


MEMORANDUM

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

DATE: December 6, 2006

TO: Planning Commission

FROM: Amy Karn, Planner 
Community Development Department

FILE NO.: USE2006-00061 - Allowable Use Permit

PROPOSAL: Allowable Use Permit to construct a driveway through the C Street right-of-way in the Douglas Townsite.

GENERAL INFORMATION

Applicant: Greg McEwen

Property Owner: Greg McEwen

Property Address: Intersection of 5th Street and C Street

Legal Description: Douglas Townsite BL 31 LTs 21 FR & 22 FR

Parcel Code Number: 2-D04-0-T31-014-0

Site Size: Applicant's parcel: 5,000 square feet (.11 acres); Approximately 450-500 square feet for the driveway within the C Street right-of-way.

Zoning: D-5 (Residential; Single-Family and Duplex; 5 units per acre)

Utilities: CBJ Water and Sewer

Access: 5th Street or C Street (Double Frontage Lot)

Existing Land Use: Vacant

Surrounding Land Use: Northeast - D-5 Residential
Southeast - D-5 Residential
Northwest - Unimproved C Street right-of-way
Southwest - Fifth Street right-of-way



PROJECT DESCRIPTION

The applicant requests an Allowable Use Permit to allow construction of an access driveway within a portion of the C Street right-of-way in the Douglas Townsite.

BACKGROUND

The applicant's property is located at the southeast corner of Fifth Street and C Street in the Douglas Townsite. The portion of C Street adjacent to the applicant's property is unimproved. Because of the shape and alignment of the lot, the applicant has chosen to access the lot from C Street, requiring that a driveway be constructed within the unimproved portion of the C Street right-of-way. The applicant has submitted a grading permit application for the proposed driveway and a building permit application for a proposed single-family dwelling. Both applications are currently undergoing review with the department.

ANALYSIS

Project Site – The project site is a portion of the C Street right-of-way in the Douglas Townsite that is currently unimproved. The actual driveway will disturb approximately 450-500 square feet of this area. The driveway will be developed to connect to the existing, improved portion of C Street, as opposed to accessing Fifth Street.

Project Design – The applicant's site plan indicates that the proposed driveway will be designed to provide access to the applicant's parcel from C Street. The driveway will not access Fifth Street and will disturb approximately 450-500 square feet of the unimproved portion of the C Street right-of-way.

Traffic – Traffic is primarily residential in this area. Since this driveway is at the end of C Street and does not connect to Fifth Street, there will be no through traffic, and any traffic generated is expected to be only that of the resident's, their visitors and normal residential services, such as mail, etc.

Parking and Circulation – Aligning the proposed driveway to C Street will allow for the applicant to access an one-car garage (based on plans submitted with the building permit application), as well as an appropriate parking area on the lot. This alignment will also prevent any additional impacts to access on Fifth Street, which has through traffic, where C Street does not.

Vegetative Cover – There are no applicable vegetative cover standards applicable to the driveway area included in the right-of-way. However, the applicant’s property itself does have a vegetative cover requirement of twenty percent (20%). The applicant currently has a building permit in review for this property for a single-family dwelling. The vegetative cover verification is included as part of the building permit review process.

Exterior Lighting – Staff is unaware of any exterior lighting requirements that apply to this proposal.

Signs - A separate permit process per CBJ §49.45, Signs, requires that all signs proposed by the development be submitted to CDD staff for review and approval.

Juneau Coastal Management Program - The proposed development was reviewed for compliance with CBJ §49.70.900, the Juneau Coastal Management Program. The analysis reveals that this property is excluded from the Juneau Wetlands Management Plan Atlas, and no portions of the JCMP apply to this proposal.

FINDINGS

CBJ §49.15.320 (e), Decision, states that the Planning Commission shall consider the Allowable Use permit application and shall review the Community Development Director's recommendation with respect to:

1. Whether the application is complete;
2. Whether the requested permit is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter; and,
4. Whether conditions are necessary for approval¹.

The Commission shall approve the application and grant the permit unless it finds, by a preponderance of the evidence, that one or more of the criteria have not been met. In either case the Commission shall adopt written findings setting forth the basis for its decision.

