

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

REGULAR MEETING
September 24, 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 7:01 p.m.

Commissioners present: Mike Satre, Chairman; Jerry Medina, Nathan Bishop, Dennis Watson, Karen Lawfer, Nicole Grewe

Commissioners absent: Marsha Bennett, Ben Haight, Dan Miller

A quorum was present

Staff present: Hal Hart, Planning Director; Beth McKibben, Interim Planning Manager/Senior Planner; Eric Feldt, Planner II; Laura Boyce, Senior Planner, Sarah Bronstein, Planner I, Rob Steedle, Deputy City Manager

II. APPROVAL OF MINUTES

- September 10, 2013 – Special Planning Commission Meeting
- September 10, 2013 – Regular Planning Commission Meeting

MOTION: *by Mr. Medina, to approve the minutes from the September 10, 2013, Special Planning Commission Meeting and the September 10, 2013, Regular Planning Commission Meeting with any minor corrections by either staff or by fellow commissioners.*

There being no objection, the minutes from both of the above meetings were approved.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Jacque Farnsworth, who told the Commission she has been a resident of Juneau for sixteen years, requested the Commission to initiate a zoning change on land that she would like to

purchase in Douglas from Waterfront Industrial (WI) to Residential D-18 (D-18). She said she recently learned that the land, which is located at the corners of Dock, Bradley, First, and Front streets in Douglas, is for sale, and that she wished to purchase it to build her retirement home on.

Because of the current zoning (WI), any residence must have a connection with a business. Ms. Farnsworth stated that the property is small and better suited to a residence than a business. She said that adjacent property was zoned D-18, and that the property owner, Tom Huntington, wished to sell the lot to her and was in favor of the rezone. Mr. Huntington wrote a letter to the Commission in support of the rezone.

Ms. Farnsworth said she was bringing the request before the Commission to be initiated now because the builder wanted to start building in the spring.

According to City Land Use Code, a rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner can only initiate a request for rezoning in January or July.

Mr. Watson asked if the land was comprised of both lots 1 and 1A, and Ms. Farnsworth verified that the land was comprised of both lots.

Mr. Watson asked if the land encompassed any kind of change in elevation, and Ms. Farnsworth answered that the land was flat.

IV. PLANNING COMMISSION LIAISON REPORT

Carlton Smith, the Planning Commission Liaison, informed the Commission that the Lands Committee was scheduled to meet Monday, September 30. The Assembly Committee of the Whole is also scheduled to meet the same night. During that meeting, the Assembly will continue and hopefully conclude its review of the Comprehensive Plan updates, said Mr. Smith. He added that he would like to once again recommend that once the Comprehensive Plan review was completed by the Assembly, that the Assembly be engaged in an informal discussion in how the Comprehensive Plan best be reviewed the next time it came up for review by the Assembly. Mr. Smith said he felt it was important that the Assembly be on the front end of the Comprehensive Plan review process instead of the end of the process.

Mr. Smith said the Juneau Convention and Visitors Bureau membership had a meeting, preceded by the board meeting. Both forums and other tourism industry representatives requested that they be given a point in the review process of the Comprehensive Plan where they could comment about tourism industries' role in the Comprehensive Plan. Mr. Smith said he thought this was one of the first times that the tourism industry as a whole has requested to be involved in the Comprehensive Plan updates.

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

Due to a question from the Commission, Item SMF2013 0004 was pulled from the Consent Agenda and placed under the Regular Agenda.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

SMF2013 0004: Final plat of Auke Bay Ridge 6-lot subdivision.
Applicant: R&S Construction LLC
Location: 12100 Mendenhall Loop Road

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Final Plat permit. The permit would allow for the lot to be subdivided into six new lots. We further recommend that the approval be subject to the following condition:

- 1) Prior to recording, the applicant shall submit a document having the identification, location and elevation of the benchmark used to establish vertical control.

Ms. Lawfer asked if there is information in city records pertaining to sites that may be identified by the Native Associations as traditional and cultural.

Mr. Feldt said the City has limited records; specifically of the Douglas Indian Association, he did not know.

Ms. Lawfer said her question was because it was located near known sites.

Ms. McKibben said typically that information is maintained by the State Office of History and Archeology. She said the individual tribes may have information regarding their individual history, and it is not typically available to the public. Ms. McKibben said the State might disclose the information if you were an owner of the property and needed to know about the property, but it was not typically information disseminated to the public.

MOTION: *by Mr. Watson, that the Commission accept staff's findings and recommendations and also include the concerns of the Douglas Island Indian Association's comments in the in letter dated September 17, and approve SMF2013 0004 and ask for unanimous consent.*

The motion passed by unanimous consent.

AME2013 0006: A request for a zone change from D-10 to LC for 9050 Atlin Drive
Applicant: Richard Harris
Location: 9050 Atlin Drive

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and deny the rezone request, and the subject parcel will remain in the current D-10 zoning district.

If the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to Light Commercial, staff recommends the following conditions:

1. A Traffic Impact Analysis be completed prior to the rezone being presented to the Assembly for approval.

Ms. McKibben told the Commission the 2.68 acre site up for a rezone was at the corner of Atlin Drive and Mendenhall Loop Road. The property is currently zoned D-10, and its Comprehensive Plan future land use designation is Medium Density Residential (MDR). It has access to city water and sewer.

