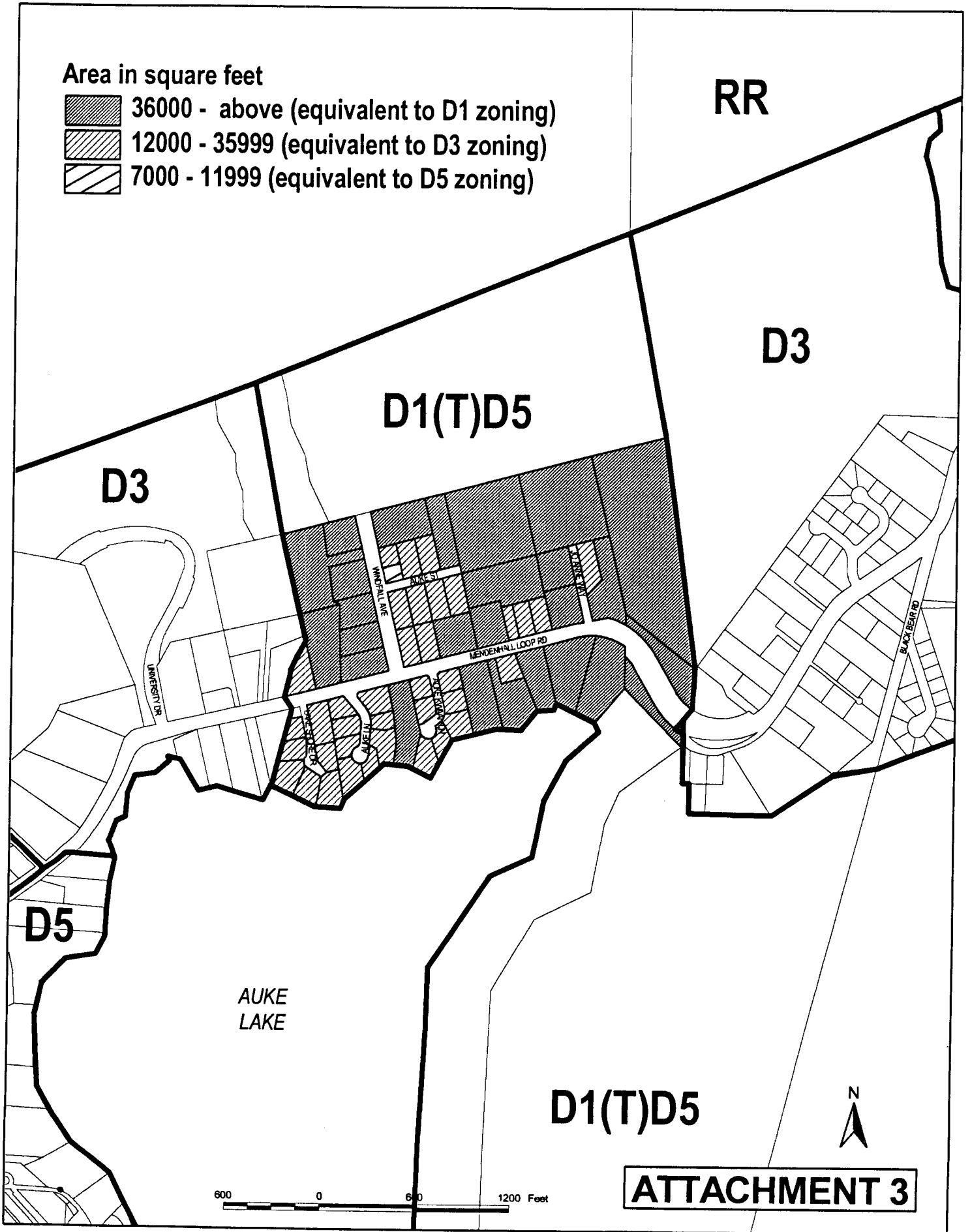
SEE SHEET 02

# EXISTING ZONING



Area in square feet

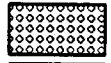
-  36000 - above (equivalent to D1 zoning)
-  12000 - 35999 (equivalent to D3 zoning)
-  7000 - 11999 (equivalent to D5 zoning)