Per CBJ §49.15.320 (e)(1 through 4), Decision, the Director makes the following findings on the criteria for granting the requested Allowable Use approval:

¹CBJ §49.15.320 (f)(1 through 12), Conditions on Approval, lists a set of conditions that may be placed on the requested allowable use permit approval

1. *Is the application for the requested allowable use permit complete?*

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

2. *Is the requested permit appropriate according to the Table of Permissible Uses?*

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300 section 17.310 for the D-5 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the December 1 and December 11, 2006 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. *Are conditions necessary for approval of the requested Allowable Use permit?*

No. Based on the preceding staff analysis, it is found that conditions are not necessary for approval of the requested permit.

Yes. Based on the preceding staff analysis, it is found that conditions are necessary for approval of the requested permit. The conditions are listed in the following Recommendation.

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

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

Not Applicable. Based on the preceding staff analysis, it is found that no provisions of the Juneau Coastal Management Program apply to the proposed development.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Allowable Use permit. The permit would allow for the construction of an access driveway in the C Street right-of-way. The approval is subject to the following conditions:

1. **Advisory.** Prior to any grading/construction of the driveway, a grading permit shall be approved by the Community Development Department.

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ATTACHMENTS

- A. Map
- B. Slope Elevation
- C. Site Plan

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number PRJ06-274	CITY and BOROUGH of JUNEAU	Date Received 10/31/06
Project Name (City Staff to assign name) McEwen Grading		

PROJECT / APPLICANT INFORMATION	Project Description Driveway in front Row A4															
	PROPERTY LOCATION															
	Street Address 5th St 5th St	City / Zip 99801 99824														
	Subdivision (if known) Douglas Townsite	Survey (if known)	Block Tract (if known) 31													
	Assessor's Parcel Number (if known) 2-504-0-131-014-0	Lot (if known) 21+22														
	LANDOWNER / LESSEE															
	Property Owner's Name Greg L. McEwen	<input type="checkbox"/> Contact by E-Mail	Contact Person Greg													
	Mailing Address 1022 Coogan Drive #3 Juneau, AK 99801	Home Phone No. 907-780-4753	Work Phone No. 907-586-7543													
	LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY													
	<p>I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.</p> <p>X <u>Greg McEwen</u> <u>10/31/06</u> Landowner/Lessee Signature Date</p> <p>X _____ Landowner/Lessee Signature Date</p> <p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>APPLICATION TYPE</th> <th>OWNER'S INITIALS</th> </tr> </thead> <tbody> <tr> <td>ALLOWABLE USE</td> <td>GM</td> </tr> <tr> <td>CONDITIONAL USE</td> <td></td> </tr> <tr> <td>VARIANCE</td> <td></td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER</td> <td></td> </tr> </tbody> </table>	APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE	GM	CONDITIONAL USE		VARIANCE		DESIGN REVIEW		SUBDIVISION		OTHER
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ALLOWABLE USE	GM															
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SUBDIVISION																
OTHER																
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)																
Applicant's Name SAME	<input type="checkbox"/> Contact by E-Mail	Contact Person														
Mailing Address <u>Greg McEwen</u>	Home Phone No.	FAX No.														
X <u>Greg McEwen</u> Applicant's Signature	X <u>10/31/06</u> Date of Application															

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C K	SIGN	DATE RECEIVED	APPLICATION NO.	C K	DATE RECEIVED	APPLICATION NO.	
	X	X	10/31/06	USE06-61				
Zone		Total Lot Area		Required Setbacks				
				Front _____ Back _____ Side _____ Other _____				
COMMENTS:								

[\\FORMS\CDD\FORMS\PERMFORM.XLS REV. 2/15/99]

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

ALLOWABLE/CONDITIONAL USE APPLICATION

(APPLICANT PLEASE FILL IN TOP PORTION OF PAGE AFTER FIRST LINE AS A MINIMUM)

Project Number PRJ06274	Project Name McEwen Grading	Case Number USED6-61	Date Received 10/31/06
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APPLICANT INFORMATION

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. ATTACH A DETAILED DESCRIPTIVE LETTER ABOUT THE PROJECT DESCRIBED IN THIS APPLICATION.

This allowable permit allow's access to my property. I intend to build a new house on an undeveloped property.