Surrounding land uses are primarily single family and duplex to the north, south and east. Across Mendenhall Loop Road to the west, zoning is Mixed Use Commercial, and Light Commercial.

The Planning Commission recommendation for approval will be a recommendation to the Assembly, explained Ms. McKibben. A Planning Commission decision for denial is a final decision. That decision is appealable to the Assembly. If the rezone is recommended for approval to the Assembly, the Assembly will hold another public hearing in addition to the public hearing which was held previously by the Planning Commission.

Ms. McKibben provided background for the Commission by explaining that the same property owner had brought a rezoning request from D-10 to Light Commercial before the Planning Commission in 2011. The Planning Commission recommended that it not be approved. It went before the Assembly and was approved. It was reconsidered by the Assembly and once again approved. The Assembly was then told that it was not appropriate because it did not comply with Title 49, which at that time said that zoning could not violate the maps of the Comprehensive Plan. Subsequently the property was not rezoned in 2011.

Title 49 has been changed to read that a rezoning can occur only upon finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the land use plan. Only two or three rezoning requests have been heard since the language has been changed, said Ms. McKibben. Earlier this year the applicant submitted

an application for a map amendment for the Comprehensive Plan land maps for a subsequent rezone. The map amendment was scheduled to come before the Commission in July. There were procedural concerns with considering map amendments. At that time the Planning Commission continued action on the map amendment. Subsequently, the applicant has requested that the Commission consider a rezone, and that the Commission not proceed with the map amendment.

There are likely wetlands on the property and Duck Creek is adjacent to the property. Therefore a fair amount of the property is encumbered with 25 and 50 foot setbacks from anadromous fish streams.

Ms. McKibben read to the Commission a portion of Chapter 11 of the Comprehensive Plan providing guidance on re-zoning requests:

In considering re-zoning requests, the Planning Commission and Assembly should 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 in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

She explained that the land use designations are guidelines, but that it was up to the Commission to use its best judgment. She added that the Comprehensive Plan stated the guidelines were to provide overall guidance, and not meant to be overly restrictive in nature.

Ms. McKibben said that D-10 zoning was primarily meant to accommodate multi-family development at ten units per acre respectively. These are relatively low density multi-family districts.

In 2011 Light Commercial allowed residential uses at a density of eighteen units per acre which actually does fit in with that medium density residential designation in the comprehensive plan. Now the Light Commercial zoning district allows 30 units per acre, which is quite a bit higher than 18 units per acre.

Light Commercial District zoning is intended to accommodate commercial development that is less intensive than is permitted in the general commercial district. Light Commercial districts are primarily located to adjacent existing residential areas. A lower level of intensity is also achieved by stringent height and setback requirements.

She explained that while the staff report goes into a fairly extensive analysis of potential traffic impacts from the maximum build-out of this site for residential uses; for the wide variety of commercial uses that might be allowed it is not possible to estimate what traffic might look like.

The traffic impacts from increased density are quite significant. However, because of the encumbrance of the property from the Duck Creek stream setback there are constraints, and it is not likely that the property would be developed to the full 30 units per acre, given the needs for parking, setbacks, and the other requirements for that type of development.

Ms. McKibben named a few of the permissible uses that highlight some of the differences between light commercial and D-10 zoning. She picked a few examples which were types the applicant indicated he may be interested in developing, such as offices. Offices up to 1,000 square feet are allowed by conditional use permit in the D-5 – D-18 Zoning Districts, and without any Planning Commission review in the Light Commercial zoning district.

Offices from 1,000 square feet to 2,500 square feet require a conditional use permit, approval from the Planning Commission, in the D-10, D-15 and D-18 zoning districts, are allowed over the counter, without Planning Commission review, in the Light Commercial zoning districts. Offices greater than 2,500 square feet are not allowed in any of the residential zones, even with a conditional use permit.

Retail uses less than 5,000 square feet are not allowed in any of the residential zoned districts. They are allowed outright in the Light Commercial zoned districts, as are retail uses greater than 5,000 square feet. Light manufacturing is allowed in D-10, D-15 and D-15 zoning districts. Restaurants less than 1,000 square feet with no drive-through are allowed in the D-10, D-15, and D-18 zoning districts with a conditional use permit, and outright in Light Commercial districts. Restaurants with or without a drive-through and that are greater than 1,000 square feet are allowed in Light Commercial districts. They are not allowed at all in the residential districts.

Vehicle sales and repair is allowed in the Light Commercial zoning district, but not in Residential zoned districts. Ms. McKibben emphasized the applicant has expressed no interest at all in this type of development for his land.

The site is accessed from Mendenhall Loop Road and Atlin Drive. The current driveway access is on Atlin Drive. It is not very likely that the Department of Transportation (DOT) would issue a new driveway on to Mendenhall Loop Road in this location because of its proximity to Atlin Drive and the Mall Road. DOT declined to comment on the rezoning application. It prefers to comment on an actual development proposal.

In past neighborhood meetings, the neighbors have brought up a number of concerns about traffic and access. The way Atlin Drive faces the traffic light, and the timing of the traffic lights are not optimal. Atlin Drive is a dead-end street, and with two churches on the street, and the area often becomes congested on Sundays and during special events, said Ms. McKibben.

