

**PLANNING COMMISSION  
NOTICE OF RECOMMENDATION**

Date: April 20, 2015

File No.: AME2015 0001

City and Borough of Juneau  
City and Borough Assembly  
155 South Seward Street  
Juneau, AK 99801

Application For: Planning Commission recommendation to the City and Borough Assembly regarding a rezone request to change 5.13 acres from Industrial to Mixed Use.

Legal Description: Alaska Juneau IV-11 Block B Lot 5  
Alaska Juneau V Block B Lot 10  
Alaska Juneau V Block B Lot 11  
Alaska Juneau V Block B Lot 12  
Alaska Juneau V Block B Lot 13  
Alaska Juneau V Block B Lot 14  
Alaska Juneau V Block B Lot 15  
Alaska Juneau IV-11 Block A Lot 2

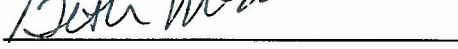
Property Address: Mill Street and Eastaugh Way

Hearing Date: April 14, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 3, 2015, and recommended that the City and Borough Assembly deny the request to rezone 5.13 acres from Industrial to Mixed Use in the vicinity of Eastaugh Way and Mill Street.

Attachments: April 3, 2015 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2015 0001.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

Project Planner:   
Beth McKibben, Planner  
Community Development Department

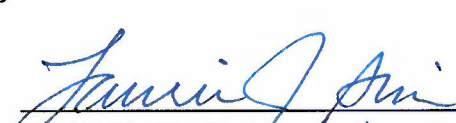
see back page  
Michael Satre, Chair  
Planning Commission

City and Borough of Juneau

File No.: AME2015 0001

April 20, 2015

Page 2 of 2

  
Filed With City Clerk 4/22/15 Date Michael Satre  
Planning Commission

cc: **Plan Review**

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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 (800) 949-4232, or fax (360) 438-3208.

Presented by: The Manager  
Introduced: 05/19/2014  
Drafted by: A. G. Mead

## **ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2014-14(c)am**

### **An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment to Section.** CBJ 49.75.130 Procedure, is amended to read:

#### **49.75.130 Procedure.**

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

#### **(b) Protests.**

- (1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.
- (2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

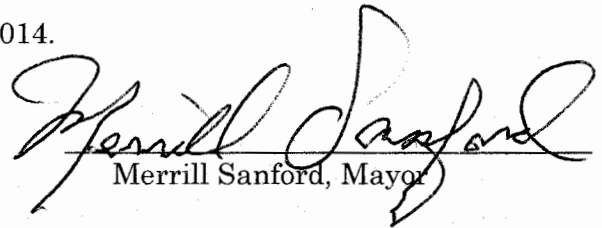
with the municipal clerk within 20 days of the commission's written notice of recommendation.

- (3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

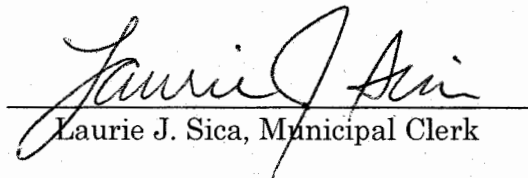
(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

**Section 3. Effective Date.** This ordinance shall be effective 30 days after current, outstanding appeals are resolved.

Adopted this 29<sup>th</sup> day of September, 2014.

  
Merrill Sanford, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk