

MINUTES
PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

REGULAR MEETING
August 27, 2013

I. ROLL CALL

Mike Satre, Chairman, 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 7:02 p.m.

Commissioners present: Mike Satre, Chairman, Ben Haight, Nathan Bishop, Dennis Watson, Karen Lawfer, Marsha Bennett, Dan Miller

Commissioners absent: Nicole Grewe, Jerry Medina

A quorum was present

Staff present: Hal Hart, Planning Director, Beth McKibben, Interim Planning Manager/Senior Planner, Ben Lyman, Senior Planner, Laura Boyce, Senior Planner, Jonathan Lange, Planner I, Chrissy McNally, Planner I

II. APPROVAL OF MINUTES

- August 13, 2013 - Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the regular meeting minutes of August 13, 2013, with any corrections or modifications provided by any commission members or by staff.*

There being no objection, the minutes from the above the meeting were approved.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

AAP2013 0013: Conditional Use permit to build a 599 square foot accessory apartment within a new single family dwelling on a substandard lot in a D5 zoning district.

Applicant: Patricia Nordmark

Location: 620 Seater Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Accessory Apartment permit. The permit would allow the development of a 599 square foot apartment within a single family residential dwelling.

STV2013 0003: Request to vacate Shelter View Lane; revised to subdivide Lot 14-B into two lots.

Applicant: Tracy Moore

Location: Shelter View Lane

Staff Recommendation

Staff recommends that the Planning Commission adopt the analysis, findings, and recommendations listed in the August 21, 2013 memorandum on the application and approve STV2013 0003.

USE2013 0026: A Conditional Use Permit to allow a garage in the rear yard setback of a parcel that adjoins publicly owned land. The setback would be reduced from 25 feet to 10 feet.

Applicant: Bruce Griggs

Location: 13948 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow for a reduction of the rear yard setback requirement to publicly owned land for a proposed garage. The rear yard setback is reduced from 25 feet to 10 feet.

MOTION: *by Mr. Watson, to accept AAP2013 0013, STV2013 0003, and USE2013 0026 for approval and asked for unanimous consent.*

There being no objection the above items were approved.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

USE2013 0025: Conditional Use to operate a 4 bedroom B&B in a D5 zoning district.
Applicant: David Heimbigner
Location: 635 Alder Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a four bedroom bed and breakfast in the D5 zoning district. The approval is subject to the following conditions:

1. Parking signs shall be posted at both driveway entrances in a medium designed for such purposes prior to the issuance of a Conditional Use permit.

Planner Chrissy McNally explained to the Commission that the property had been used in the past for a rental, and that the adjoining neighbor's property had been used on occasion at that time for parking. The property owners had offered to put private property signs on the affected property, but the neighbors had declined the offer.

She showed the Commission the portion of street parking which sits along the right-of-way along the side of the road, of which a small portion belonged to the neighbors.

Mr. Watson asked how large the "sliver" of property was that was owned by the neighbors. She did not have the exact dimension, but said that it was minimal.

Co-owner of the proposed bed and breakfast Renda Heimbigner told the Commission she was present to answer any questions or concerns. She said they believe the bed and breakfast will have less impact on the neighborhood than a long-term rental property or hotel.

She said their guests value the quiet setting, and that most of them arrive at the bed and breakfast either by shuttle or by private driver rather than their own vehicle, so there is little need for parking, although they have six parking spaces, a total of four spaces above the required number. She said their priority is to live in harmony among their neighbors.

Mr. Haight asked how many vehicles they experienced when they were open for guests in 2002.

Ms. Heimbigner responded that during that time they had a small number of guests, but that their experience has been that their guests do not usually have a car; that they travel by taxi, arriving in Juneau by yacht or by jet. She said their guests most often enjoy walking, since the bed and breakfast is so close to town.

MOTION: *by Mr. Watson, that the Commission accept staff's findings and recommendations, and approve USE2013 0025 with the recommendations on the condition for parking notification and ask for unanimous consent.*

The above motion passed with no objections.

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

- Schedule Special Meeting for Appeals

Ms. McKibben requested a special meeting to adopt procedures for how the Planning Commission handles appeals. The staff has met with the law office which will develop some rules to establish a framework so that consistency can be maintained throughout future appeals.

Also a schedule will be set for each one of these appeals. The law office will send a representative to the meeting to guide the Commission through what sort of materials it will want from staff and from the appellants, and at what time it may want those schedules.

Mr. Satre invited Mr. Yankee forward to discuss the scheduling of his item.

Mr. Satre clarified with him that Mr. Yankee is fine with the Planning Commission holding a special meeting to set its special procedures, and to finalize the schedule for appeals, but verified that Mr. Yankee would be present for all meetings after those previously mentioned had occurred.

Mr. Yankee responded that he was gone from Thursday (August 29th) through the 28th of September. He said this has been going on for almost twenty years, so that he did not think a few weeks more was going to cause that much more grief. Mr. Yankee said he was not quite sure what was taking place this evening; were dates being set this evening, and then rules of procedure being set at another hearing?

Mr. Satre responded that the Commission was setting the date for the special meeting, at which it would have rules proposed by the Department of Law, and within those rules the Commission would have the framework from which to set the schedule at the next meeting.

Mr. Satre told Mr. Yankee he just wanted to make sure that Mr. Yankee had no objection to the special meeting taking place in his absence, and he wanted to make sure that Mr. Yankee would be in town for the subsequent meetings.

Mr. Yankee said he had no problem missing the rules meeting, as long as he received a copy of the rules once they were established.

He said he would like to be present for the scheduling, reiterating that he would need a couple of weeks to prepare his rebuttal to anything new produced by the department for the de novo hearing.

Mr. Satre responded that the Commission desired to move through the process as expeditiously as possible, while giving Mr. Yankee adequate time to prepare.

Ms. McKibben suggested that the Commission may want to schedule one meeting to adopt the rules of procedure, and to schedule the Twelker appeal, and have a separate meeting to schedule Mr. Yankee's appeal, so that the Commission did not have to wait until Mr. Yankee returned to schedule both appeals.

Mr. Satre concurred. He said he had a conversation with the new City Attorney the other day in which it was pointed out that the Assembly has very clear rules when it comes to appeals, but that when it comes to the Planning Commission there are not clear rules necessarily stipulated, for clarity and for consistency it is important that the Commission take a step back and have rules written similar to the Assembly that reflect stipulations that can be used by the Planning Commission.

Mr. Satre said he thought this was a good idea in light of the recent Twelker and Yankee appeals because when the Commission considered the potential for an appeal there was confusion on the Planning Commission's end on how exactly to proceed. Mr. Satre added that it is not often the Planning Commission receives appeals and he said he felt it is good to ensure that the Commission does the right thing.

Mr. Satre explained the Commission could work this out at a Committee of the Whole meeting prior to a regular Planning Commission meeting in September. Ms. McKibben said she has seen a draft Rules of Procedure from the law department, so that September 10, would not be too early of a date to set for the special meeting.

Mr. Satre set September 10, at 6:00 p.m., as the date for the Committee of the Whole Meeting to take place prior to the Planning Commission regular meeting to set Rules of Procedure, and to schedule Mr. Twelker's appeal. Mr. Yankee's appeal will be scheduled upon his return.

- Wireless Communication Facilities Master Plan and Ordinance

Mr. Hart informed the Commission that since there has been a transition of city attorneys the staff is refocusing on what was written previously on the wireless communication facilities master plan and ordinance.

In addition to the ordinance, explained Mr. Hart, there is also a technical piece that accompanies it. That portion outlines the likely placement for additional towers in the area. Those two pieces align with the Comprehensive Plan. Individual components should be coming before the Commission as they are released before Christmas, said Mr. Hart.

- Comprehensive Plan

Mr. Hart also informed the Commission that portions of the Comprehensive Plan were presented to the Assembly at its Committee of the Whole meeting Monday night. This included comparisons of the 2008 plan presented in one column with the current plan presented side-by-side in another column.

There was another piece presented to the Assembly in color by chapter that had every policy number that was changed with cross-references. Mr. Hart said this gave the Assembly the opportunity to see all the changes that were made, which led to a lot of meaningful questions asked of the planning staff and of the Planning Commission members in attendance as well.

Mr. Hart said that Chapters 4 and 5 were covered in the most detail on Monday night. Mr. Hart said the Assembly will come back on September 30. He said he hopes the Assembly will have questions prepared in advance. Mr. Hart said that the planning staff also had a one-on-one-session with the vice chair, the deputy mayor and the mayor, so they could answer their questions individually.

Mr. Hart also introduced Mr. Robert Millspaw, a candidate visiting Juneau for the vacant position of Planning Manager, currently open with the Planning Department.

- Subdivision Ordinance

The planning staff did provide a brief overview of the proposed subdivision ordinance for the Assembly at last night's Committee of the Whole meeting. Mr. Hart explained that one of the big changes is there are now three subdivision permit types instead of two. Currently, the division for a minor subdivision is one to four units, then a major subdivision is five units or more. One to four units is an administrative process, and five and above requires a public hearing and approval by the Planning Commission, as well as the staff digs deeper into the process of the subdivision, because it has greater impacts to the community based on its scale, explained Mr. Hart.

The planning staff is now looking at an intermediate level which he said he believed to be five to twelve units. The idea is to help get some lot production out there to help on the housing issue. Also, a lot of the issues the staff finds in the five to twelve range are largely administrative, based on roads and the impacts of roads, so engineering would still be giving a good review within the five through twelve number as well. Mr. Hart said he also thought there were larger public notice provisions under this number.

Ms. Lawfer asked what the timeline was for the subdivision ordinance.

Ms. Boyce told the Commission the subdivision ordinance has already been through the Subdivision Review Committee, and is now in the Law Department undergoing some changes. She said she thought the Subdivision Review Committee wanted to see the ordinance in its final form before it was presented to the Commission.

Mr. Hart said the staff would come back to the Commission with a schedule.

Mr. Bishop commented that he appreciated the changes that were being made, that he felt it was a worthy endeavor, providing a significant change for the developers, providing some consistency and some security, but that he did not feel that it did a lot for the community.

He said it was his understanding that the changes in this ordinance were largely procedural, when the changes desired by developers were also structural. Mr. Bishop added that what he has seen over the past couple of years were small subdivisions approved through variances or through the director's discretion that really don't meet the standards of the subdivision code where there really should be a prescriptive standard that everybody can use; not doing it on an ad hoc basis.

Mr. Bishop said that he would like to have a general discussion about whether the staff feels the subdivisions the department has been doing lately are appropriate and whether the Commission wants to see a new standard that allows for subdivisions the nature of which it has been approving. If that is the case then it should be including this in the new subdivision change rather than waiting for that to come later. Mr. Bishop said that our community has very few large lots left for large subdivisions, but that it has a lot of small parcels which are appropriate for small subdivisions.

These small subdivisions aren't appropriate to have city streets running through them, and he said he felt that public or developer's money should not be wasted on land and toward improvements that aren't necessary such as sidewalks, wider streets and light poles. It isn't appropriate for the city to be maintaining these facilities after the subdivisions are constructed. It is better for the public to stay out of these subdivisions and for them to remain a private

entity, said Mr. Bishop. He said he felt that the Commission should look long and hard at creating a new standard that lies in between a driveway and a public street.

Mr. Satre acknowledged that this was an issue a year and a half ago on the Subdivision Review Committee, and it still remains an issue today. Mr. Satre said that Mr. Bishop's remarks are timely, and that he would defer to Mr. Watson as Chairman of the Subdivision Review Committee.

Mr. Bishop said he appreciated that being the case, but that he felt it was more a topic to be addressed by the Planning Commission rather than the Subdivision Review Committee. He said furthermore he was not sure if the Subdivision Review Committee was the proper committee to be reviewing the subdivision ordinance, when really the Title 49 Committee is the proper committee to be looking at ordinances that are being changed; maybe both should be doing that, he said he didn't know.