Ms. McKibben said that the rezoning request does meet the submittal requirements for rezoning initiation. However, staff has found that the neighborhood is a developed neighborhood, and very nearly built-out. And while the zoning for the neighborhood is D-10, it is primarily composed of single family homes, at a density much lower than the D-10 zoning permits. The neighborhood is only accessed by Atlin Drive, which is a dead-end road. Mendenhall Loop Road provides a significant division between commercial uses and residential use designations, and has done so since the sixties. Based upon this analysis, the staff has found that that the request does not substantially conform with the maps of the Comprehensive Plan.

The staff recommends that the Commission adopt the director's analysis and findings and deny the rezone request and that the lot remain within the current D-10 zoning district, said Ms. McKibben.

Mr. Medina asked if a sexual-oriented business was allowed in a Light Commercial zone.

Ms. McKibben responded that the Table of Permissible Uses did not have that use listed.

Mr. Medina said that he was looking specifically at "sales and rental goods miscellaneous" which can be approved over the counter. Mr. Medina added that there was nothing that said that it could not be approved, if he was reading it correctly?

Ms. McKibben said she believed that was probably correct. She said she did not know of any of that type of business the department had encountered and she would need to research it further for a more definitive answer.

Applicant Richard Harris came before the Commission and stated that a map amendment (in this case speaking of a rezone) could be done and initiated if any of the three items could be demonstrated:

1. The proposed change is consistent with other applicable policies of the Comprehensive Plan, other CBJ adopted plans, and any specific sub-area plans that apply to the site.

Mr. Harris said that he would be able to show that there are many things that do apply to the Comprehensive Plan. He said the Comprehensive Plan states that Mixed Use development should take place in the lower eastern area of the Mendenhall Valley. He said there are probably 20 – 25 sections of the plan that speak to development of the lower Mendenhall Valley and the east Mendenhall Valley as an urban area.

Mr. Harris said that while the neighborhood around his lot is of low density, the encouragement of moderate to low income housing, as stated in the Comprehensive Plan, cannot take place without increasing density. He said that has been referenced by

staff.

2. Provide for increased community commercial development close to existing commercial areas in the existing lower Valley.

Mr. Harris emphasized there is a lot of reference in the Comprehensive Plan that the lower Mendenhall Valley should be used for Mixed Use and Light Commercial Use. He stated this has been in the Comprehensive Plan since the sixties.

3. Mr. Harris said that he wanted to make the most efficient use of parking incorporating housing over garages with retail shops below which was one of the uses listed in the Plan. He said this is what he was proposing in his application of what he would like to build.

Mr. Harris said the Comprehensive Plan is old, outdated, with maps that have not been amended as well. Mr. Harris said that he feels the maps have not been amended in the Comprehensive Plan to match the direction of the growth.

He pointed out that Vintage Park is the only Mixed Use property available in the Valley, which does not allow for any choice or competition in the marketplace. Mr. Harris said that he cannot even put a drive-through coffee shop on his property as it stands today.

He said the recent density increases are obviously done for a reason. He feels it has been done because the community is in need of housing. He said the higher density that can be obtained the better. Mr. Harris emphasized that Light Commercial districts are located primarily *adjacent* to residential districts, emphasizing the word adjacent.

Regarding traffic, Mr. Harris said that it did not make sense to him that traffic would ever be an issue. In addition, he said that commercial development on his lot would be much more acceptable for church overflow parking on Sundays for the churches than a residential housing unit that is already full with parking.

Mr. Harris said he believes that his rezone request meets the first five of the six items mentioned in the staff report regarding the intent of the land use code. Mr. Harris said it is in all of the community's best interests to make the highest and best use of the property anywhere in town.

In Chapter Five of the Comprehensive Plan, Mr. Harris read that it states that through careful planning, retail and employment centers can be located conveniently without adverse effects in residential neighborhoods.

Mr. Harris said that he does not fully agree that the area is fully built-out. He said there is a lot of property behind the area under discussion that is not built upon or developed. When people purchased their homes in the neighborhood in the nineties, they saw that there were churches in the neighborhood, and commercial trucking, and commercial construction activity going on in the back, said Mr. Harris. Everyone that bought in the area knew that it was not just a residential neighborhood, said Mr. Harris.

Mr. Harris added that Ordinance 12.31 allows for the map to not 100 percent match. He told the Commission that he is not asking for Light Commercial behind the residential area. He said it is adjacent to existing Light Commercial Mixed Use; before the Residential Use. He said he does not believe it would have any impacts on the Residential Use. He said if anything it would benefit them. He said that sidewalks and eight foot fences were possibilities with large developments but not with small, modular homes, or things of that nature.

Without additional commercial development, the same people would continue to hold the development, and continue to hold the community hostage, concluded Mr. Harris.

Mr. Bishop said that he applauded the efforts of Mr. Harris, and that he thought that mixed use developments, residential mixed with commercial, are one of the fundamental things that need to be incorporated into our community. We have segregated our community beyond what is reasonable, he added. One of the problems that we have is substantial conformance with the land use plans, he said. There was a 2008 amendment which was fairly substantial in nature.

Mr. Bishop asked Mr. Harris how he would define "substantial" in terms of density, in housing density. He asked Mr. Harris if he would place that definition at 10 percent or 20 percent or 100 percent that is recommended

Mr. Harris responded that he did not have a number for that. He said that he would want to put a lot more thought before he spoke on something like that.

