

(907) 586-0715 CDD_Admin@juneau.org www.juneau.org/CDD 155 S. Seward Street • Juneau, AK 99801

DATE: June 8, 2017

TO: Planning Commission

n & Sulm

FROM: Chrissy Steadman, Planner II Community Development Department

FILE NO.: CSP2017 0010

PROPOSAL: CBJ land disposal to add 14,000 - 22,000 square feet to Entrance Point Subdivision Tract C in the Rural Reserve zoning district along North Douglas Highway.

GENERAL INFORMATION

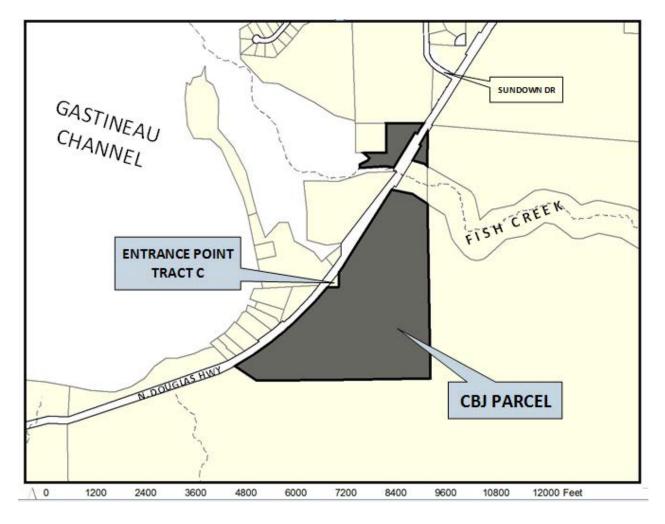
Applicant:	City & Borough of Juneau
Property Owner:	City & Borough of Juneau
Property Address:	N/A
Legal Description:	Lot 2, USS 3559
Parcel Code No.:	6-D12-0-111-001-0
Site Size:	90.5 acres
Comprehensive Plan Future Land Use Designation:	Rural Low Density Development (RLDR)
Zoning:	RR
Utilities:	City water & private septic
Access:	North Douglas Highway
Existing Land Use:	Vacant

Planning Commission File No.: CSP2017 0010 June 8, 2017 Page 2 of 6

Surrounding Land Use:

- North Rural Reserve/Vacant
- South Rural Reserve/Vacant
- East Rural Reserve/Vacant
- West Rural Reserve/Vacant

VICINITY MAP



Attachments

Attachment A: CSP Application

Attachment B: Plat of Entrance Point Subdivision

Attachment C: Proposed Land Acquisition

Planning Commission File No.: CSP2017 0010 June 8, 2017 Page 3 of 6

PROPOSAL

The CBJ Lands & Resources Division has applied for Planning Commission review of a proposed land disposal of 14,000 to 22,000 square feet to increase the size of Entrance Point Subdivision Tract C in the Rural Reserve zoning district along North Douglas Highway.

CBJ 49.10.170 describes the duties of the Planning Commission including the review and recommendation to the assembly of land disposals as described in Title 53.

(c) City and Borough land acquisitions, disposals and projects. The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.

Title 53 requires that all negotiated land leases undergo a review by the Planning Commission before final authorization by the City Assembly.

53.09.260 - Negotiated sales, leases, and exchanges.

(b) Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, <u>and after review by the planning commission</u> and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

BACKGROUND

The subject parcel, USS 3559 Lot 2, begins at 8.5 mile North Douglas Highway. The parcel is 90.5 acres and zoned Rural Reserve. Fish Creek, an anadromous stream, runs through the north corner. There are no CBJ mapped wetlands on the parcel. The site is designated for future residential subdivision and managed by Lands & Resources and Parks & Recreation. According to the 2016 Land Management Plan, the parcel has a retention status of retain/dispose. This means that the land is appropriate for disposal, but there are sections such as stream corridors and high value wetlands that may be retained for public purpose. It is a common designation for larger parcels.

Planning Commission File No.: CSP2017 0010 June 8, 2017 Page 4 of 6

The CBJ acquired USS 3559 Lot 2 from the State of Alaska in 1982. Tract C is 14,260 square feet and was created by the Alaska Department of Transportation during the platting of North Douglas Highway in 1971. Tract C was created prior to existing zoning regulations and is therefore legally nonconforming because it is smaller than the minimum lot size required for the zoning district.

The property owners of Entrance Point Subdivision Tract C (see vicinity map) are seeking to purchase a small portion of Lot 2 in order to make their existing triangular lot a rectangle. Tract C is 14,260 square feet. The minimum lot size in the Rural Reserve zoning district is 36,000 square feet. In order to meet the minimum lot size, the property owner of Tract C would have to purchase 22,000 square feet. However due to price concerns for purchasing land, the owner of Tract C is requesting the minimum necessary to create a rectangular lot, which is 14,000 square feet of USS 3559 Lot 2 (Attachment C). The resulting lot would be 28,260 square feet.

<u>ANALYSIS</u>

The purpose of this land sale is to create a rectangular lot which, according to the property owners, will be easier to develop. The minimum lot size in the Rural Reserve zoning district is 36,000 square feet. The yard setback requirements in the Rural Reserve zoning district are 25 feet in the front and rear and 15 feet on the sides. The minimums for lot width and depth in the Rural Reserve zoning district are each 150 feet. Tract C has two side lot lines measuring 153.80 feet and 189.60 feet respectively and a front lot line measuring 237 feet totaling 14,260 square feet. Lot width is measured at a horizontal distance from the required front setback line. Therefore Tract C is approximately 190 feet wide and meets the RR minimum lot width requirement. Lot depth is measured from the front lot line to the rear lot line. In the instance of a triangle lot such as Tract C, the rear lot line. Therefore Tract C is approximately 119 feet deep. Because the lot was created prior to existing zoning regulations, the lot is considered legally non-conforming.

The owners of Tract C are requesting to purchase 14,000 square feet which would create a 28,260 square foot lot; 8,000 square feet less than that required for the zoning district. Chapter 49.30 of Title 49, the Land Use Code, addresses nonconforming lots. CBJ 49.30.300(a) states;

A lot rendered substandard in size by the adoption of this title may nonetheless be used in conformity with applicable use regulations, provided that no use, including duplexes and multifamily dwellings, requiring a larger lot size greater than the minimum for that zone shall be permitted except as provided in subsections 49.25.510(h) and (i).

The existing legally nonconforming substandard lot could be developed with a single family residence, as could a 28,000 square foot lot. Title 49 does not prohibit a substandard lot from adding square footage while continuing to be substandard in size.

Planning Commission File No.: CSP2017 0010 June 8, 2017 Page 5 of 6

CBJ 49.25.430(4)(J) Substandard lots, states;

If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in the no case shall the side and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.

This section of code applies to Tract C because it is substandard in depth. By adding the two triangular portions of USS 3559 Lot 2 as proposed, the lot depth would remain approximately 119 feet which is 21 percent less than the minimum lot depth requirement of 150 feet. Therefore the rear yard setback would be reduced from 25 feet to 20 feet.

In order to make the lot conforming, an additional 32 foot by 237 foot portion of USS 1500 would need to be acquired in addition to the 14,000 square feet proposed.

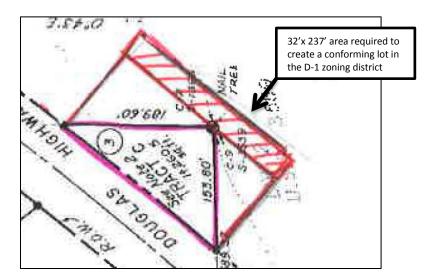


Figure 1: Area required to create a conforming lot

According to CBJ 49.30.400(a), nonconforming situations may not be aggravated. The addition of 14,000 square feet to the already substandard lot does not aggravate the preexisting legal nonconformity. No requirements in Title 49 prevent the sale of the requested 14,000 square feet.

Conformity with Adopted Plans

As previously stated, the subject parcel is primarily designated for disposal except for the portion which contains Fish Creek. The proposed land for acquisition does not contain any portion of Fish Creek. Goal 1 of the 2016 Lands Plan seeks to continue to place CBJ land into private ownership based on the following objectives:

Planning Commission File No.: CSP2017 0010 June 8, 2017 Page 6 of 6

- Make land available for community expansion.
- Expand the property tax base.
- Minimize the CBJ's costs for disposing of land.
- Provide opportunities for a variety of housing by disposing of land in multiple locations, by a variety of methods and at several price ranges.
- Maximize the CBJ's return on its property.
- Provide opportunities for as many people as possible to acquire CBJ land.

