

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Dennis Watson, Vice-Chairman

REGULAR MEETING
February 26, 2013

I. ROLL CALL

Vice-Chairman, Dennis Watson, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 6:58 p.m.

Commissioners present: Dennis Watson (acting chair), Nathan Bishop, Karen Lawfer, Benjamin Haight, Nicole Grewe, Jerry Medina, Marsha Bennett.

Commissioners absent: Michael Satre, Dan Miller.

A quorum was present.

Staff present: Greg Chaney, Planning Manager; Ben Lyman Senior Planner; Beth McKibben, Senior Planner; Hal Hart, Director; Jonathan Lange, Planner.

II. APPROVAL OF MINUTES

- February 12, 2013 – Regular Planning Commission Meeting.

MOTION: by Ms. Grewe to approve the February 12th, 2012 PC minutes as drafted by staff with any minor changes submitted to staff by commissioners.

There being no objection, the minutes from February 12, 2013 was approved.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Vice-Chair Watson announced that their liaison Carlton Smith, was unable to be there that evening but had asked Vice-Chair Watson to let the Commissioners know that at last evening's meeting of the Committee of the Whole, the key item discussed was the Lenders Presentation to the Assembly on the issues and challenges for housing in Juneau from their perspective and it was quite enlightening. There was a fair amount of discussion on condominiums and subsequent issues of accessory apartments, the square footage (currently 600 square feet) and some other issues related to Land Use. He said they did an excellent job and were asked to come back.

Ms. Lawfer added that they had also brought up the age of houses in the community, what's happening to aging houses and what role the City could play to help them with remodeling and/or replacements.

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

USE2012 0017: A Conditional Use Permit for a 100' Monopole Wireless Communication Facility (cell phone tower) with six panel antennas.

Applicant: Justin Abbott

Location: 11120 Glacier Highway (University of Alaska Campus)

Staff Recommendation:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use permit. The permit would allow the development of a new AT&T communications facility, including a 100' Monopole with 6 panel antennas and associated equipment with a 30' x 30' fenced lease area. The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant shall submit a letter to the Community Development Department signed by a radiofrequency engineer certifying that the structures comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).
2. Prior to receiving a Certificate of Occupancy, the applicant shall submit a letter to the Community Development Department signed by a radiofrequency engineer certifying that the structures, as constructed and at optimum emission levels, comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).

USE2013 0003: A Conditional Use Permit for a change of use from a residence to University offices

Applicant: University of Alaska Board of Regents

Location: 11440 Glacier Highway

Staff Recommendation:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow a change of use from a residence to university offices in the D-5 Zoning District. The approval is subject to the following condition:

1. Prior to the issuance of a Certificate of Occupancy, the applicant shall finalize a Minor Lot Subdivision Boundary Adjustment to combine the subject parcel, USS 2391 Lot G Fraction, with the main University of Alaska-Southeast campus, USS 2391 Fraction.

VAR2012 0028: A variance to the minimum lot depth requirement of 100' in a D-3 zone to 95' for one triangular-shaped lot resulting from a proposed subdivision of Horst Lot 3 into two lots.

Applicant: Kristan Stephens, General Contractor

Location: Mendenhall Loop Road

Staff Recommendation:

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2012 0028. Staff recommends the following condition of approval:

1. Prior to the issuance of a building permit, the applicant shall carefully address storm water runoff through a drainage plan and grading permit.

Vice-Chair Watson called for any member of the public who wished to have any of these items removed from the Consent Agenda.

Mr. Chaney said that there was opposition to VAR2012 0028, so we would like to request that it be removed from the Consent Agenda.

MOTION: *by Mr. Medina to approve USE2012 0017 and USE2013 0003 with staff's recommendations.*

There being no objection, USE2012 0017 and USE2013 0003 were approved.

Vice-Chair Watson brought up VAR2012 0028 and adjourned the Planning Commission and reconvened as the Board of Adjustment.

Staff Report

Jonathan Lange, Planner, explained that VAR2012 0028 was a variance request to the minimum lot depth of a lot in a D-3 zone, the requirement is for 100 feet and the request was for a reduction of 5 feet to 95 feet for one triangular-shaped lot resulting from a proposed subdivision.