Mr. Bishop said the maps have been gone over, and there has been allowance for zone changes to only substantially conform rather than 100 percent conform, so they have given themselves some leeway, so the question becomes, how much leeway are they going to give themselves? Mr. Bishop said what they see before them this evening is not 100 percent more, it is not 200 percent more, or 300 percent more, it is 400 percent more than what is currently proposed as a maximum in that density in that zoning district for the Comprehensive Plan.

Mr. Harris said one point he did not make which he would make at this time was that his property would not allow for the maximum density, because the property was minimized by Jordan Creek [Duck Creek], and by access and parking requirements. He said there was no way that he would get the density numbers previously mentioned by planning staff on his property. He reiterated that all of the property use requests would be coming back before the

Commission, so that it would have the opportunity to control what is on the property through conditional and allowable use permits.

Mr. Watson asked how much buildable land Mr. Harris had. Mr. Harris said that although city records state there is a total of 2.68 acres, it is actually 2.16 acres as a portion was taken for the Mendenhall Loop Road right-of-way, and he cannot build on about 40 percent of that land.

Area resident Tim Banaszak was the first individual to offer public comment on the proposed rezone. He spoke against the rezone request, asking the Commission to leave the land in its D-10 residential zone. He said when the applicant purchased the land at public auction from the Forest Service in 2010 at minimum bid, the land was clearly described as D-10 residential zoned land.

Mr. Banaszak went over the recent history of the land rezone and map amendment attempts by the land owner covered by the Planning Commission staff earlier in the meeting.

While acknowledging that it is not the responsibility of the applicant to deal with the safety of the intersection of the Atlin, Loop Road and Mendenhall Mall intersection, he did request that through the public process through the rezoning of the property, that the Commission, the Assembly, and the Department of Transportation be made aware of the dangerous environment that nine lanes of traffic and three unprotected cross walks all converging at this location present.

Mr. Banaszak said his comments about the dangerous intersection were not necessarily connected just to the rezone request. He said he would appreciate any influence the Commission could bring with the Assembly and with DOT to improve the safety of the intersection.

Linda Wild spoke to the Commission on behalf of her mother Margaret Wild, a resident of the area adjacent to the land proposed for the rezone. She spoke in support of the concept of community development which incorporates retail below and housing above with parking behind. She added that she felt the developer picked the wrong place for this type of commercial development with multiple housing units.

Ms. Wild said although the developer did not need to reveal his plans to anyone, she felt the residents in the area would feel more comfortable if they had some idea what his plans for the land were. She said she felt that allowing Light Commercial development left open too many deleterious possibilities, so for those reasons she was in favor of the staff's recommendations.

Area resident Andrea Quinto also spoke against the rezone request to Light Commercial zoning. She stated that Mr. Harris was correct; that she was among the residents that purchased and built her property in 1999. She said she lives in a true neighborhood, and to have to travel

through light commercial area just to get to their homes would not be what the neighbors intended. Ms. Quinto said the property that Mr. Harris mentioned is still available to be developed in the area is not going to be developed. She said that property is private property which belongs to an individual who makes dirt and gravel, who is a good neighbor, as are the churches.

She said the intersection is extremely dangerous for her high school-aged children to manoeuver to walk to friend's houses, the store, and school events. She said the Valley is backed up from Glacier Valley School to Egan Drive every day with traffic. She said to add that many additional homes in their neighborhood, a massive pile-up would be added. Ms. Quinto said that they purchased their homes because they wanted a small, close-knit neighborhood. She added that they knew that the owner of the private property behind them would not be selling his property for further development.

Mr. Harris returned to make any further comments or to address any additional questions from Commissioners. He said that he did not think that he would make a bad neighbor. He said they could make a good development, and that is what they would like to do.

Mr. Harris then summarized his previous comments in the meeting:

- ✓ Comprehensive Plan maps need to be updated, they do not match what the Comprehensive Plan says.
- ✓ Light Commercial in D-10, D-15 and D-18 all allow for commercial use and residential use as does mixed use.
- ✓ The current Comprehensive Plan maps are not equal counterparts. They do not complement each other. The chapter maps have evolved in different directions.
- ✓ There is little to no vacant mixed use land available in the lower Mendenhall Valley. Mr. Harris says he knows this for a fact because he is constantly looking for it and can never find any.
- ✓ Approximately 35 to 40 percent of this parcel of land is unusable. This benefits the public. Not the property owner. This will control the actual density.
- ✓ No traffic to or from this parcel will pass in front of the existing homes, or through the neighborhood. As far as the concerns about the traffic signal, as brought up by the neighbors, there is really only one thing missing, and that is an arrow light. From the Atlin Drive direction facing over there is no arrow light, so people don't know which way to go. Mr. Harris said he feels it is a fairly simple problem, which he felt that DOT could take care of fairly easy.

- ✓ A higher level development would allow for more public amenities.
- ✓ The Comprehensive Plan in past, present and future has talked about the need for more mixed use development in the lower Mendenhall Valley. This area is far more mixed use today than residential. There is a lot of vacant land in the area that has not yet evolved. With the shortage of flat, usable ground, and the high cost of development in this town, it is likely that this property will evolve more towards today's high density mixed use than it will towards single family residential.
- ✓ Any move for development would require a full public process, proper public notice, staff analysis and a hearing.

Mr. Harris said that he believes that his request for Light Commercial zoning is more in substantial conformance with the intent of the Comprehensive Plan whether the maps meet it 100% or not. Mr. Harris said with 10.31 the Commission now has the ability to make a decision without that map meeting 100 percent.

Mr. Harris said it is not in his best interest as a developer to build something that the public does not want. He said it makes no sense for him to build something that the public does not want to rent or buy.

Mr. Watson asked Mr. Harris if he was aware of any road improvement projects the Borough had for that particular street.

Mr. Harris answered that he was not. He believed it was under the domain of the Department of Transportation.

Mr. Watson said he was thinking of the road back into the neighborhood. He said on the original application Mr. Harris was required to put a sidewalk in, and that Mr. Harris at that time had made the point that it did not make much sense unless the City made some improvements on the road itself.

Mr. Watson asked if the rezoning request were approved, about which specific businesses would need to come before the Commission for permission before they could build. Ms. McKibben said it would depend which category the business fell under. For example offices of greater than 2,500 square feet would be permitted through a building permit only in Light Commercial zoning. Retail stores less than 5,000 square feet would be allowed over the counter with only a building permit.

Mr. Medina asked what it meant when bowling alleys, billiard and pool halls fell under both categories on the permissible use table. Ms. McKibben read the criteria which was based upon

square footage, - for Light Commercial when a building exceeds 10,000 square feet it requires a conditional use permit and less than 10,000 square feet it can be permitted through a building permit.

Mr. Bishop wanted to know what the maximum height allowance was for Light Commercial vs. D-18 Residential. It is 45 feet in Light Commercial and 35 feet in D-18.

Mr. Satre asked for the will of the Commission of the rezone request.

MOTION: *by Mr. Watson, to approve AME2013 0006 to adopt new analysis and findings including the condition proposed by staff (a Traffic Impact Analysis be completed prior to the rezone being presented to the Assembly for approval).*

Mr. Watson said that he felt the applicant has made a compelling argument. Mr. Watson said he has read the materials thoroughly. He has done a lot of reading on the issue. He said he recognizes the concerns of the neighborhood. He said he does not live that far from the area himself. He said there is additional land owned by another property owner with an extensive amount of land, zoned D-5, that at some point in time the Commission will be dealing with.

Mr. Watson said he does feel the concerns before the Commission regarding traffic are important concerns to be considered, but that he still felt that the rezoning request should be approved.

Mr. Satre asked Mr. Watson if he was going to recommend approval, if he wanted to recommend the condition suggested by staff be incorporated into the motion.

Mr. Watson said yes he would like to add the staff's condition onto his motion. He said he had looked at another traffic analysis earlier in the day and the numbers were a little different from the numbers that he saw in the package this evening, but that he strongly felt that the recommendation should stand.

Mr. Bishop said that like Mr. Watson he had spent a lot of time thinking about this particular case. He said he is strongly in support of the concept but that he cannot get there in this particular instance. Mr. Bishop said there are all kinds of policies and standard operating procedures in the Comprehensive Plan that both support and go against this particular proposal.

Mr. Bishop said where he thinks the rubber meets the road is where the property is defined in the Comprehensive Plan. It is called "Medium Density Residential". Mr. Bishop contrasted Medium Density Residential at 5-20 dwelling units per acre to Light Commercial at 30 dwelling units per acre. Light Commercial use means a bar or restaurant of any size, or a vehicle sales or repair lot of any size. There are no restrictions on the scale.

Mr. Medina spoke against the motion. Based upon the analysis in the staff report, Mr. Medina said the rezone request does not substantially conform to the maps of the Comprehensive Plan. Mr. Medina said the Commission has no way of knowing if the property will change hands in the future. If it is rezoned to Light Commercial, there is no control other than the uses that are listed in the Table of Permissible Uses.

Ms. Grewe spoke in opposition to the motion. She said in this particular case the plan was on the side of the neighborhood. She said that she generally was on the side of the quality of life in the neighborhoods and of compliance with the Comprehensive Plan.

Ms. Lawfer asked for clarification on the motion.

Mr. Satre explained that the motion would be to recommend to the Assembly that the land be rezoned to Light Commercial with the condition recommended by staff.

Roll Call Vote:

Yeas: Watson

Nays: Medina, Grewe, Lawfer, Bishop, Satre

VOTE FAILS

Mr. Satre said he thought it would be appropriate to adopt the director's findings and analysis and deny the rezone.

MOTION: *by Mr. Medina, to deny the zone request, based upon staff's analysis and findings in the staff report.*

Mr. Satre said he wanted to say a few words for the record. He said the last time that they looked at the Comprehensive Plan map they looked at this area in detail. They significantly expanded the Multiple Use area on the other side of Loop Road in the Mendenhall Mall area. They recognized at the time that there were certain hard boundaries. They did contemplate moving that Mixed Use across Mendenhall Loop Road into the Atlin Drive area. But they agreed at the time that Mendenhall Loop Road acted as a hard boundary, and they were charged by the Comprehensive Plan to minimize conflicts. It is not a density, it is a use issue. Mr. Satre said that for him, his vote to adopt the director's analysis and findings and deny the rezone request came down to the minimizing of conflicts and the uses that are there.

The motion was approved.

