

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

REGULAR MEETING
September 10, 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 7:08 p.m.

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

Commissioners absent: Nicole Grewe

A quorum was present

Staff present: Hal Hart, Planning Director; Beth McKibben, Interim Planning Manager/Senior Planner; Eric Feldt, Planner II; Chrissy McNally, Planner I; Teri Camery, Senior Planner; Sarah Bronstein, Planner I

II. APPROVAL OF MINUTES

- August 27, 2013 - Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the minutes from the regular August 27, 2013, meeting with any minor corrections by either staff or by fellow commissioners.*

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

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Carlton Smith presented the liaison report to the Commission sharing two items. The first was regarding a memo he shared with the Commission last week regarding a proposed rezone of City and Borough of Juneau (CBJ) property on Pederson Hill.

The proposed rezone could be initiated by the Director of Community Development, the Planning Commission, or the Assembly. The Assembly and the Lands Committee has already seen this and there does not appear to be any major problems with it. He said he feels it would expedite the rezone if it came through the Commission. The rezone to D10-SF would create more lots in the area, while reducing costs for development in the area, and be more appropriate for the topography.

Mr. Smith informed the Commission that the Assembly is ready to wrap up its review of the Comprehensive Plan. He said it may happen at the next Committee of the Whole Meeting. He would like to recommend that once approval takes place that the Assembly and Planning Commission come together in a joint meeting to talk about the new update.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Items CSP2013 0021 and USE2013 0030 were pulled from the Consent Agenda and placed under the Regular Agenda.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP2013 0021: Install cameras at four sites on Thane Road to monitor avalanche zone entrance and exit points and provide weather information. Project includes installation of bases and towers to mount cameras and associated weather instruments.

Applicant: State of Alaska Location: Thane Road

Staff Recommendation

Staff recommends that the Planning Commission adopt the above findings and recommend the Assembly approve the proposed City-State Project review, which would allow the installation of avalanche cameras in four locations along Thane Road to monitor traffic during avalanche events.

Mr. Haight stepped down from this item before the Commission since his name was on the drawings.

Mr. Medina wanted to know why this project was allowed to move forward by the Community Development Director while a local consistency review was underway. Mr. Medina stated that the cameras will already be installed prior to a Commission review of this report. He wanted to know the reasoning behind that.

Mr. Hart said in this case the building office had taken the permit which had already been approved. Mr. Hart said this does not usually happen this way, and that in this case it was a miscommunication.

MOTION: *Mr. Watson moved that the Commission accept CSP2013 0021 as per unanimous consent and to adopt the findings and per assembly approval.*

The motion was approved by unanimous consent.

USE2013 0030: Renovate vacant apartment building and convert to day care center and office spaces for Catholic Community Services Child Care Family Resources behavioral health program.

Applicant: Jensen Yorba Lott Inc.

Location: 1801 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 the development of a day care center operated by CCFR Behavioral Health Program. The approval is subject to the following conditions:

1. Prior to issuance of a building permit for the proposed structure, the applicant must submit a revised site plan depicting signage for pick-up and drop-off in front of the day care center that comply with the requirements of CBJ 49.40.230.
2. Sufficient exterior lighting must be provided at the entrance to the day care center to permit safe client and employee access.

Ms. McNally explained to the Commission that this is a Conditional Use permit request to operate a day care center in a D-10 zoning district. The property, which sits on a 2.6 acre site, is used by Catholic Community Services for some of its other services such as its Bridge Adult Day Care and Care-a-Van services.

The proposed site includes a large fenced-in area for a childrens play area, and adequate parking. Ms. McNally added that while there is adequate lighting within the area of the building, there does need to be lighting added to the façade of the building.

Mr. Satre wanted to know why there was no lighting plan in this packet of material which was typical.

Ms. McNally said that since there already was sufficient lighting in the parking area, the staff did not feel that a lighting plan was necessary. She said that two lights needed to be installed on the sides of the door.

Ms. Lawfer said in the recommendation that they have in their packet that it does not state approximately 22 children. The question was whether to stipulate 22 children in the approval language.

Ms. McNally agreed that the number of children was not stipulated anywhere, and that it would be best not to stipulate the number of children at this juncture.

Mr. Medina said that normally there was a copy of the applicant's application in the staff report, and that it was not there. Ms. McNally verified that although the applicant's application was not included in the packet, that it was complete, and that it was signed.

Resident Elizabeth Balstad, who resides just above the subject property, commented that she has concerns about the project for several reasons. For one; she always hears about how the community needs more housing. She said this project would take away housing from the community that is right on the bus line with a good ocean view for the apartments.

Ms. Balstad also questioned how a behavioral unit below a D-5 zoned residential area could not have a negative effect on property values. She said in her mind that would have a negative effect on property values. She said that now she does not feel that she has to lock her car at night. She said if that facility was below her she would feel that she would have to put bars across her lower windows. She said that is based upon experience with people with behavioral disabilities who can become violent and can find ways out of places where you would not expect them to. She added that under the current listed uses for the facility are parents of the children coming into the facility for counseling, and she said those parents are frequently violent themselves. She said that would be exposing her child to the potential effects of someone who was upset coming up and destroying property when she or he may be home alone.

Ms. Balstad said there are other commercial facilities for rent for a child care center of this size. She said she does understand that the agency does own the facility and can do what it wants, but that they really do question shutting down residential units in a residential zone.

Mr. Yorba said that CCS (Catholic Community Services) ran the building as an apartment building. However, according to Mr. Yorba, it was a constant economic drain on the organization. There was never enough revenue to pay for proper maintenance.

The children that are there are kids that need a little extra help, and when the parents come in it is as additional support for the children, so there is a continuity between what the children learn in day care and what takes place at home, he explained.

Mr. Bishop asked Mr. Yorba if he was aware of the previous uses of the building. Mr. Yorba said he believed that it was originally a dorm.

Ms. McNally said that in the staff files it listed the space as a day care center in the eighties and in 2000 it was permitted as a bed and breakfast.

Mr. Haight verified that children currently housed in several locations would be consolidated in the proposed location.

Ms. Bennett asked if Catholic Community Services has ever had any problems with acting out behavior from the children that were in the other facility.

Mr. Yorba said he was not in a position to answer as to what the children did or did not do in the other buildings. He said there were people in the audience who could address that question.

Ms. Bennett said she was thinking specifically about the concerns addressed by the neighbor for acting out behavior outside of the context of the building itself. She said she was just wondering if there was any justification for those worries.

Mr. Yorba said he did not believe so. He said they had been at the Senior Center at St. Paul's for a number of years without incident out there, and he said another age group is in the St. Anne's Hall downtown.

Mr. Medina asked Ms. McNally to review the hours of the operation of the facility, which she read for the Commission.

Mr. Bishop asked if the students were to be allowed off-campus at all.

Ms. McNally said it was her understanding that they were not.

MOTION: *by Mr. Bishop, to approve USE2013 0030 and adopt staff's analyses, findings and conditions and ask for unanimous consent.*

The motion was approved by unanimous consent.

AME2013 0013: Rezone Lots 1-3 from D-5 to D-18 at 7 mile Glacier Hwy.
Applicant: Chuck Ramage and Phao Nguyen
Location: 7 Mile of Glacier Hwy

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis, and findings and recommend that the Assembly approve the rezoning of Lots 1-3 from D-5 to D-18 with the following conditions:

1. Lots 1 & 2 shall share one driveway off of Glacier Highway, as required by the DOT/ PF.

2. Prior to issuing a Certificate of Occupancy for the first dwelling unit on Lot 1, a six-foot tall, sight-obscuring wood fence shall be installed along the western and northern property lines. In lieu of a fence along the back lot line, the developer may locate future buildings along the rear yard setback line and form a wall. Along the western lot line, the fence shall be up to four feet tall within 20 feet of the Glacier Highway shoulder to preserve vehicular line-of-sight.

Planner Eric Feldt informed the Commission that it was initially a two-property rezone request turned into three when they asked the third property owner if he wanted to add his property to the request so his property would not be isolated.

The property in question is located along Glacier Highway, with Fred Meyer to the west and Wal-Mart to the east. There is a school, church and hiking trail all within two miles of the area, said Mr. Feldt.

The D-18 zoning proposal is within the medium density residential zoning within the Comprehensive Land Use Plan, said Mr. Feldt. He added there is already an established transit route and a sidewalk, and there is already an existing large D-18 lot in the area.

Staff found some of the basic differences between a D-5 and a D-18 district to be in the number of residences; increasing from five to 18 homes per acre. In a D-5 district there can be no more than two units per acre. There can be a duplex, for example, or a single family with an accessory apartment. Once there is a shift to a D-18 district, there can be condominiums, apartments, and the number of units allowed would be based on the lot size.

Mr. Feldt explained that the commercial uses of the land in a D-5 district tend to be more rural in nature, such as animal services and farm animal stabling. D-18 commercial uses tend to be more urban such as indoor recreational facilities, small restaurants and light manufacturing.

The staff finds there is an established transit route along Glacier Highway and Egan Drive. There are sidewalks along Glacier Highway along the north side which abuts lots 1, 2, and 3. There is a very large D-18-zoned lot to the north of these lots of about four acres in size.

This potential increase in density could lead to increased noise, headlight glare, and dust from traffic. The staff found that putting in some sort of barrier from the west and the north lot line would capture a lot of the headlight glare and noise which would be heading in the direction of the single family dwelling towards the west.

Due to the small lot sizes of lots one, two and three, the staff recommended a six foot tall wood fence along both the western and northern property lines. The applicant representing lots one and two told the staff that he believes that would be too large of an expense to the owner and future developer and does not feel a fence along the northern lot line is needed. Mr. Feldt said the staff in accordance with the developer agreed that dwellings could be constructed towards the rear of the lots. That would leave the option for the developers to shift the dwellings

towards the front of the lots and erect the fences instead if they would prefer to have a larger back yard.

Traffic safety would be a concern because of traffic cuts onto Glacier Highway. The Department of Transportation and Public Facilities (DOT/PF) made it very clear that only one shared driveway would be permitted for lots 1 and 2.

Mr. Watson asked to be shown visually where the recommended fence would be.

Mr. Feldt showed how it would be installed along the west lot line and along the northern lot line, or future buildings placed at the rear setback line.

Mr. Watson asked if lot 3, which already has a house, has a fence at the rear of the lot.

Mr. Feldt verified with the owner that it did not.

Ms. Bennett said she did not understand why staff would require a fence in a circumstance like this. She said if she were to buy a house on a busy street, that she would be taking into account the fact there would be traffic.

Mr. Feldt said he should have mentioned at the beginning of the presentation that the catalyst of recommending a buffer was from the property owner to the west who opposes the current project as they had opposed the past rezone of the D-18 property to the north. The property owners feel that the current property under consideration serves as a good buffer between the lower density zoning and the commercial and mobile home area to the east.

Mr. Bishop said that while he believes that fences do make good neighbors, he does support Ms. Bennett's assertion that this does not seem to be a reasonable approach. Fences are good for a certain number of years and then they are gone. Mr. Bishop said that he felt that when the Commission put conditions on things that are supposed to solve problems they need to be more than a ten to twenty year solution.

Mr. Bishop recalled that when he had been working on a case for a subdivision down the road he tried to add a fence to protect the adjacent D-5 and he was pushed down by the Commission. Mr. Bishop said he realized at that time that he was not right; that it really was not appropriate for the developer to bear the burden to put a fence up to protect the neighbors. Mr. Bishop said this should really be something that zoning does, not the Commission.

Mr. Bishop asked why this island of D-5 is pushed between the heavier density zoning and the highway. He said it appeared backwards.

Ms. McKibben said at the time the zoning request came in for light commercial the current property owners were contacted before the Planning Commission Meeting but the staff was not able to obtain any responses in a timely way.

Mr. Medina wanted to know if the property owner not in favor of the requested zone change was amenable to the fence solution.

Mr. Feldt said he did not know.

Ms. Lawfer had a question about Lot 4 and any requirements it may have regarding fencing. Mr. Feldt said that Lot 4 had a lot more space and perhaps a green buffer may be an alternative for its future development.

Mr. Satre clarified that there is no current requirement of any kind on Lot 4. It is not before the Commission for consideration.

Ms. Lawfer asked if it would be possible to use Lot 4 as an access for a street since it was adjacent to the Public Works facility. Mr. Feldt said it has been discussed recently with staff and that the Engineering Director said they would like to cross that bridge when it comes in front of them.

Ms. McKibben clarified that the application before the Commission does not address Lot 4 in any way.

Mr. Watson wanted to know if at some point Public Works wanted to expand into the D-18 lot above it if that would be an allowable use. Mr. Feldt said that according to the land use code table of permissible uses public facilities are not allowed in D-18 zoned districts.

Applicant Chuck Ramage said there is a street between Lot 4 and the Public Works building which is not used for anything. He said he felt it would be valuable for traffic access to Glacier Highway.

Mr. Satre said that would be a subject that could be addressed at some point in the future with the subdivision of Lot 4.

Mr. Ramage said they would like to subdivide their lots to make them affordable for purchase due to the expensive site preparation. They would like to be able to provide small, affordable single family homes for the middle class of Juneau. They would like to build either four, affordable stand-alone homes or attached homes.

Mr. Ramage said he has mentioned before that the densities in Juneau are too low. If affordable housing is not supplied, then there is a good chance that Anchorage will rip the Capital out of Juneau.

They would prefer not to have a fence and they would prefer not to have a single road.

Mr. Ramage said he has not talked to the property owners about the conditions such as lots sharing driveways.

Mr. Satre clarified that the sharing of driveways is a DOT requirement given the nature of that road.

Mr. Miller said that DOT would issue a permit for one driveway per lot.

Mr. Ramage said that obviously they would be amendable to whatever it was required of them to do.

Ms. Lawfer wanted to know what the DOT condition would be if there were a four-plex or for single families on both lots for access. Mr. Feldt said that DOT will ensure that safety is being met either through a single shared driveway or through other means regardless of the rezone.

Ms. McKibben mentioned that DOT had issued requirements for one shared driveway for two lots on North Douglas in several instances before coming to the Planning Commission.

Mr. Watson wanted to know if it is a DOT decision why the City is requiring a shared driveway if it is between DOT and the property owner.

Mr. Feldt answered that it is up to DOT to issue driveway permits according to their regulations.

Mr. Watson questioned the best way to phrase the DOT specifications since they can be variable.

Ms. McKibben, answering a question from Mr. Medina, said that she was explaining earlier that there is a history of DOT requiring shared driveways between lots.

Mr. Medina verified with Mr. Feldt that DOT had indicated that only one shared driveway per lot would be its preference, similar to what it had done with Lot 3.

MOTION: *by Mr. Bishop, that item AME2013 0013 be approved and adopt staff's analyses and findings; however he recommended that the Commission eliminate conditions one and two, finding that reducing it to one driveway off of Glacier Highway is not necessary for the CBJ to do as such the DOT is responsible for controlling ingress and egress off of and onto state highways and there is no reason to do a double review on that. And he further recommended that the Commission remove condition two as it is a short term solution to a problem that doesn't really have very much consequence on code. There is no health and safety issues and there is very little aesthetic impact; potentially none.*

Mr. Miller spoke in favor of the motion, particularly eliminating condition one. He said he felt that DOT would make whatever condition it felt it needed to make in front of them at that time. Speaking against condition two, Mr. Miller said he did not feel there was the logic to have a fence at all.