Referring to the lot vicinity map, he pointed to the triangular shaped lot on Mendenhall Loop Road. He showed the proposed site plan, the existing lot, and the proposed subdivision. Both lots on the proposed subdivision meet the required buildable area. There were a few concerns with the proposed subdivision. One concern came from City and Borough of Juneau Land Surveyor, Ron King. His concern was to make sure that storm water runoff was taken into account during the subdivision. There were concerns from a neighbor about flooding. During a recent development of a corner lot on Mendenhall Loop Road and Wren Drive, there was a culvert that was plugged during the construction and resulted in some flooding that then flooded some homes, and that was addressed in Attachment E in the staff report, a letter from Mrs. Clutton. These issues would be addressed through the grading permit review and process.

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings, and approve the requested variance with one condition, that prior to issuance of a building permit, the applicant shall carefully address storm water runoff through a drainage plan and grading permit.

Kristan Stephens, Applicant, stated that they took Mr. and Mrs. Clutton's concerns with the flooding very seriously. What probably got their concern was the blocked culvert and as a contractor, he agreed that they need to consider the neighbors and work with them to make sure that that problem never happens again. The sewer system was put in based on 12,000 square foot lots and this was a 24,000 square foot lot that was odd shaped. He stated that subdividing it would just make it more economical.

Ms. Lawfer asked if there were plans to widen Mendenhall Loop Road. Mr. Stephens said he did not know.

Ms. Lawfer questioned if they were to widen the road, what that would do to the buildable space. Mr. Stephens responded saying that he didn't think anything would happen in the near future and noted that there were other houses on the setback.

Mr. Medina inquired if Mr. Stephens agreed to abide by the staff's condition of approval about the drainage. Mr. Stephens replied yes.

Mr. Haight asked if the proposed subdivision would equally divide the lots. Mr. Stephens responded that was correct.

Public Testimony

Robert Francis, Juneau, stated that he was the landowner adjacent to the lot, Lot B (on the map). He stated his opposition to the variance of the setback because of a couple of reasons. One is the number of units they could put on the space, right now they could put a duplex or a single-family home on the lot the way it was set up. He reminded Commission that when the sewer system was put in, it was put in for one unit; it was planned out for one access to that lot from it, not multiple. The other issue was that it would double or triple the amount of access of roads and driveways entering on to Mendenhall Loop Road, which would make it busier. Currently, there are duplexes on the other side of the street and the amount of traffic that went in and out of those was non-stop all day long. By subdividing, there would be increase of traffic as well the amount of noise pollution in the area. His main reason for objecting was the amount of fill that could be brought into the wetlands. Dividing the lot meant they could bring in twice the amount of fill into the wetlands area as they could before and that's going to disturb more of the wetlands in that area. Mr. Francis stated that they had purchased land there because they liked the view and the setting, but noted that the reason they were able to get a permit was because that area was already classified as non-wetlands. They had worked with Corps of Engineers to build the majority of their house and had repositioned everything to accommodate the wetlands. Subdividing the lot next to his, would actually place it in the middle of the wettest part of that wetland in that area, the corner was the deepest water portion. His biggest concern was the impact it would have on the environment.

Mr. Stephens stated that he could relate to Mr. Francis' comments but that it was doable and it could be done correctly and contractors have ways of doing it right to where there would be no issues with drainage. He did not think that adding two homes would create that much of a problem with regards to traffic. He noted that the only way to make the cost feasible was to subdivide.

Mr. Haight asked which direction the water flowed on the site now. Mr. Stephens said he didn't know. Mr. Haight queried if they planned to review what that flow was and not restrict it in the process of building a pad for it. Mr. Stephens said that was correct.

Knowing that the property was considered high-value wetland per staff and that an Army Corps of Engineer permit would be needed, Ms. Lawfer asked if there was a difference between that permit for a duplex or a single family home. Mr. Stephens answered none that he was aware of.

Mr. Bishop asked staff about a subdivision that they had denied a while ago in that a variance was required for the arterial. Mr. Chaney mentioned that the street at that location was a collector, so that's why it's not the same, and at this time they were not aware of a STIP item to widen the road here.

Vice-Chair Watson asked about the class of the wetlands. Mr. Lange responded that he thought it was Category A. Vice-Chair Watson asked if Category A was their highest level wetlands. Mr. Lange replied that was correct. Vice-Chair Watson then queried approximately how much of the second lot would be wetlands. Mr. Lange replied that they both had wetlands on them.