USE2013 0029: A Conditional Use permit for 32 units at the corner of Cordova St. & Pioneer Ave.
Applicant: Coogan Construction
Location: Corner of Cordova St. and Pioneer Ave.; 401 Cordova St.

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 one, 24-unit building and two, 4-unit building. The approval is subject to the following conditions:

- 1) The contractor will not be allowed to operate any heavy construction equipment before 7:00 am or after 4:30 pm Monday through Friday, or before 9:00 am or after 4:30 pm Saturday and no heavy equipment on Sunday, unless a permit is obtained from the CBJ Building Official.
- 2) Prior to the issuance of a Building permit, a parking plan showing at least 56 spaces for the 32-units be submitted to the Permit Center.

Mr. Feldt informed the Commission the project is located on the corner of Cordova Street and Pioneer Avenue on Douglas Island in West Juneau. The applicant seeks a conditional use permit for one, 24-unit apartment building and two, 4-unit apartment buildings.

Mr. Feldt said there is traffic history connected with the site and everything proposed for the site. The development potential for the site is predicated on traffic safety. In 2005 the applicant had proposed a 97 unit project which was not a full build-out of the site. However, the forecasted traffic created by this proposal had exceeded the acceptable level of service allowed by Title 49 at the time.

In 2005, a fourplex was approved and built. In 2009, the 24 units were approved with conditions. For various reasons the applicant started construction much later. The applicant was granted an extension in 2011 and began construction in 2012. That construction is ongoing.

The current proposal is for 32 units for a site total of be 60 units. In the Traffic Impact Analysis (TIA) the numbers "56" and "60" are both used. Speaking with the engineer who compiled the data for the TIA about the discrepancy in the numbers, he mentioned that one of the four-plexes may not have been occupied in 2011 when the data was collected. There would be very little to no difference in the data between the overall significance in the data of the units between 56 – 60 said Mr. Feldt, upon his questioning of the engineer. The level of service remained at an acceptable "C" rating, which did not require any traffic mitigating measures.

Mr. Feldt said that staff did solicit comments from DOT, whom reviewed the report and did not

have any comments, or any issues with the TIA, nor did it recommend any mitigating measures.

Most of the public concern received by the staff regarding the project has been traffic-driven. Cordova Street is the only Street which accesses Douglas Highway. Cordova is also a steep road, which can be a problem during winter weather. The adjacent neighbors believe that the increase of 325 forecasted average daily trips would be such an astronomical amount that the TIA should have required mitigation, or should have gone into more detail about the intersection of Cordova Street with Douglas Highway. DOT is very aware of the proximity to Douglas Highway and the roundabout, which has to be taken into consideration.

There is no possibility of adding a sidewalk to the other side of the street, in addition to the existing sidewalk. It would encourage pedestrians to cross the street where there is no crosswalk. There are some bicycle pathways along Douglas Highway. There are two bus transit stops in the neighborhood. One bus stop is in the Cedar Park apartment complex which is directly below the hill of the subject site. The second bus stop is at the intersection of Douglas Highway and Cordova Street next to the Breeze In. There are the other non-motorized transportation methods that people can choose from if they do not have a vehicle.

Mr. Feldt told the Commission that the applicant is willing to work with the department to meet the two conditions. The staff is recommending in favor of the project with the two conditions being met by the applicant.

Mr. Medina noted that the staff had not received a report from the Capitol City Fire and Rescue Chief. He wondered if staff had heard from the Fire Chief since the report had been printed. Mr. Feldt said he had not heard back from the Fire Chief. He said he did know there was an emergency preparedness conference this week. That may have created a conflict. The Fire Chief did participate in the required pre-application conference and had no concerns at that time. He said he did hear back from the Police Chief, who raised the same concerns mentioned earlier in the presentation about the safety of the intersection, but that no mitigating measures were offered.

Ms. Lawfer asked if there had been any discussion about sidewalks in the development with connections to the Cordova sidewalk. Mr. Feldt said that the TIA said that sidewalks would be built within the subject site.

Speaking of alternative road access to Douglas Highway, Mr. Watson mentioned that the Borough has a lot of responsibility in the community. He mentioned that about two years ago Rory Watt, the Engineering Director, showed a design to the Public Works Committee which loops behind the property under consideration, and swings back onto the highway. He said to the best of his knowledge, the design is still out there. Mr. Feldt said that was within the staff's radar. Mr. Watson also mentioned "jeep trail" which he said was another access point which the Borough had not taken into any consideration whatsoever.

Wayne Coogan, project developer, said in response to Mr. Medina's question, that the Fire Department is involved in the day-to-day design and issues of the project. Mr. Coogan said in the mid-eighties they had obtained approval from the Planning Commission to build 200 units on the site. Shortly after obtaining that approval, the economy collapsed in Juneau.

Mr. Coogan said the traffic problem really boils down to an hour or a half an hour during the week day mornings. Mr. Coogan said it seemed rather cynical to him that people should suffer from a lack of housing in this community because other people did not want to suffer from the inconvenience from getting up fifteen minutes early and going to work. Mr. Coogan said he hoped that the Commission would not get bogged down in the details of the TIA.

Ms. Lawfer wanted to know what the intentions were regarding sidewalks within the development. Mr. Coogan said they did not intend to have pavement, but instead crushed rock surfacing, which means that the sidewalks would be composed of the same material.

Ms. Lawfer asked if the sidewalks would be separated from the roadway.