Mr. Satre said that he was open to suggestions; that he agreed where Mr. Bishop was going. He found that the committee process was a good way to get through the thorny issues.

Mr. Bishop continued to say that with the changes taking place, if there is going to be a new standard and a new process for a new subdivision, then this should be integrated within the framework that is being developed now. It shouldn't be figured out how to slide it in later. He said the Commission doesn't want to be changing what it is doing now three years from now.

Mr. Watson, who chairs the Subdivision Review Committee, said that Mr. Bishop was correct; that this has been worked on for an extended period of time. He said it would have been more fortunate for the committee if Mr. Bishop could have sat in on some of the meetings and shared some of his insight with Mr. Watson. He said during the past year he did not recall having the opportunity.

He said he felt it needed to stay within the Subdivision Review Committee. Mr. Watson said if Mr. Bishop wished to attend those meetings they would like him to do so, and they would like him to provide his input. However, said Mr. Watson, he did not feel comfortable changing course now that they were setting the document in law. Mr. Watson said they do have time to take a look at the document and respond to Mr. Bishop's comments because he happens to feel the same way, but that they were now in the "ninth hour" and if there are any changes to be made he felt it should first go through the Subdivision Review Committee and then proceed with discussions from there.

Mr. Bishop said he was not bringing this up at the ninth hour, that he has brought this up numerous times in the past, and that he took exception to the comment.

Mr. Satre said that ultimately the Commission wanted to make it better and it needed to find the right process. He said everyone is frustrated by the long time it has taken to achieve the results, especially the long review by law. Mr. Satre said the Commission thought it was going down another path, and Mr. Bishop's concerns would have already been addressed.

Mr. Miller suggested a special subdivision committee meeting that would in actuality be a Committee of the Whole where all worked through it together once it came back from law.

Ms. Bennett said she felt that the law department under new direction will move with speedier momentum. She said that she agreed with Mr. Bishop, that the smaller subdivision issue should be addressed concurrently, and that if there was a need for the law department to assist with that component that it would move faster than it used to.

Mr. Haight said that he liked the idea of a Committee of the Whole meeting. He said that over time he felt that the Commission had lost track of its global view, and that it was time to step back and take a look at the whole picture again.

Mr. Satre said that as soon as this item is returned from Law, that he would like to see the Subdivision Review Committee schedule a meeting to review the document for any changes. Subsequent to that, schedule a Committee of the Whole Meeting in which the Subdivision Review Committee will report to the Commission as to what is done. Mr. Satre added that he agrees with Mr. Bishop; the time to make those changes outlined by Mr. Bishop is now.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Bishop reported that the Lands Committee met last night with the intention of reviewing lease applications. However, this was put off on the advice of Law, until after the Planning Commission's review. There were no other items on the agenda.

Mr. Watson reported that the Public Works Committee met on Monday. The OHB park that they have been in support of came back with negative recommendations from Parks and Recreation. Mr. Watson said they went back to Fish Creek with modifications. They did not feel that the site was big enough for the OHB community. Members on the committee did want to see this as a priority which Mr. Watson felt was good news.

They also recently reviewed the Statter Harbor project and made some recommendations on improvements. SEAL Trust (Southeast Alaska Land Trust) also has input on this, said Mr. Watson, and they presented an estimate to Docks and Harbors of \$729,000 to meet the needs of compensatory mitigation required for the project.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Watson thanked Ben Lyman and the Planning staff for the wonderful job they did in presenting the Comprehensive Plan to the Assembly.

Mr. Bishop added his thanks, and said he wished that Assembly member Carlton Smith was present at the meeting, because he had worked hard on this as well, working hard as an advocate for the Commission.

Ms. Bennett added that Mr. Lyman and the Assembly had discussed the idea that the next time the Comprehensive Plan came up for review was to share each chapter with the Assembly for review so that the Assembly has a more broad understanding of the Plan

XV. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.