**ATTACHMENT 3**



**OWNERSHIP**



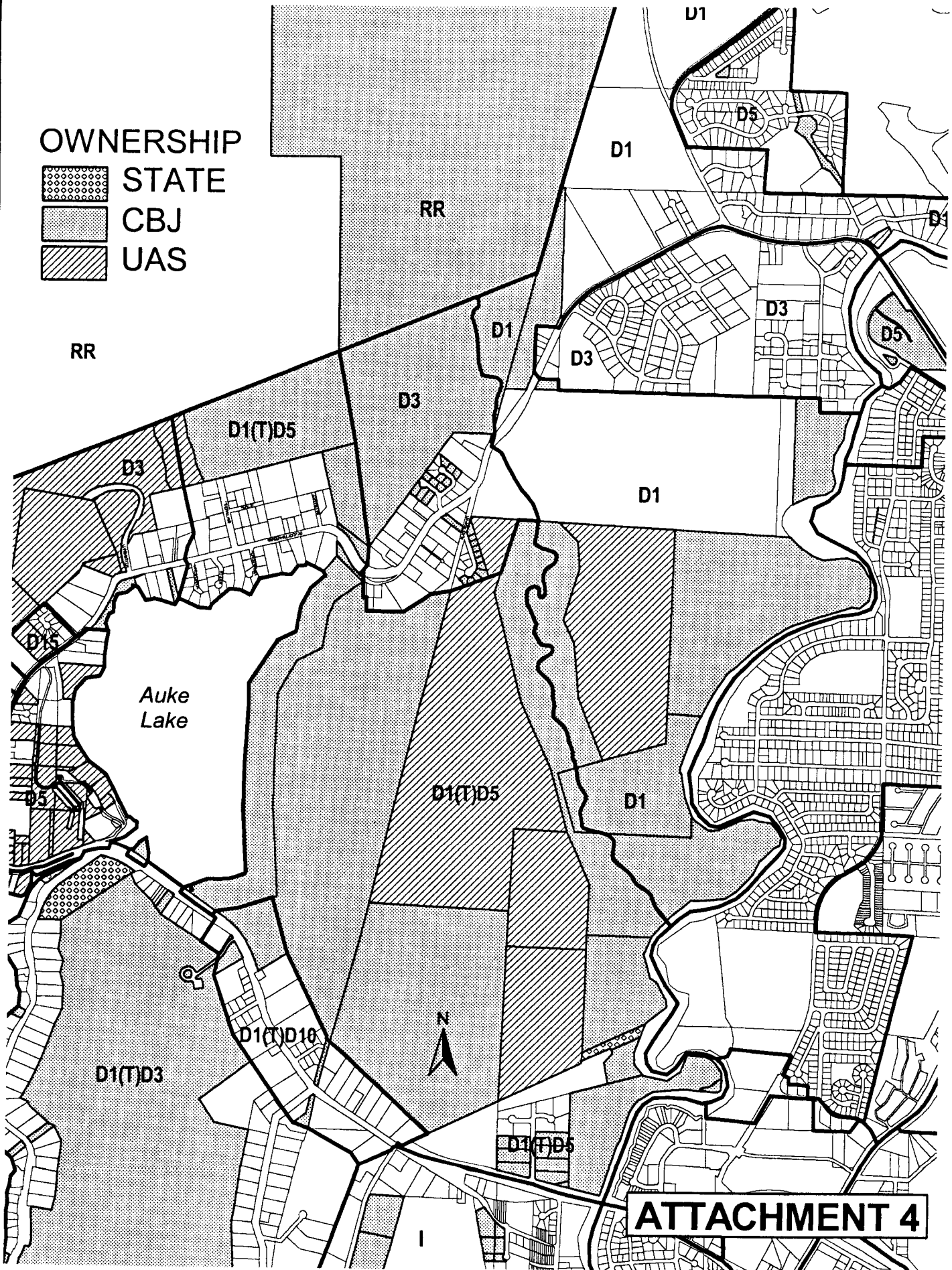
**STATE**



**CBJ**



**UAS**



**ATTACHMENT 4**

5/06/2003

Table 49.25.400

TABLE OF DIMENSIONAL STANDARDS

ZONING REGULATIONS	RR	D-1	D-3	D-5	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size <sup>1</sup>														
Permissible Uses	36,000	36,000	12,000	7,000	6,000	5,000	5,000	5,000	5,000	2,000	2,000	2,000	2,000	2,000
Duplex	54,000	54,000	18,000	10,500					7,500					
Common Wall Dwelling				7,000	5,000	3,500	2,500		2,500					
Minimum Lot Width	150'	150'	100'	70'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Common Wall Dwelling				60'	40'	30'	20'		20'					
Minimum Lot Depth	150'	150'	100'	85'	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum Lot Coverage %														
Permissible Uses	10%	10%	35%	50%	50%	50%	50%	80%	80%	None	None	None	None	None
Conditional Uses	20%	20%	35%	50%	50%	50%	50%	80%	80%	None	None	None	None	None
Maximum Height Permissible Uses	45'	35'	35'	35'	35'	35'	35'	None	35'	35'	45'	35'	45'	None
Accessory	45'	25'	25'	25'	25'	25'	25'	None	35'	25'	45'	35'	45'	None
Minimum Front Yard Setback <sup>2</sup>	25'	25'	25'	20'	20'	20'	20'	5'	5' <sup>1a</sup>	25'	10'	10'	10'	10'
Minimum Rear Yard Setback <sup>3</sup>	25'	25'	25'	20'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum Side Yard Setback <sup>2</sup>	15'	15'	10'	5'	5'	5'	5'	0'	5'	10'	10'	10'	10'	10'
Common Wall Dwelling				10'	5'	5'	5'		5'					

## ARTICLE VII.

### TRANSITION ZONES

#### 49.70.700 Transition zones, generally.

(a) *Purpose.* A transition zone is an overlay zone district for certain lands located in the urban service boundary that are set aside for higher density development after public water and sewer have been provided. Transition zones shall be identified as such by the designator "T" on the official zoning maps adopted pursuant to section 49.25.110. The overlay district specifies the current lower density zoning classification as well as the proposed increase. The increase in density will take place at the time public services are provided.

(b) *Applicability.* All properties in transition zones shall comply with the provisions of this article.  
(Serial No. 87-49, § 2, 1987)

#### 49.70.710 Subdivisions in transition zones shadow platting.

(a) *Contents of application.* When a plat is submitted under chapter 49.15, article IV for a major subdivision in a transition zone, the application shall include a shadow plat of the property. The shadow plat shall be a sketch plat overlay of the actual lot layout proposed. This overlay shall reflect as nearly as possible the future resubdivision of the parcels into smaller lots, based upon the density and lot size allowed after public sewer and water are provided.

(b) *Commission decision.* The commission shall review and approve the application for a major subdivision based on how well the proposed lot layout will lend itself to future resubdivision as well as other requirements of this title.  