The proposed land disposal would meet Goal 1 of the 2016 Lands Plan.

As related to disposal of CBJ lands, the 2013 CBJ Comprehensive Plan advocates for in-fill development where services and utilities already exist. However, the Comprehensive Plan is silent on minor individual proposals to facilitate the development of a single family dwelling.

Habitat

There are no mapped habitats regulated by the CBJ Land Use Code that impact this proposed land sale.

FINDINGS

Staff finds that the disposal of 14,000 to 22,000 square feet of USS 3559 Lot 2 to be consistent with CBJ adopted plans. As requested, the land sale will create a lot that is non-conforming for lot size but nearer to conformance than the current lot.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2017 0008 to be consistent with adopted local plans and polices, as required by CBJ 49.10.170(c), CBJ 49.15.580 and AS 35.30.010 and forward to the Assembly a recommendation for approval to allow for the sale of a portion of USS 3559 to the owners of Entrance Point Subdivision Tract C. This recommendation is based on the following condition:

1. The area of land disposed by CBJ to the owners of Entrance Point Subdivision Tract C shall be the minimum necessary to meet the dimensional requirements of the Rural Reserve zoning district found in Title 49, the Land Use Code.

DEVELOPMENT PERMIT APPLICATION CEIVED

Date Received: Project Number **CITY and BOROUGH of JUNEAU** APR 2 Project Name (City Staff to Assign Name) Project Description RMI The applicants own a legally non-conforming, triangular, 14,000 sq. ft. lot at 11259 N. Douglas Highway and are purchasing adjacent CBJ property on either side of their lot to make it rectangular in shape. The CBJ Assembly has authorized the Manager to enter into negotiations for a land sale to Mr. Dwight Scott Williams and Ms. Carol Colp for approximately 14,000-22,000 square feet of CBJ property located at USS 3559 Lot 2. PROPERTY LOCATION City/Zip Street Address NFORMATION 11259 North Douglas Highway Douglas/99824 Legal Description (s) of Parcel (s) (Subdivision, Survey, Block, Tract, Lot) Assessor's Parcel Number(s) 6D1201090030 6012 0 11 0010 LANDOWNER/ LESSEE Work Phone: 907-586-0205 Property Owner's Name Contact Person: City and Borough of Juneau Greg Chaney Mailing Address Home Phone: Fax Number: 155 S. Seward St. E-mail Address Other Contact Phone Number(s): 907-586-5252 Greg.Chaney@juneau.org LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits**** I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows: This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. 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 Α APPLICANT В. April 25 2017 Х Date Х Landowner/Lessee Signature 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 formal consent given above, Further, members of the Planning Commission may visit the property before the scheduled public ROJECT hearing date. APPLICANT If the same as OWNER, write "SAME" and sign and date at X below Applicant's Name Contact Person: Work Phone: SAME Mailing Address Home Phone: Fax Number: Other Contact Phone Number(s): E-mail Address Х Applicant's Signature Date of Application -----OFFICE USE ONLY BELOW THIS LINE-----**Date Received** Permit Type Application Number(s) ----SIGN Building/Grading Permit City/State 20170010 Project Review and City Land Action Inquiry Case S (Fee In Lieu, Letter of ZC, Use Not Listed) Mining Case OVAI (Small, Large, Rural, Extraction, Exploration) Sign Approval (If more than one, fill in all applicable permit #'s) Subdivision R (Minor, Major, PUD, St. Vacation, St. Name Change) ۵ Use Approval (Allowable, Conditional, Cottage Housing, ۵. Mobile Home Parks, Accessory Apartment) Variance Case 4 (De Minimis and all other Variance case types) Wetlands ш Ľ, Permits Zone Change 4 Application F Other S (Describe) ***Public Notice Sign Form filled out and in the file. Permit Intake Initials Comments: auna SUBDISLON REDU siluat DOT Diweway pervit attached.