Mr. Coogan said some would be separated and some would not be separated. He said that he understood Ms. Lawfer's concern, but that they currently managed trailer parks within the community. And what they found was that having separate paths meant that they did not get plowed the same time that the roads got plowed, so that people ended up walking in the road. They found, practically speaking, that it was better to have a wider road so that they could get it plowed in a timely manner for pedestrians.

Mr. Coogan said about 50 percent of the path would be shared road.

Ms. Lawfer asked Mr. Coogan if they had discussed additional service in that area with Capital Transit. She said she knew they were stopping at Cedar Park.

Mr. Coogan said they had not spoken with Capital Transit directly. Mr. Coogan said it would be far-fetched to think that a full-sized city bus could manage the situation up in that area. Because of the topography it would already be a challenge with parking.

Mr. Coogan said there are a lot of factors such as the garbage truck, mail, and elevators which are a challenge for the designers because of the location on the hillside. He said their location does not enjoy the geography that Cedar Park enjoys.

Mr. Medina noted there is a 35 foot height restriction, and he noted that Mr. Coogan's development is three floors high. He asked Mr. Coogan if he anticipated any difficulties staying within that restriction.

Mr. Coogan said they were right there.

Mr. Medina said if he did his math correctly on his architectural rendering it came out to 35 feet 5 inches.

Mr. Coogan asked if he was held accountable for five inches. He said he thought they were in conformance. He said they were aware of the height restrictions and they were not going to broach them.

Mr. Watson asked if some of the units were going to be available for lower income individuals.

Mr. Coogan said that they had entered into an agreement with the City that gravel resources were purchased from the City at a reduced rate in exchange for affordable rental units. The first 24 units will be 288 rental unit months at \$1,200 a month for a two bedroom unit . The project before the Commission now has a similar agreement which is equivalent to 12 units for four years at \$1,200 a month. Mr. Coogan said that every unit has a view. He said there are no other government subsidies or involvement. Otherwise, he said this is a private, open market project.

Nowell Avenue resident Aaron Johnson stepped forward to give public testimony about the project. He asked if anything could be done about the loud noise created by the Jake brakes used by the trucks. He said often it appeared the trucks were empty.

Mr. Coogan said it should be noted that for the past two summers there has been a contractor completely reconstructing Pioneer Avenue. He said the volume generated by his construction was probably 20 percent of the total. He said it will all be over soon, because they are about finished hauling gravel.

Mr. Watson asked if a sign stating "No Jake brakes to be used" was a City issue.

Mr. Coogan said he would be open to that, although it was a steep road, and with an intersection at the bottom to prevent the use of Jake brakes might pose a problem.

MOTION: *by Mr. Watson, to accept USE2013 0029 with staff's findings and recommendations, with the addition of the advisory condition requesting the City to post a "No Jake brake sign" on Cordova Street that shall be coordinated with CBJ Engineering or Street Department, and that the applicant develop designated pedestrian walkways to tie in with existing pedestrian access.*

Mr. Watson wanted to incorporate into his motion the prohibition of the use of Jake brakes on Cordova Street, but after some discussion with the Chairman and Planning staff, it was removed as a direct prohibition from the motion.

Mr. Satre asked staff if the Planning Commission has the ability to put a condition on property that is outside of the application that it is dealing with.

Mr. Hart said he thinks the prudent course is to take this as an advisory recommendation. He said the Planning staff will take it up with the appropriate department.

Ms. Lawfer wanted to offer a friendly amendment to the motion, adding a condition that the contractor develop designated pedestrian walkways to tie in to existing pedestrian access.

Mr. Feldt asked Ms. Lawfer if she wanted staff to coordinate with the applicant to come up with the most reasonable pedestrian walkway that meets the intent of the pedestrian connection.

Ms. Lawfer was amenable.

Mr. Satre said he had a personal concern with the friendly amendment, but he felt there was appropriate leeway for Ms. Lawfer and Mr. Feldt to work on agreed upon language, so he could certainly support the motion.

The motion passed with unanimous consent.

X. BOARD OF ADJUSTMENT

UNL2013 0001: Similar use determination under CBJ 49.20.320 that salvage yards are most similar to category 11.130, recycling operations.

Applicant: City and Borough of Juneau

Location: Borough-4

wide

Staff Recommendation

Staff recommends that the Board of Adjustment determine that "Salvage Yards" are of the same general character as use category 11.130, Recycling operations: Sorting, storage, preparation for shipment occurring outside an enclosed structure. This determination is subject to the definition of salvage yard as:

Salvage yard means a facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.

Salvage yards will be allowed with department approval in the Waterfront Industrial and Industrial zoning districts; in the Waterfront Industrial zoning district, the use is subject to Note N: Use must be water-dependent, water-related, or water-oriented.

Furthermore, staff recommends the Board of Adjustment request staff to, at some time in the near future, amend Title 49 to include this new definition and amend the Table of Permissible Uses to reflect this added use.

There is not a definition in the Code for salvage yards. Staff found a definition which they thought was a good fit in the Latest Illustrated Book of Development Definitions: “a facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.”

Ms. Bronstein explained since CBJ Title 49 contains no specific land use designation for salvage yards, the Commission, acting as Board of Adjustment, may place it in a category. It is recommended that it be placed in category 11.130 in the Table of Permissible Uses, Recycling Operations.