MODIFICATION OF EXISTING APPROVAL? No Yes - CASE NUMBER _____

EXISTING USE OF LAND AND/OR BUILDING(S):

BARE PROPERTY - UNDEVELOPER - NATURAL LAND.

PROPOSED USE OF LAND AND/OR BUILDING(S):

I propose at some point to build a new house on this piece of undeveloped property.

UTILITIES PROPOSED WATER: Public On Site SEWER: Public On Site

SITE DIMENSIONS:

Width 50 ft. Depth 100 ft. Total Area 5000 square feet

DIMENSIONS OF STRUCTURE:

(Outside Dimensions)
Length 46 ft. Width 20 ft. Height 26' ft. Total Area 1436 square feet

SIGNS: Sign Approvals are a separate permit approval. Provide sign plan as an information item.

EXTERNAL LIGHTING

Existing to remain No Yes - provide fixture information, illumination pattern, and location of lighting fixtures.
Proposed No Yes - provide fixture information, illumination pattern, and location of lighting fixtures.

PARKING

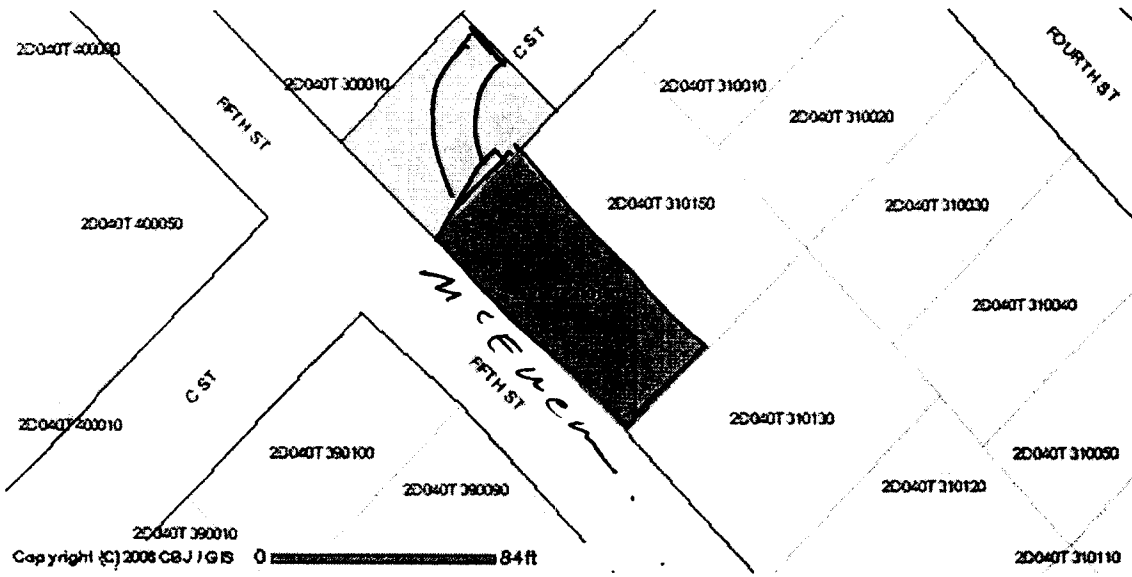
Existing Spaces: 2 Proposed Spaces: _____

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

CIRCLE TYPE OF PERMIT: ALLOWABLE USE / CONDITIONAL USE		TABLE OF PERMISSIBLE USES CATEGORY:		
	Fees	Check No.	Receipt No.	Date
Application Fees	\$300.00			
Adjustment	\$			
Public Notice Sign Fee	\$ 50.00			
Public Notice Sign Deposit	\$100.00			
Total Fee	\$550.00	3266	23535	10/31/06

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NOTE: MUST BE ACCOMPANIED BY "DEVELOPMENT PERMIT APPLICATION" FORM WHICH HAS LAND OWNER OR LESSEE CONSENT SIGNED