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS I: FORMS\2010 Applications
Attachment A: Application
Revised November 2009

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15	characters)		Case Number		Date Received
TYPE OF PROJEC	T REVIEW:			CSPOO		
City Pro	oject Review	✓ City Land Acc	quisition /Disposa	ıl 🗌 Sta	ate Project Re	eview
DESCRIPTION OF The applicants own a leg adjacent CBJ property o Manager to enter into ne 14,000-22,000 square fe Please attach a cover lette	gally non-conforn on either side of t egotiations for a eet of CBJ prope	heir lot to make it re land sale to Mr. Dw rty located at USS :	ectangular in sha ight Scott Willian 3559 Lot 2.	pe. The CBJ As: ns and Ms. Caro	sembly has a	uthorized the
CURRENT USE OF			Tot adequate space			
CBJ property USS 3559 future plans to subdivide	Lot 2 (LND-142	1) is listed in the 20	16 Land Manage s not hinder futu	ement Plan as "r re CBJ developn	etain/dispose nent of the lo	e.' The CBJ has t.
PROPOSED USE C The applicants are acqu to build a small house of	iiring CBJ prope		rectangular. Witl	h the additional p	property, the	applicants intend
PROJECT NUMBEI	RS ASSOCIA	TED WITH PRO	POSAL:			
Is this project associated	with any other L	and Use Permits?	✓ No Ye	s Case No.:		
Capital Improvement Pro	-					
Local Improvement Distri	ict # (LID)					
State Project #						
ESTIMATED PROJI	ECT COST:	\$ Less than \$10	0,000			
For more information permitting process and required for a comple please see the reverse s	the submittals te application,	CITY/STATE PROJEC Application Fees Total Fee	CT FEES Fees \$ \$	Check No.	Receipt	Date
If you need any assista this form, please conta Center at 586-0770.	ance filling out act the Permit					
NOTE: MUST	BE ACCOM	PANIED BY DEV	ELOPMENT F	PERMIT APPL	ICATION F	ORM

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION <u>MUST</u> BE FILLED OUT

Attachment A: Application



Memorandum

 From:
 Rachel Friedlander
 155

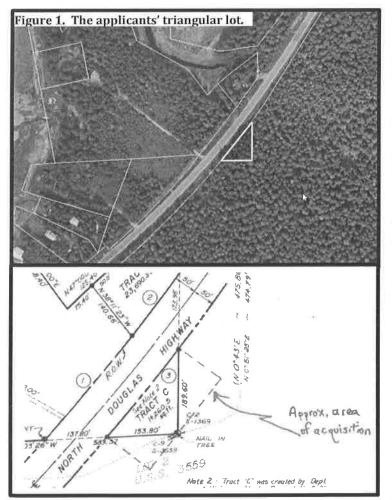
 Lands and Resources Specialist
 Lands/Lands Committee
 155

 Date:
 April 6, 2017
 Re:
 Dwight Williams and Carol Colp Application to Acquire City Property

 USS 3559 Lot 2
 6D1201110010 and 6D1201120080; LND-1421

City & Borough of Juneau 155 S. Seward Street • Juneau, AK 99801

The CBJ Lands Office received an application from Dwight Scott Williams and Carol Colp to acquire City property in North Douglas, about one-third of a mile outbound of the Fish Creek Bridge. The applicants own a substandard triangular shaped lot approximately 14,000 square feet at 11259 N. Douglas Highway (Figure 1). The applicants would like to purchase City property on each side of their lot to form a rectangular lot (Figure 2).



According to the applicant, the current triangular shape of their lot poses challenges with siting a driveway, installing a septic system, and building a desired residential structure. The applicant states that *"because the lot is dimensionally nonconforming and triangular, setbacks reduce the developable lot substantially."* In a letter dated February 14th, 2017, Mr. Williams explains the lot was created when the State of Alaska built this segment of the North Douglas Highway in the 1970's. It appears that the triangular lot was created as a remnant of a larger lot that was cut off by the highway.

The two triangular additions would increase the applicants' lot size by roughly 14,000 square feet, making the lot 28,000 square feet overall. The minimum lot size in Rural Reserve is 36,000 square feet. While the applicants are open to the idea of increasing the amount of square footage they are requesting to meet the current minimum lot size of 36,000 square feet, they would like to move forward with their application as is for financial reasons. If an appraisal reveals they can afford more than the 14,000

Figure 2. Diagram submitted by applicant illustrating City property to they can be acquired. Attachment A: Application

square feet they are requesting, they would entertain the idea of acquiring more property in order to meet the minimum lot size requirement of 36,000 square feet.