Vice-Chair Watson asked if he could describe where the wetlands were located on the lots. Mr. Stephens said he thought it was the majority of both properties, so they would be limited to the amount of fill that they could bring in when they got their wetlands permit.

Vice-Chair Watson asked "When you fill, will it be higher, lower or the same grade level as your neighbor's lot?" Mr. Stephens replied that it would be equal.

MOTION: by Mr. Bishop to approve VAR2012 0028 adopting staff's analysis, findings, and conditions.

Vice-Chair Watson asked about adding a condition to address the water flow. Ms. Lawfer stated that it was covered in the drainage plan.

Roll Call Vote

Ayes: Bennett, Medina, Grewe, Haight, Lawfer, Bishop, Watson.

Nays: None.

Variance 2012 0028 was approved unanimously, 7-0 with the noted condition.

Vice-Chair Watson adjourned the Commission as Board of Adjustment and reconvened as Planning Commission.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

AME2012 0006: A Text Amendment of Title 49 and of the Comprehensive Plan for the 2012 Update.

Applicant: City and Borough of Juneau

Mr. Lyman recapped that they had begun talking about some of the public comments that had been submitted in writing on the draft comprehensive plan update, during the Committee of the Whole session before convening the regular session that evening. The Commission was going to open it up for open testimony and then possibly come back and discuss it after some of their agenda items.

Public Testimony:

Cathie Roemmich, Juneau Chamber of Commerce, thanked the Commission for giving the Chamber a chance to comment. She was there to give them a little of information about why the Chamber was involved and what they did. They had met as a board; have 15 local business people as board members and a Government Affairs Committee, which is eight other business owners/managers in Juneau. They decided to split the Comprehensive Plan into 18 chapters among 16 members.

Her chapter had been Transportation and she mentioned that there was way too much information for the average person to read. She felt that Juneau had four main areas of concern where transportation was concerned. The Assembly had approved all of these areas at one time or another, but they are only briefly mentioned in the 26 pages. One, was the extension of Glacier Highway, the second was the North Douglas Crossing, Safe Routes to Schools, and the Glacier Highway bypass at Bartlett Hospital. It also talks about SOVs. She mentioned they have 40 percent of parents driving their kids to school, all SOVs, when they drop their kids off. She mentioned the dangers of Mendenhall Boulevard and for the last few days she had watched near accidents where children had almost been hit, so she was curious why there wasn't talk of another walk overpass, there used to be three on that street. It's dangerous and that's why kids were not walking to school, their parents are driving them and only 28 percent of the kids rode the bus.

The Chamber felt that the Plan should not be adopted. It was way too long, too confusing, and the average person couldn't pick up the Comprehensive Plan and figure out what the future held for Juneau. There should be trails, but there should be safe routes for kids to walk to school on, more than one neighbor going to another neighbor.

She stated that Max Mertz, the head of the committee, actually read the whole plan and has a more comprehensive viewpoint on the plan. She said she had gotten phone calls in the Chamber office and there was a lot of fear from their members saying, "I don't have time to read this plan, how can I even comment on it." Not that they didn't appreciate all the work that staff had done and she knew that the Commission had worked on it on their own time. She expressed the Chamber's appreciation for the work put in, thanked them for their time and hoped that the Commission would consider the Chamber's opinion on it.

Mr. Bishop commented that there was a lot of concurrence in the Commission with what Ms. Roemmich had just stated in that the draft plan proposed was too long and it could be brought down to be a much more manageable size. He stated that with this update, they were trying to just get through it and wait till the next review where they could do a more thorough analysis and make it a more workable document. Ms. Roemmich said they appreciated that.

Mr. Bishop said he appreciated her comments and thought for the most part, they were right on task. He reiterated that they were not looking at doing major changes. He thought her comment that they had looked at some areas more than others were to the point. He concluded by thanking Ms. Roemmich for her time.

Vice-Chair Watson, on behalf of the Commission, thanked the Chamber for taking the time to go through the plan. He said the Chamber of Commerce was very important to the community and being proactive as they had been, was very helpful to them and hopefully she could keep her team together to continue to work for them.

Max Mertz, 3140 Nowell Avenue, Juneau, stated that he was a business owner in Juneau and on the Chamber Board. He said he also appreciated the time and effort put in by the Planning Commission and staff towards the Comprehensive Plan update. He stated that after all the energy put in for the update, the Commission might just want to adopt the plan but noted that the plan was inaccurate and full of inconsistencies. He thought the Comprehensive Plan was very important and a good way for them to communicate what their goals and aspirations are.

In some places, it was a 12-year plan and other places a 20-year plan. There are missing footnote references and ghost footnote references. In reading through it, one is bound to get more confused and that enlightened by what was there. There are items in the document that are questionable, e.g. in Chapter 5, Return on investment on Non-Motorized Transportation infrastructure of bike paths far outweighs the return for road projects. As he read that statement, it sounded like the plan was stating that the community was better off building bike paths than roads. He looked at the reference and the reference was incorrect, so he asked Mr. Lyman to send it to him and read it. That report was from a group called Biking and Walking Alliance. In reading their report, it was actually looking at the number of construction jobs created when building a bike path compared to widening or repaving a road. That's a very different statement and without trying to determine what the veracity of whether that's even accurate or not and very different than saying the return on investment is greater on bike paths than roads.

His next point was that track changes were used throughout the report and in some places the deleted text was listed in the margin and in some other places the deleted text was vacant, so you couldn't see what was actually deleted unless you went back to the 2008 plan. He mentioned some examples - Policy 6.10, 6.11 on Page 89, Policy 7.20 on Page 124.

The most important point he stated was that not all of the changes that they were making to the plan were indicated using track changes as additions, e.g. the entire Preface to Chapter 5 - Economic Development section has changed from the adopted 2008 Plan. He was concerned that one couldn't always tell that it had been changed and some of those changes are very important like the sections relating JEDC. He said it almost reads as though JEDC wrote that section.

Ms. Bennett said that JEDC did write that section based on the Commission's request.

Mr. Mertz said there was nothing wrong with that but he thought that they needed to make sure it was clear. The involvement of the community he thought had been insufficient in the update of

this plan as well and the business community he believed had an important contribution to the statement about economic development, but the business community was not included in that. In reading the Commission's Minutes, it also appeared that other sections were updated without the participation of some of the major stakeholders concerning those other areas.

He was also concerned that the current plan, through its revisions, some of the changes and especially some of the deletions, some of the policies and standard operating procedures, ignored the community's efforts both current and past. He felt that the plan was missing the focus on increasing the diversity, which he thought was very important.

There was also, in his view, an imbalance and sufficient attention to some current efforts such as work being done to enhance their water system and develop their mining resources compared to the very great emphasis on some other items in the plan.

[Multiple paragraphs missing here]

Most importantly, he felt that the Plan was just too long.

He encouraged Commission not to adopt the plan because of the length, contains inaccurate information and does not properly address the community's needs and goals. He suggested starting fresh and noted that he did not believe there was any public mission or important goal that couldn't be accomplished while the plan was being updated. The Assembly could continue to act while the document was being redone.

He thanked the Commission for their time.

Ms. Lawfer appreciated the Chamber's effort in going through the report and asked if there was a systematic outline that the Commission could expect from the Chamber with respect to the corrections and suggestions. Ms. Lawfer then spoke about the letter where it stated how the community's collective goals and visions were insufficient. She asked if it would be unreasonable for the Commission to ask the Chamber to address how the goals were insufficient and asked if the Chamber would provide a list of what they would like to see addressed. Mr. Mertz said that the Chamber would do that.

Ms. Lawfer then referenced the other issues that had been brought up in the review and asked if those would be brought to the Commission's or staff's attention. Mr. Mertz stated that they had offered to meet with staff to go over concerns in the letter that the Chamber submitted, and certainly they could. [Mentions Anchorage Plan] He stated that the vision of the community seems to be lost in the plan now; there was a lot of detail and no vision. He suggested that a starting point could be the Planning Commission's decision and then ultimately the Assembly's decision about whether they want to proceed forward with this plan. [the "what" in the following "if not" is missing here] **If not**, they could go back and start developing a new plan. He understands that this will be a huge undertaking which could take weeks or months but stated that the Chamber would like to be involved in that.

Mr. Bishop envisioned direction for the type of changes suggested by the Chamber to be coming from the Assembly, and it would be a big change. [Substantial comments here] He asked what Mr. Mertz's opinion was moving forward. Mr. Mertz recommended sticking with the 2008 plan.

Vice-Chair Watson stated that he had gone through the Anchorage plan and found it kind of unique that they have a plan called Anchorage Bowl and all the other areas within the Borough there have separate Comprehensive Plans. He asked Mr. Mertz if he had any comments on that. Mr. Mertz stated that he did not know much about it but thought that Mat-Su and Portland had plans that were also done in a similar manner, but then asked where you draw the line, and do you do a plan for Tee Harbor?

Vice-Chair Watson stated that he looked at several communities about the size of Juneau and many of them had 300-400 pages and had kind of followed the same path as they had. He thanked Mr. Mertz for his time.

Ms. Grewe stated that she was not so much concerned about the length of the document but if the plan really reflected community needs with respect to policy statements. She mentioned Mr. Mertz's comments about an imbalance in the plan when it came to reflecting community needs. She said she would welcome an ongoing conversation about that, no matter how they decided to move forward with the document.

Mr. Lyman responded to Mr. Mertz's comments saying that the three policies that were referenced as being missing were actually relocated to another page (e.g. 6.10 was relocated to 5.13). He also noted that the old text was struck through and the new text was relocated, thus increasing the size of the document in that process. He noted that they have tried their best to balance those needs.

Ms. Grewe commented that some states had small comprehensive plans but had strong neighborhood plans, which is what Juneau needs.

Ms. Bennett stated that she was a little defensive because she was so pleased with the JEDC's decision to jump in and be a part of the economic development section and also the reworking of the housing because those are both very important issues right now. She was surprised that the JEDC did not involve the Chamber in the process.

Mr. Bishop thought that Commissioner Grewe made a very good point and the direction he would like for them to go is to break the plan up into various different pieces that include a main body of the text and then subarea plans that don't have to be spoken to in so much context in the main plan.

Mr. Chaney referred to the last three pages in the blue folder, a request submitted by Mr. Damon for a map amendment. Mr. Damon wanted to talk to the Commission about it and staff has also taken this in as a text amendment case.

Public Testimony:

Clarke Damon, stated that they had bought the property in 1976 and at that time it was zoned Commercial (C2). He pointed to the exhibit showing a building permit for a house, it was also used for business activities because he was in the sales of sporting goods which he did in the evenings and weekends. He then showed the next enclosure #3 which is a permit for the shop. This was for 960 square feet. Exhibit #4 was a plan of the shop and the normal height is actually 12 feet high, this was used for repair of outboard motors, and at the time when the zoning was changed in 1987, Mr. Damon had the dealership for Nissan and Tohatsu Outboards. He stated that he did not know why it was changed at that point. He asked to have their property, Lot 15, to be included in the Light Commercial Zoning map. Mr. Damon stated that they owned the lot downtown next to it, which is in the D-18 zoning, which would probably be developed in the future. He mentioned that light commercial has more and referenced Exhibit 3 saying that there is zero setback being in C2 zoning. He asked if they would consider going back to the way it was in 1956 to 1987 in Exhibit 1. He couldn't find any rationale as to why there was a major change because there hasn't been any new construction since that time and nothing has changed.

Mr. Bishop asked Mr. Damon if he had problems with his business as it currently stands with the zoning. Mr. Damon responded there were no problems. Mr. Bishop asked if the reason for the request for the zone change was for resale purposes. Mr. Damon replied in the affirmative saying that the next potential buyer probably wouldn't be interested in Outboard Motors, but they might have other ideas especially because there is a house attached to it.

Ms. Lawfer asked if the house and the shop were in the lot. Mr. Damon responded that it was. Mr. Damon clarified that the lot he was referring to was downtown bordering the lot with the shop and house.

Vice-Chair Watson asked staff about the potential options. Mr. Chaney stated that the case was brought forward only as a comprehensive plan change and not for map change per se. There was a staff report available explaining the options (e.g. they could maybe look at creating an MU3 in Douglas). Vice-Chair Watson responded to Mr. Damon's concerns saying that there were options that they could look into in future and appreciated Mr. Damon for being there for the meeting.

Vice-Chair Watson stated that public testimony will be continued to another meeting of the Planning Commission and will continue with public testimony until such time as they have progressed through the Comprehensive Plan.

VII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

AME2012 0010: Rezone Request from D5 to D18.
Applicant: Grant Rentals LLC
Location: 3451 Douglas Hwy

Staff Recommendation:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the Assembly approve to rezone the subject parcel from D-5 to D-18.

Staff Report

Beth McKibben, Planner, stated that this was a rezone request from D-5 to D-18. They received the application from the applicant and initially staff considered extending the rezone all the way down to Cordova Avenue. They held a neighborhood meeting in January and invited all the property owners of that entire block to attend. Only one property owner attended aside from Mr. Grant, his representative, and daughter who lives at the corner of Cordova Street. Since then, staff has suggested that they expand their rezoning to include some additional lots and the ones that are being recommended have been chosen because they all have access to the Frontage Road. She pointed to the roundabout coming across the Douglas Bridge and heading towards downtown Douglas and North Douglas and the location of the Cordova Street intersection. She noted that one of the long identified problems in the area was the slow traffic at the Cordova Intersection, particularly in the morning, and by having access to the Frontage Road, all of these lots are able to access Douglas Highway through the roundabout leg, which doesn't experience those delays.

Per current zoning, she explained which lots were zoned D-5 surrounded by D-18, Waterfront Industrial, and a Convenient Store Overlay District within the D-5 zoning district.

Vice-Chair Watson asked Ms. McKibben if the portion northwest to the D5 was a street. Ms. McKibben replied that it was actually not any parcel, but part of a street.

Ms. McKibben then displayed the zoning maps from the 2008 Comprehensive Plan. She explained where the properties requested for the rezone were located. She noted that the Commissioner's packets had a copy of the Comprehensive Plan maps from the 1995 update, but that the roundabout was missing on the map.

The City and Borough of Juneau code states, 'The Commission makes recommendations to the Assembly on all proposed amendments indicating compliance with the provisions that are in the Comprehensive Plan'. She explained that the applicant's lot totals 27,427 square feet, it's actually four full lots with two parcel ID numbers. There is currently a single-family home with an accessory apartment. If the rezone is approved, they would like to remodel the single-family dwelling with the accessory apartment into a small multifamily building, which with the D-5 zoning is not an option for them. She noted that they own all four lots and have one tax ID number; so, half of their property is zoned D-5 and the other half of their property is zoned D-18. She went on to state that if the tax parcel with only the single-family home were to be rezoned to D-18, it could support 14 units versus the one. Regarding the other two properties, she mentioned one had a duplex and one has a single family with an apartment. The lot with the single family with apartment, even with D-18 zoning could only support three dwelling units at the maximum, which is one more than what it currently has. The duplex lot could support with the D18 zoning, a total of five units or three more than currently. If the applicant's parcel were to be rezoned to D-18, the maximum number of units that could be on that site are 11. As mentioned in the staff report, they were not sure if that was actually feasible due to the parking requirements, the height restrictions, and the setback requirement.

Vice-Chair Watson asked whether the three other owners were in favor of the rezone. Ms. McKibben replied that she hadn't heard from anyone yet.

Ms. McKibben stated that this was the first time that they had considered a rezoning with a change in Title 49 and the change is that a proposed zoning district in the uses are in substantial conformance with the Land Use Maps of the Comprehensive Plan. Previously, they could not conflict and this rezone does not exactly match the maps of the Comprehensive Plan.

She read from the staff report (Chapter 11 of the Comprehensive Plan) – 'In consideration of rezoning requests, the Planning Commission and the Assembly shall aim to promote the highest and best use of the land under consideration. In some cases, the highest and best use may be increased density or more intensive use of the land. In other cases, the highest and best use may be preservation of an undisturbed state for purposes of habitat preservation, flood control or providing a buffer between development areas and subject to natural hazards.' She summarized that the guidance provided in the Comprehensive Plan was to really consider what the land might be most useful for, not necessarily the most intensive use. Ms. McKibben continued to say that this lot is adjacent to a Medium-Density Residential and this would be an expansion in an existing zoning district. They did not believe there were safety issues because of the access to Frontage Road.

She stated that the application meets the submittal requirements, substantially conforms to the maps of the land use plan, and it constitutes expansion of an existing zone. Staff is recommending that Planning Commission recommend to the Assembly they approve the rezone.