ATTACHMENT A

RECEIVED
OCT 3 1 2006
PERMIT CENTER / CDD

= EXISTING
 = PROPOSED

= 4' RIPRAP WALL
 = SURVEY MONUMENT

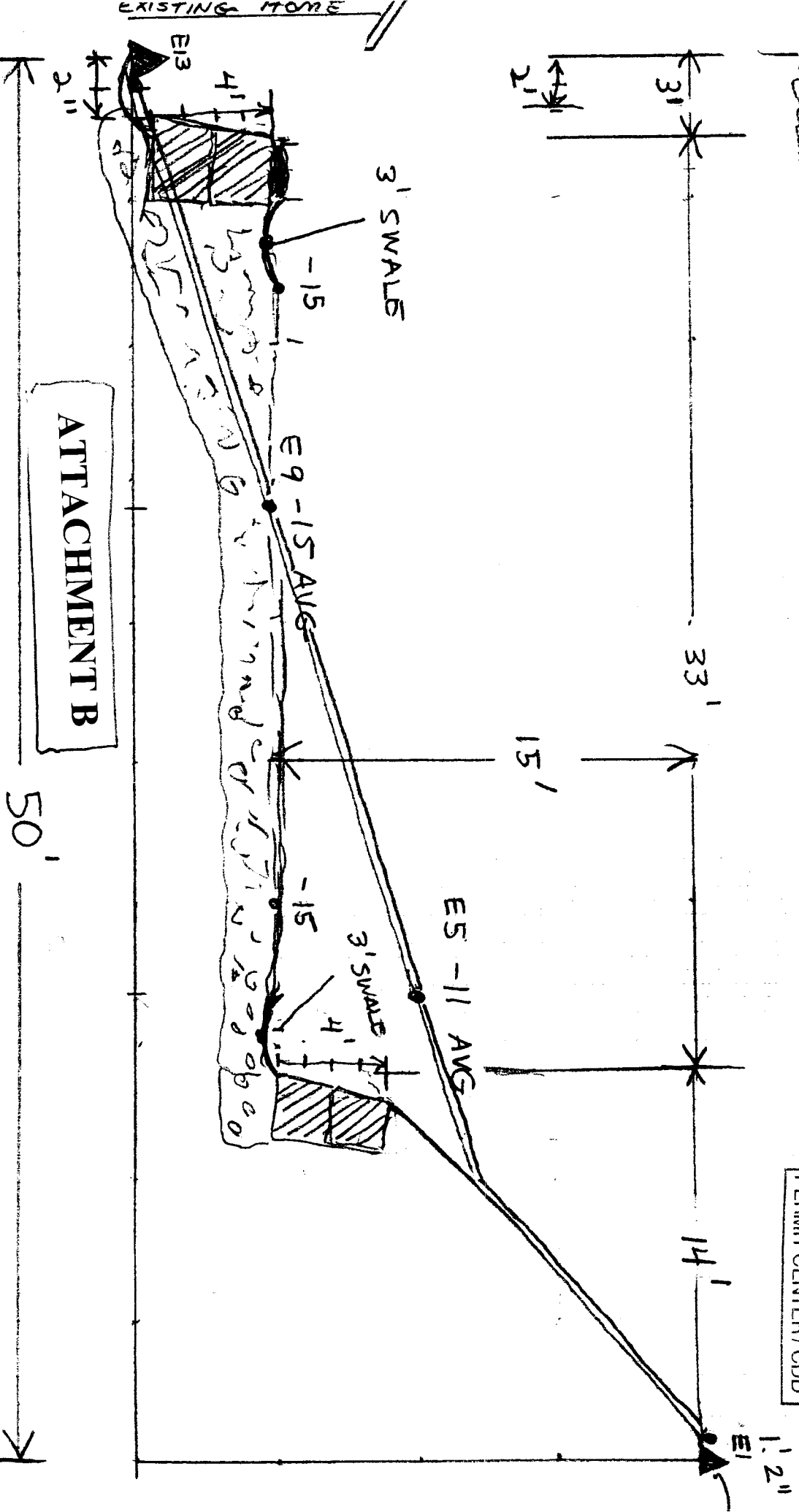
= REMOVAL OF OVERBURDEN

SCALE

= 5'

= W / EXISTING ELEVATION
 - W / PROPOSED ELEVATION

RECEIVED
 OCT 9 1 2006
 PERMIT CENTER / CDD



ATTACHMENT B

50'