The 2016 Land Management Plan categorizes the 92.05 acres of CBJ lot USS 3559 Lot 2 (LND-1421) as "retain/dispose." The long range plan for this CBJ property is to subdivide once adequate services and utilities reach this section of North Douglas. The sale of approximately 14,000 square feet of CBJ property to the applicants from LND-1421 would not disrupt the City's future development plans for this site.

CBJ§53.09.260 Negotiated sales, leases, and exchanges stipulates that once an application has been received, it must first be determined by the Assembly whether the proposal should be further considered by direct negotiation with the original proposer or if the property should be offered for public sale to other individuals. In this case, the applicants would not be creating a new lot, only adding to an existing lot to alter its shape and size to make it more compliant with existing minimum lot dimensions and lot design standards. Additionally there are no other private neighboring landholders, aside from the applicants, near CBJ lot LND-1421.

The applicants are requesting the City waive the \$500.00 application fee on the grounds that they will incur a cost burden from initiating the purchase and transfer of City property, which should offset any administrative time taken throughout the negotiation process. *CBJ*\$53.09.260 Negotiated sales, leases, and exchanges stipulates that a \$500 fee is required to submit an application to purchase CBJ property. Therefore staff recommends upholding CBJ code and not waiving the \$500 fee. Except in very unusual circumstances, every applicant interested in purchasing CBJ property is required to pay the \$500 application fee, and to pay for to all other services needed to complete a potential sale, including surveying costs, appraisal fees, subdivision fees, and recording fees.

Lands staff is requesting that the Lands Committee provide a motion of support in favor of the sale to the original applicants while maintaining the \$500 application fee.

Suggested Motion: A motion of support to the Assembly for a fair market value negotiated sale of approximately 14,000 square feet of City property located at USS 3559 Lot 2 (CBJ LND-1421) to the original applicants, Dwight Scott Williams and Carol Colp.

Lands Committee April 10, 2017 Minutes (DRAFT)

option. Ms. Elfers said the lot could be used for household hazardous waste but she was not sure if it could accommodate both household hazardous waste and recycling.

Mr. Kiehl said it's to the City's benefit to consolidate operations; enable the adjacent landowner to grow the business; and examine additional land options for relocation.

The Lands Committee reviewed the following three motions to be forwarded to the Finance Committee:

- 1. A recommendation to authorize the manager to begin negotiations directly with the Brewery for sale of the four lots.
- 2. A recommendation to move the water utility to the valley shop
- 3. A recommendation to purchase the Channel property, move Recycling and HHW to the property and consider other program components such as Junk Vehicles and composting on the site.

Mr. Kiehl said he was in support of the first and second motion but was hesitant regarding the third motion, especially because a thorough financial evaluation of the properties has yet to occur.

Ms. Elfers asked the Lands Committee to refine the list of potential program relocation properties. Mr. Gregory replied that the gravel pit location is not an option, and the Lands Committee confirmed it so. Mr. Kiehl said the former valley shop site is less appealing as a drop off for the general public and would like to see staff look more into the possibilities of a lease. If the City proceeds with a lease, it will have needed to save a fair amount of money throughout the lease; Mr. Kiehl requested more financial information to see if a lease should or should not be considered. Mr. Kiehl said he is also surprised the 7 mile site is tight, and wanted an analysis of this property in addition to Mr. Gregory's request regarding the Alaska Brewing Company's lot across from Costco.

The Lands Committee unanimously forwarded a motion of support to the Assembly to authorize the manager to begin negotiations directly with the Brewery for sale of the four lots.

PUBLIC PARTICIPATION ON AGENDA ITEM A

There was no public participation on Agenda Item A.

B. Dwight Williams and Carol Colp Application to Acquire City Property Ms. Friedlander addressed the Lands Committee with her April 6th, 2017 memo. The CBJ Lands Office received an application from Dwight Scott Williams and Carol Colp to acquire City property in North Douglas, about one-third of a mile outbound of the Fish Creek Bridge. The applicants own a substandard triangular shaped lot approximately 14,000 square feet at 11259 N. Douglas Highway. The applicants would like to purchase City property on each side of their lot to form a rectangular lot. The applicants' current request of 14,000 square feet of CBJ property would still make their lot substandard for land located with a rural reserve zoning designation; they would be interested in acquiring more property if an appraisal shows the land will be affordable.