She pointed out that they had heard from some of the adjacent property owners to only recommend the rezone for the parcels that were applied for.

Ms. Grewe asked if Ms. McKibben could go back to the map with the Medium Density Residential zoning and asked why they had decided not to go all the way to Cordova or considered more residences along the highway. Ms. McKibben explained that was because some of the lots did not have a safe access to the highway and due to traffic issues.

Ms. Lawfer referred to Page 3 of the packet where some lots were blocked off (Lots 6, 7, 9 and 10) and asked if those individuals would have to apply for that on their own or if that was included. Ms. McKibben replied that the hatch marks are the lots that staff is proposing to be included.

Ms. Lawfer asked if she had heard from the other property owners. Ms. McKibben answered that they hadn't.

Ms. Lawfer queried if those property owners were notified specifically of the designation change from D5 to D18. Ms. McKibben responded that the neighborhood meeting included all the way down to Cordova Street. A copy of the letter that was sent out was included in the Commissioner's packets, which said that they were considering rezoning the area to D18 and

invited them to the neighborhood meeting. Ms. McKibben was unsure of the exact language but thought it was clear that it was being included.

Mr. Medina recalled Ms. McKibben's comment that rezoning to D18 would create a maximum of 11 units. He asked if she knew how many units the applicant was proposing. Ms. McKibben stated that the applicant could answer that question more clearly, but thought it might be six in the existing building.

Public Testimony:

Jeff Grant, 10003 Frank Maier Drive, stated that they have a five-bedroom house which they were looking to make into three apartments for now and maybe more later.

Mr. Bishop asked if Mr. Grant had a chance to know the will of his neighbors. Mr. Grant replied that they have talked to the Holloways and one other neighbor. He thought this would help create affordable housing.

Francie Schrup, 3555 North Douglas Highway, asked for the location of the rezoning.

Ms. McKibben pointed to the map and explained where the applicant's lot was and which other lots had been recommended for the rezone by staff.

Ms. Schrup commented that the soil in the area was soft and shifty and gave an example where there was mass land movement with the Cedar Park development and the whole hillside blew out into Cowee Creek, which is a fish stream. She asked if there would be a riparian zone where the development would be done.

Ms. McKibben referred to the map and explained where the property lines were. She stated that there was a fair amount of distance there.

Ms. Schrup stated that when they were developing Cedar Park, the over burden caused a 100-year storm event which led to the large land movement. She suggested maybe putting a border between the development and the fish stream.

Mr. Grant said that they did not have any plans currently to go that far out.

Ms. Bennett asked where Cedar Park was on the map. Mr. Grant showed on the map the location of Cedar Park and where the landslide had occurred. He stated that it did not make sense for them to go all the way there especially because they have to have parking.

Referring to the letter that went out to the residents regarding the rezone of lots 11 through 14 and the notice of public hearing that went out with regard to the hearing date of today, Ms. Lawfer wondered if they had been clear enough for the property owners of the other four lots regarding what exactly the rezone would do.

Ms. McKibben thought it was a very good observation but wasn't sure what to say about that.

Mr. Chaney suggested that they could continue the item to the next meeting which would give staff an opportunity to try to contact those property owners and see if they had an opinion.

Mr. Bishop wanted to get Mr. Grant's opinion about continuing it to the next meeting.

Vice-Chair Watson asked Mr. Grant to come back up.

Mr. Bishop asked if it was okay with Mr. Grant if they decided to continue the item for the next meeting, in an effort to obtain the input of the adjacent neighbors. Mr. Grant stated that he did not mind waiting another two weeks, but would like to get moving soon.

Mr. Bishop was concerned that this could increase the neighbors' tax burden and felt it was important to seek their opinion before making a decision.

MOTION: by Mr. Bishop to continue the item to their next scheduled meeting and ask staff to make notice to the adjacent landowners specifically including their property in this particular case.

Vice-Chair Watson asked staff if they were sure that they could schedule this in two weeks. Mr. Chaney stated that they could schedule it for their next scheduled meeting as a continued item first thing on the agenda.

Vice-Chair Watson was concerned if they were making a special effort in this case when in other cases they have not done that.

Mr. Medina queried if they could approve his original application and then consider a separate application for the remaining lots, which would give them a chance to notify those lot owners. Mr. Medina thought it was unfair to delay the applicant because he had already gone through the process.