Ms. Bronstein told the Commission that Jason Donig submitted a development application for the construction and operation of a building materials salvage yard at 5327 Shaune Drive. His lot is located in an Industrial zone in Lemon Creek, surrounded on all sides by Industrial with general Commercial to the south.

MOTION: *By Mr. Bishop, that the Commission adopt staff’s analysis and findings on UNL2013 0001 and adopt their recommendation.*

The motion passed by unanimous consent.

XI. OTHER BUSINESS

XII. DIRECTOR’S REPORT

There is a joint meeting coming up in October with the Assembly essentially focused on transit. They may have time to focus on one other issue. It is suggested that staff report on where the department is with housing. There are a large number of recommendations which can be found in the subdivision code. Eric Feldt completed a FEMA ordinance in August which has been adopted. There are a number of items which can be brought forward in the form of a quick presentation.

Mr. Satre said that transit is such a big issue on its own. Perhaps that can be retained as a single item. Maybe a quick look at what has been done as a handout in a packet would be helpful, and for the Commission as well.

Mr. Watson agreed with Mr. Satre, saying that he felt the subject of public transportation is in dire need of attention and focus.

Mr. Medina said the buses have a very difficult time negotiating the turn at the temporary roundabout in Auke Bay. It was all types of buses, as well as trucks, added Mr. Medina.

Mr. Medina said as projects are evaluated, it would be important to have representatives from Capital Transit present.

Mr. Steedle added that transit in Juneau is a rich topic.

Ms. Lawfer said that neighborhood plans need to be developed and incorporated into the Comprehensive Plan.

Mr. Hart said they are really starting to see planning activity with the neighborhoods now.

Mr. Hart said there is also a commercial subdivision in the works by known owners. They will be incorporated into the neighborhood planning groups.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Watson asked about the appeal status. He wanted to know what appeals were still out there.

Ms. McKibben asked to which appeal he was referring.

Mr. Watson also asked about a package they were supposed to receive from the Housing Committee.

Mr. Hart said they have a list of activities which has been available since June.

Mr. Watson said they were to have a complete wrap-up.

Mr. Hart said the Assembly has gone through their process, and as a result of that, sent staff direction. That direction has fanned out into 35 or 40 efforts addressing specifics which will come back through the Commission and the Housing Committee.

Mr. Watson asked if the senior planner's position has been filled yet.

Mr. Hart responded in the affirmative. He said all positions are filled, and that the new Planning Manager begins next week.

Mr. Bishop said that Ms. Farnsworth's presentation earlier in the evening raised an interesting question, which was, why were rezone requests allowed only in January and July? He said that rezones were one of the more important tasks tackled by the Commission. He felt that maybe they should not be restricted to only January and July. Mr. Bishop said he would like the staff's position on why rezone requests were limited to the two months.

Ms. McKibben said she has worked in a variety of communities in Alaska, and she has seen codes which allow the requests only in January and July, and a couple of codes which take them any time of the year. She said she is not sure why some communities limit them to certain months.

Mr. Hart said a lot of communities including Washington State only take them once a year. This is so the staff can see what the work is for the year. These are larger loads of work. And limiting rezone requests to certain months prevents breaking into the Comprehensive Plan continuously all year, said Mr. Hart. The idea is to do all the changes all at once, then to communicate these changes to the community.

Mr. Satre said this is an idea which can be taken up and run through as a proposed change in the Code. Mr. Satre said he thought it would be a good idea to run it through the Title 49 Committee.

Mr. Hart added that making the change for one person may open the door to ten or fifteen other people that then need to be addressed. The point is not to do things in isolation but to think strategically.

Mr. Bishop said that is his concern. He feels the individual earlier in the evening had a reasonable proposal to put forward for review. Mr. Bishop said that he did not necessarily want to be the initiator of it as the Planning Commission because he does not have the background to look at all of the pieces. Mr. Bishop said when the Commission requests that a zone change be initiated, it is with the expectation that the staff do the research on the request on all of the repercussions.

Mr. Watson said the Planning Commission needs to be looking at opportunities because the Commission sees those opportunities while respecting the guidelines within which it needs to function.

Ms. McKibben mentioned to the Commission that when individuals apply for a rezone that they pay a fee of \$600.

Mr. Bishop requested that the Commission obtain a brief analysis at the next meeting to see if the rezone request by Ms. Farnsworth is a reasonable proposal to take forward as a Commission.

Ms. McKibben told the Commission that the staff currently has three to five rezone requests that are already in line that she imagined would be coming before this rezone request. Ms. McKibben told the Commission she does not recall ever having this many rezone requests all at once in the five years she has been with the City and Borough of Juneau. She said she does not recall any prior to 2009. Then the staff was receiving one or two rezone requests a year. She said now the staff probably has four rezone requests.

Mr. Hart says he thinks the improving economy is the underlying cause.

Mr. Bishop said he also thought it was if you weren't on board then you were way behind in terms of zone change.

Mr. Hart said the staff would be bringing the Commission a third quarter report so the Commission would know exactly where the community was in terms of housing, which may help in terms of looking at the situation.

Ms. McKibben said that the density has recently been increased in Light Commercial and General Commercial.

Mr. Bishop said that is true, and now it needed to be made available.

XV. ADJOURNMENT

The meeting was adjourned at 10:11 p.m.