Mr. Gregory asked what Mr. Williams would do with a non-conforming lot and Mr. Williams replied he would build a house on the lot although that would be much more difficult to do. Mr. Williams said he is planning to build a small house on the lot. By adding more square footage to his existing lot, Mr. Williams believes it will be easier to develop. Mr. Gregory asked if Mr. Williams would be interested in buying enough property to make the lot conforming and Mr. Williams replied he would if he could afford it. At this point in time, Mr. Williams said he would just like to square off the lot so that it is rectangular, but that if he can afford more property, he is interested.

Chair White disclosed that she did reach out to the applicant with the same question because of her concern of building on a non-conforming lot. Mr. Williams said he would prefer a larger lot, but that affordability is a challenge.

Mr. Kiehl said the land is managed by both CBJ Lands and Resources Division and the CBJ Parks and Recreation Department, and was curious what Parks and Recreation thought of Mr. Williams' proposal. Ms. Friedlander replied she had not asked Parks and Recreation for their input on this proposal, and that the Land Management Plan lists the property as "retain/dispose." Mr. Chaney added that the anadromous stream that runs through the property is what is designated as Parks and Recreation property; the rest of the lot is managed by the Lands and Resources Division.

Chair White was concerned the motion did not incorporate enough flexibility for surveyors when evaluating the property but Lands staff confirmed the word "approximately" allows for this flexibility.

The Lands Committee unanimously forwarded a motion of support to the Assembly for a fair market value negotiated sale ranging from approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2 (CBJ LND-1421) to the original applicants, Dwight "Scott" Williams and Carol Colp.

PUBLIC PARTICIPATION ON AGENDA ITEM B

There was no public participation on Agenda Item B.

VI. STAFF REPORTS

-s -/

There were no staff reports.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS There were no committee member or liaison comments or questions.

VIII. ADJOURNMENT

The meeting was adjourned at 5:55pm.

DRAFT

None.

X. NEW BUSINESS

A. Authorization for the Manager to Enter into a Fair Market Value Negotiated Sale of City property from USS 3559 Lot 2.

The Lands Office received an application to purchase approximately 14,000 square feet of City property on each side of the applicants' existing lot located at 11259 North Douglas Highway. The applicants' legally non-confirming 14,000 square foot lot does not meet the minimum dimensional standards for a lot located in a rural reserve zoning district. The applicants would like to purchase adjacent City property to increase their current lot size. The Lands Committee encouraged the applicants to purchase additional property so that their lot would conform with the area's rural reserve zoning designation, which requires lots to be a minimum of 36,000 square feet and 150 feet in depth.

On April 10, 2017, the Assembly Lands Committee adopted a unanimous motion of support to the Assembly for a Fair Market Value Negotiated Sale ranging from approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2 (CBJ LND-1421) to the original applicants. The applicants indicated they would purchase as much property as they could afford but were unable to commit to purchasing 22,000 square feet until a sale price was established.

As established in CBJ 53.09.260(a) staff recommends that this proposal be pursued by direct negotiation with the original proposers because this land sale would not create new lots, only add to an existing lot.

The Manager requests a motion of support to enter into direct negotiations for the disposal of approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2.

Public Comment:

None.

Assembly Action:

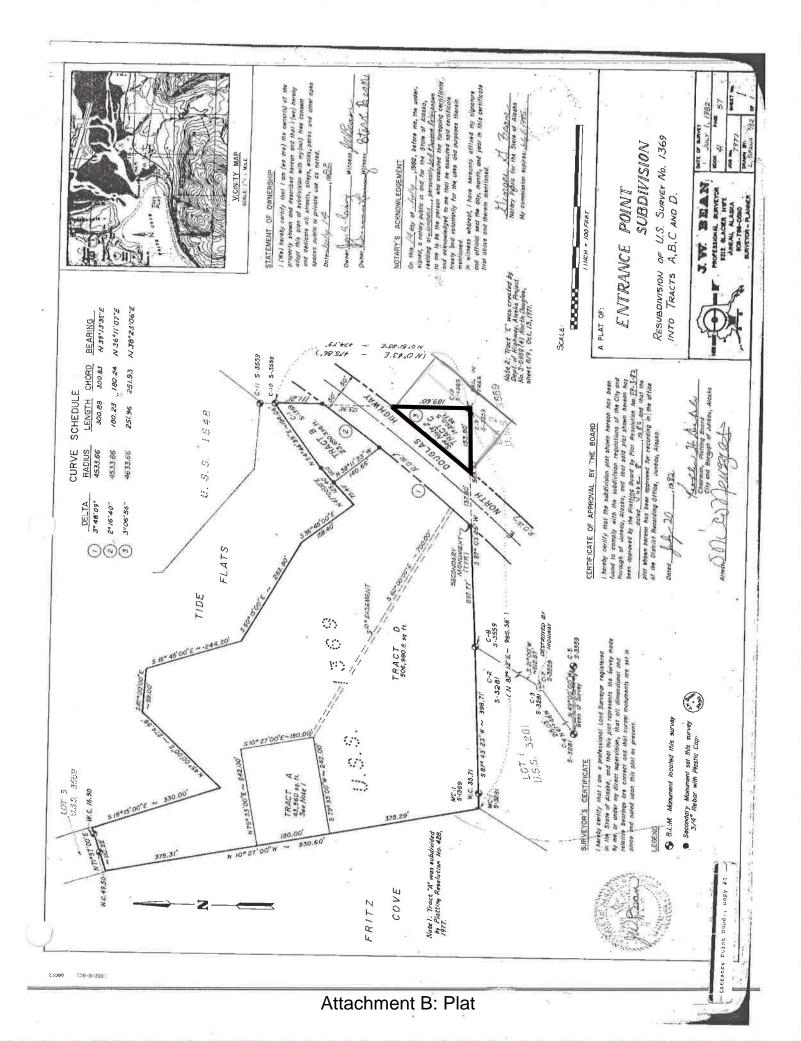
<u>MOTION</u>, by Becker, to authorize the manager to enter into direct negotiations for the disposal of approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2. Hearing no objection, it was so ordered.

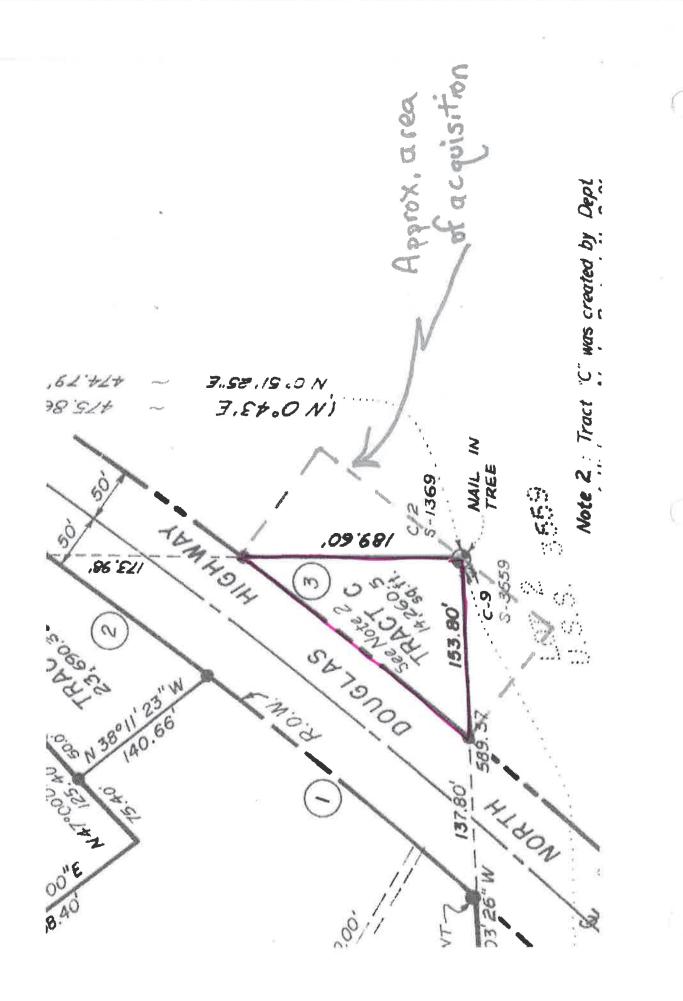
XI. STAFF REPORTS

A. Auke Bay Marine Station

Mr. Watt said CBJ and UAS are extremely close to an agreement regarding the Auke Bay Marine Station. This agreement will share the parcel by subdivision, allowing the







Attachment C: Proposed Land Acquisition