(Serial No. 87-49, § 2, 1987)

#### 49.70.720 Zoning upgrade.

For lands located within a transition zone, the zoning will be upgraded to the higher density classification at the time public water, sewer or other required improvements are provided according to the following procedures:

- (1) *Procedure.* A zoning upgrade in a transition zone may be initiated by either of two different procedures:
  - A. The applicant for a major development permit in a transition zone may make a concurrent request for a zoning upgrade. The plans accompanying the development permit application shall be based upon the density requested. A request for a zoning upgrade shall

include preliminary plans and a determination by a certified engineer that such improvements are feasible.

- B. The planning commission may initiate a zoning upgrade if the public sewer, water, or other required improvements already exist or will be provided by the City and Borough.

(2) *Hearing and decision.*

- A. *Hearing.* The commission shall consider the upgrade at a hearing upon notice provided in accordance with section 49.15.230. The commission shall base its decision to grant the upgrade on the determination of the feasibility of providing public water, sewer, and other required improvements. The staff report to the commission shall include a review of the plans and a feasibility report by the City and Borough engineer. The feasibility of providing public services shall consider the ability of the existing sewer and water system to handle the increased demand created by the proposed development.

- B. *Decision.*

- (a) The commission may grant a zoning upgrade only to the classification indicated by the prefix (T) on the official zoning maps. A change to any other classification shall be considered pursuant to section 49.75.130.
- (b) The commission shall determine the boundary of the area to be upgraded.
- (c) If the public water, sewer or other required improvements are not constructed or bonded, the commission may grant only conditional approval to the zoning upgrade request. The effective date of the zoning upgrade will be the date of final acceptance or bonding of the improvements.

(Serial No. 87-49, § 2, 1987; Serial No. 93-45, § 2, 1993)

## Article I. Rezoning

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. (Serial No. 87-49 § 2 (part), 1987).

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.

Rezoning 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. (Serial No. 87-49 § 2 (part), 1987).

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.

(2) As soon as possible after the commission's recommendation, the assembly shall provide public notice and hold a public hearing on the proposed rezoning.

A rezoning shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be changed in accordance therewith. (Serial No. 87-49 § 2 (part), 1987).