5TH STREET
PAVED ROAD

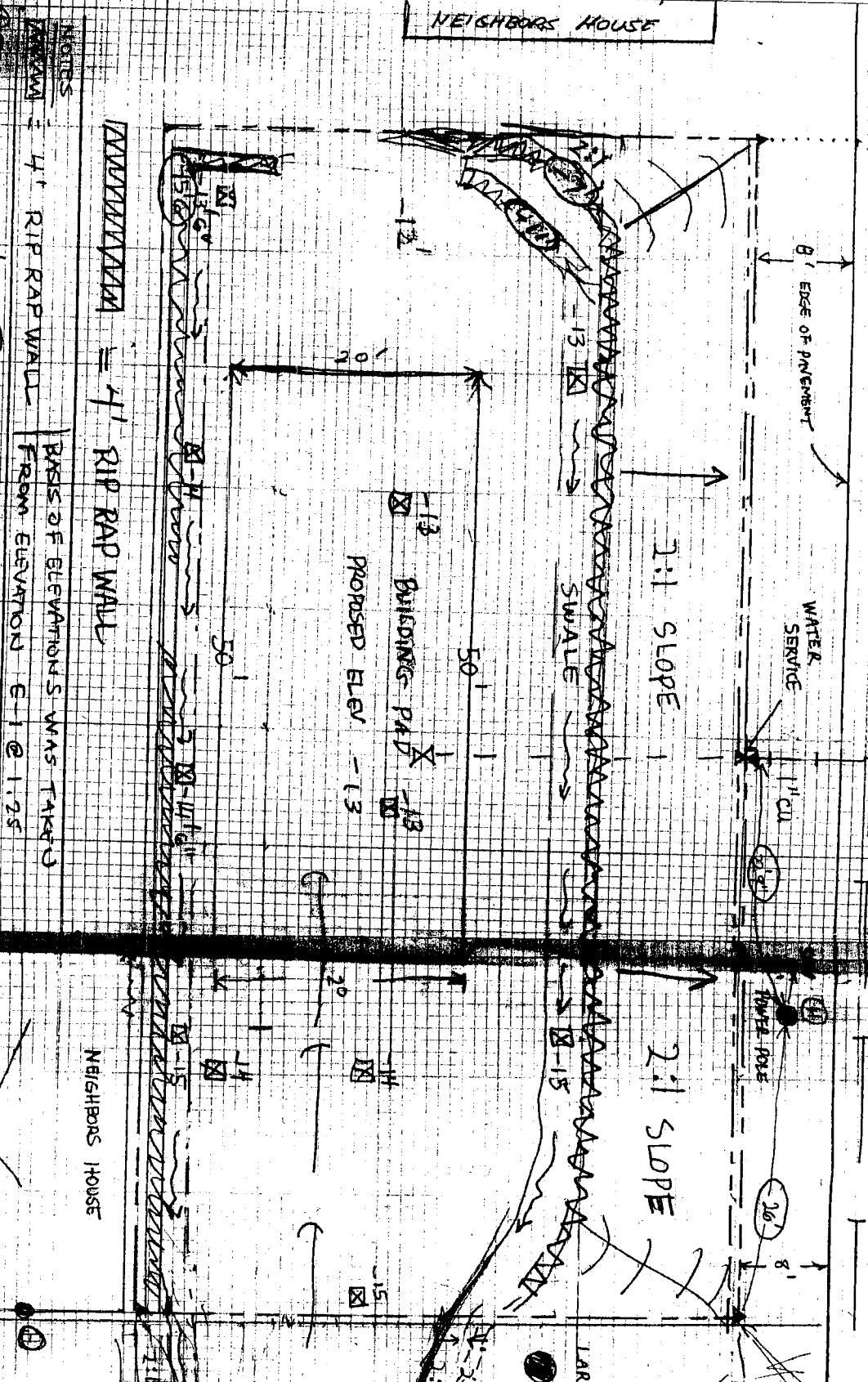
5TH STREET

NEIGHBORS HOUSE

NEIGHBORS HOUSE

PERMITS APPLICANT'S
L. L. McEWEN
222 BOGAN DRIVE #3
MUNICIPAL # 99801
7153 or 723-4355

GRADING SITE
LOTS 21 AND 22, BLOCK 31
TYPE ADDITION COUNCIL OF CITY OF DOUGLAS
RECORDED JULY 27, 1936



NOTES
BASIS OF ELEVATIONS WAS TAKEN FROM ELEVATION E-1 @ 1.25