Mr. Medina said he had no problem with the removal of condition two, but that he struggled with the removal of condition one. He said there will be increased traffic use on Glacier

Highway with the increased housing units. He said for that reason he would speak against the motion.

Ms. Lawfer said that in regards to condition number one, no one knows at this point how the public safety issue can be addressed, because no one knows what is going to be built on those lots.

Ms. Bennett said she supported the motion to grant the permits with the removal of both conditions for various reasons.

Mr. Haight supported the motion, stating that the issue on the driveways does concern him as well. He did say that he trusts that DOT will address those issues.

Roll Call Vote

Ayes: Miller, Bennett, Haight, Lawfer, Bishop, Watson, Satre

Nays: Medina

MOTION PASSES

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS**

- Auke Bay Plan

Mr. Hart provided a brief update on what is going on in Auke Bay community planning. He has been meeting with Department heads using them as subject experts. There are a number of projects that will be having a number of hearings in the Auke Bay area. This fits in with the Comprehensive Plan with the goal of completing a plan for residential and nonresidential in the vicinity of the cove, harbor and university, with the goal of completing marine mixed use transient and pedestrian oriented village in Auke Bay.

Mr. Hart said that they want to structure this planning process so that the community itself will bring it forward. He said they are proposing the concept of holding outreach meetings and collect the interested parties who can be appointed by the Planning Commission as a broad representation of the community.

They expect a few meetings the week of October 15, and would like to hold a few meetings in the refurbished Auke Bay school. They would expect the Commission to pick representatives sometime in November.

The staff is making maps and collecting data for those meetings.

One big idea is to focus on what the village itself would look like in the future.

Mr. Bishop said it would be a good opportunity to work with the schools by bringing the children into the project, who in turn would pull their parents into the project. Mr. Bishop said at the same time he would encourage working with the land holders in the area.

Ms. Bennett said there is a second group which has developed in the Fritz Cove area. Mr. Hart said there is an Indian Cove neighborhood area group as well.

XII. DIRECTOR'S REPORT

- City Improvement Projects

Mr. Hart said that he and Ms. McKibben have been working on what the CIP (City Improvement Projects) process would look like. He said they want to go to all of the committees, collect their ideas and then present those to the Planning Commission.

Mr. Hart said they want to make sure that they have a good design and eliminate conflicts. He added they are also looking at our infrastructure in terms of aging in place.

Ms. McKibben introduced Sarah Bronstein, the most recent addition to the Planning Staff as a Planner I. Ms. Bronstein has done some excellent work at Portland State University, and has worked as a planner at Seaside, Oregon.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Medina reported that the Wetlands Review Board met on September 3. They reviewed a tree cutting project for the airport where trees are being cut east of Runway 26 to allow Alaska Airlines to land more safely during poor weather conditions. This is part of an FAA (Federal Aviation Administration) requirement.

Mr. Haight reported that the Commission on Sustainability met last week and discussed two primary topics. One item was the recycling of disposable materials in Juneau and how it affects our landfill and our commitment to reducing the amount of solid waste material going into the landfill.

The other topic was the concern of energy reduction in the design characteristics for the new valley library facility.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Watson wanted to know of the status of the Gastineau Apartments.

Mr. Hart said that a building permit for demolition had been obtained for interior portions of that building last week. Portions of the interior will be torn down and the building will be rebuilt from the interior out.

Mr. Watson said that Assemblyman Smith brought a rezone to the Commission and he would like to know what that process entailed.

Mr. Bishop said that he would like to hear a director's report on that property and the rezone at the end of the next meeting.

Mr. Miller said he thought this issue was being moved forward with or without the Commission.

Ms. Lawfer said she thought the joint meeting between the Assembly and the Commission would be during budget time. She said this would be a good time to consider this meeting in light of the city budget cycle.

XV. ADJOURNMENT

The meeting was adjourned at 8:53 p.m.