Mr. Chaney stated that the purpose of zoning is to create compatible neighborhoods and uniformity of regions. He said that it made a lot of sense to have all of these properties based on that Frontage Road having the same zoning. He thought it was worth taking some time and deliberating on this, and coming up with a good answer. It might be a slight inconvenience to the Grants, but the Commissioners would be able to make a more informed decision.

Vice-Chair Watson wondered where they were with regard to the bill that was passed last year by the legislature with regards to development when it came to a builder, the tax base does not change when the builder starts the process, and it's up to the Borough to accept or deny moving forward and basically accepting the legislative bill, in other words they don't have to. Mr. Bishop did not know.

Ms. McKibben stated that it was her understanding that the attorney's office was asked to draft an ordinance to enable the CBJ to enact similar language. She commented that in working on other rezone applications, she had talked with the Borough Assessor who explained that when property is up-zoned to a more intensive use, the property taxes don't change until the

development on the property changes. So, for the existing homes, if they don't change the development, their property taxes are not going to change just because it's called D-18 instead of D-5. Mr. Grant's property if it becomes a six-plex, the property taxes will change based on the six units versus the two units that are there today in concert with the D-18 zoning.

Mr. Chaney noted that they cannot say what the assessors are going to do with any particular assessment.

Vice-Chair Watson thought that they as a Commission need a solid answer from the assessor's office because this has come up before. He also felt that they could have made a decision tonight if they had that information. He asked if Mr. Hart could obtain that.

Mr. Hart asked if the request was for something in writing from the Assessor's office as to tax policy. Vice-Chair Watson said that it was an important document for the Community Development department to have.

Mr. Medina referred to Mr. Chaney's comment about zoning and stated that rezoning may be initiated by the Director of the Commission or the Assembly at any time during the year. He still felt that they could approve the applicant's original request and then consider the rest of the lots as a separate application, so that it would not delay Mr. Grant. Mr. Chaney agreed that that was an option.

Mr. Bishop thought that for the sake of moving things to the Assembly in a unified fashion, it would be better to wait and get all the information before proceeding. He said the Assembly would also prefer one ordinance rather than two.

MOTION: *by Mr. Bishop to continue AME2012 0010 to the next scheduled meeting.*

Roll Call Vote:

Ayes: Bennett, Grewe, Haight, Lawfer, Bishop

Nays: Medina, Watson

Motion passes 5-2.

Vice-Chair Watson stated that this will be our first item on the next meeting in two weeks. He thanked Mr. Grant for being present for the meeting.

BREAK 8:45 p.m. to 8:55 p.m.

Vice-Chair Watson called the meeting to order and advised the public that they were going into Executive Session. (Members of the public leave).

MOTION: *by Ms. Bennett for an Executive Session.*

Motion was passed unanimously.

Mr. Chaney stated that the purpose of the executive session was to discuss a stay on an appeal that has been requested by the appellants of the gravel extraction.

MOTION: *by Ms. Lawfer to recommend to the Assembly that the permit holder stay operation until the appeal process is concluded. When the Commission approved the Conditional Use Permit, they relied on the applicant to operate in an appropriate and lawful manner in accordance with the conditions of the permit. If the stay is approved, allowances should be made to allow for proper demobilization of the project for the season.*

Roll Call Vote:

Ayes: Bennett, Medina, Grewe, Haight, Lawfer, Bishop, Watson.

Nays: None.

Motion passes unanimously.

Mr. Chaney stated that they would present this to the presiding officer tomorrow.

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

Mr. Hart decided to forego the report due to the lateness of the hour.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Chaney reported that they were doing a symposium the next day for homebuilders and people in the lending agencies to go over permitting processes and hopefully to facilitate construction of housing in Juneau at all levels. The people who come will get continuing education credits from the Occupational Licensing Organization of the State. He noted that it was free with lunch provided. Mr. Hart said that he believed they had 40 registered. Ms. Lawfer asked where it was going to be held. Mr. Chaney replied that it would be at the Glacier View Room at UAS, which is attached to the library. Mr. Bishop asked how many credits. Mr. Hart believed it was at least five.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MOTION: *by Ms. Lawfer to adjourn the meeting.*

With no objection, the meeting adjourned at 9:44 p.m.