

**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: April 20, 2015

File No.: AME2015 0002

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 the request to rezone to change 4.5 acres from Waterfront Industrial to Industrial.

Legal Description: ATS 556 TR A

Property Address: 1540 Thane Road

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 denial of the request to rezone change 4.5 acres from Waterfront Industrial to Industrial near CBJ Rock Dump Wastewater Treatment Plan. The Commission adopted the findings below to support their decision:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Title 49 Land Use Code.
2. Waterfront Industrial zoning does not violate the policies and guidelines of the 2013 Comprehensive Plan and substantially conforms to the Land Use maps of the Comprehensive Plan and is consistent with Map N. However, Waterfront Industrial zoned land is in shorts supply and there is not sufficient public need to justify the requested zone change at this time.
3. The rezoning constitutes an area greater than two acres.

Attachments: April 3, 2015 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2015 0002.

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).

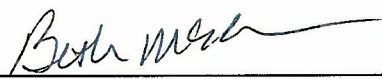
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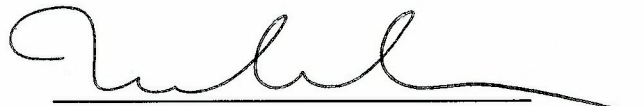
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Project Planner:



Beth McKibben, Planner
Community Development Department



Michael Satre, Chair
Planning Commission


Filed With City Clerk

4/22/15
Date

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

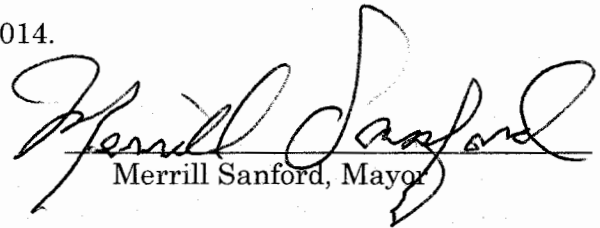
with the municipal clerk within 20 days of the commission's written notice of recommendation.

- (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.

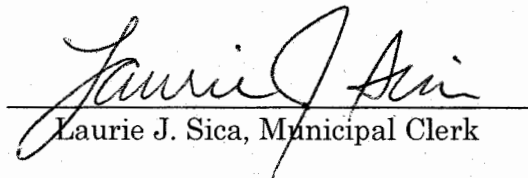
(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

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

Adopted this 29th day of September, 2014.


Merrill Sanford, Mayor

Attest:


Laurie J. Sica, Municipal Clerk