

MINUTES

PLANNING COMMISSION
City and Borough of Juneau
Mike Satre, Chairman

REGULAR MEETING
December 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 7:00 p.m.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman (telephonically); Nathan Bishop, Karen Lawfer, Ben Haight, Nicole Grewe (telephonically); Jerry Medina, Dan Miller

Commissioners absent: None

A quorum was present

Staff present: Hal Hart, Planning Director; Beth McKibben, Senior Planner; Laura Boyce, Senior Planner; Sarah Bronstein, Planner I, Chrissy McNally, Planner I; Jonathan Lange, Planner I

II. APPROVAL OF MINUTES

- November 26, 2013 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the meeting minutes of the November 26, 2013, regular Planning Commission meeting, with any minor corrections or modifications provided by any Commission members or by staff.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Nankervis reported that the Assembly held a Committee of the Whole meeting last night, during which the Disturbing the Peace re-write was reviewed. It may come before the

Assembly as early as next week. A contractor made a presentation on the residential aspect of a waste water rate study. He presented four options, all of which included a rate increase. They have between \$235 - \$275 million in assets that are between zero and 40 years old, said Mr. Nankervis. Part of the plan involves putting money aside for replacement of those items rather than wait for them to break and then have to scramble for the funds.

December 17, the Assembly will be filling the four empty Planning Commission seats out of the 13 applications they have received. That will take place at 5:30 in Room 244.

V. RECONSIDERATION OF THE FOLLOWING ITEMS – None

VI. CONSENT AGENDA

CSP2013 0029: A City project to construct the Eaglecrest Learning Center; a new 8,660 square foot two story building.

Applicant: City and Borough of Juneau

Location: 3000 Fish Creek Road

USE2013 0036 was removed from the Consent Agenda and placed on the Regular Agenda by a request from a member of the public for a full hearing to enable public comment.

MOTION: *by Mr. Miller, to approve the Consent Agenda as amended with staff's findings and recommendations.*

Motion was approved.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

AME2013 0015: Rezone 82 acres of RR to a mixture of Industrial, Commercial and Rural Reserve.

Applicant: Bicknell, Inc.

Location: Honsinger Pond Area

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends the rezone request to Industrial be approved. Furthermore staff recommends that no portion of the site be rezoned to Light Commercial.

Mr. Miller excused himself from participating in this item as he said he has a conflict of interest.

Mr. Satre reviewed that the last time this item was before the Commission, there had been the full staff report, the presentation from the applicant, public testimony, and the applicant's representative had a chance to respond to the public testimony. Due to rules of order, the

meeting was then adjourned until this point in time.

Ms. McKibben said there were three items of public testimony received since the last meeting. She asked if the Commission wanted those items to become part of the record.

Mr. Satre asked the will of the Commission regarding acceptance of these late items into the public record.

Mr. Watson asked if it was correct that one of the items had been submitted in a timely manner but had for some reason not made it into the public record.

Mr. Satre said he did not know, he did not read the items in question on purpose since it had not been decided if they would be allowed.

Mr. Watson said he would speak against allowing any additional comment into the public record. He said they were very clear about this at the previous meeting that public comment was closed.

There were no motions to allow the additional items into the public record, as they arrived after public testimony had closed.

Mr. Medina asked Ms. McKibben if a permitted use was listed in the Table of Permissible Uses if it could be limited or if it had to be allowed regardless.

Ms. McKibben said that the Table of Permissible Uses could be amended and permissible uses could become conditional uses in the Industrial zone.

Mr. Medina asked if that could be done by motion rather than having to change the ordinance.

Ms. McKibben responded that it would require an amendment to Title 49.

Mr. Medina said he had asked the question because he felt there were a couple of permissible uses in the Industrial zone which he did not think were appropriate in this application.

Mr. Watson said he believes the road to be in error on the map and wanted to confirm there are no other errors on the map.

Ms. McKibben stated those are parcel maps and the lines are not always accurate. Chair Satre added that he believes there have been some changes to the road since the maps were created.

Mr. Bishop asked why staff had found Light Commercial zoning not in conformance with the Plan but Industrial to be in conformance with the Plan.

Ms. McKibben said that Industrial is an expansion of an existing zoning district. The IPU (Industrial and Public Uses) designation of the Comprehensive Plan applies to any zoning district. It applies to those zones that have Institutional and Public Uses. In this case the airport is a City owned airport. If it was a privately owned airport it would probably be shown as Industrial on the maps of the Comprehensive Plan, she stated.

The maps of the Comprehensive Plan have this area classified IPU which applies to areas of a variety of uses that are City or state owned. In this case the underlying use is Industrial. The Table of Permissible Uses lists airports and heliports as Industrial, said Ms. McKibben.

Light Commercial is separated from this area by Egan Drive, which in her opinion, said Ms. McKibben, is a very strong physical boundary between the two areas.

Mr. Bishop asked if an airport would not also constitute a fairly hard physical boundary as well. He added that the IPU designation covered the airport area, but not the area in question. He said the LC, D5 and D15 across from the land in question is just as close if not closer than the 26 acres being considered for Light Commercial as the Industrial is to the area being considered for Industrial. Mr. Bishop said he was not really seeing a solid barrier between the Light Commercial and the Industrial uses

Ms. McKibben said that would be Mr. Bishop's interpretation of the maps of the Comprehensive Plan which differed from her interpretation .

Mr. Watson said that he was of the same opinion as Mr. Bishop. He said he took the time to drive through the area, and while he did agree with Ms. McKibben on Egan, talking about adjacencies and hard boundaries, one simply had to cross a two lane road and they would be in a Light Commercial area.

Mr. Medina asked Ms. McKibben if she had recommended against Light Commercial because residential was allowed in a Light Commercial zone.

Ms. McKibben said that was part of her evaluation.

Mr. Medina said in that sense he would have to agree with staff that residential is not appropriate.

Mr. Bishop said that all of the attached maps show GC (General Commercial) not LC, and he wanted to make it clear that all of the GC areas they were looking at were LC areas not GC. Ms. McKibben clarified that the applicant had initially submitted Commercial and the maps they submitted are the same as when they had requested the map amendment, but she has an email clarifying that they are now requesting the LC zoning.

MOTION: *By Mr. Bishop: Whereas the Parks and Recreation Comprehensive Plan recommends acquisition of the Smith Honsinger parcel; and Whereas the Wetlands Review Board*

recommends restoration to its natural state; whereas public comment overwhelmingly supports acquisition of subject parcel; Whereas the Comprehensive Plan recommends rezoning of rural development lands after resources have been identified or used up: and Whereas ecological resources have been identified, so have industrial and commercial been identified; whereas public testimony supports the ecological value of maintaining diminishing wetlands and adjacent wetlands of the Mendenhall Game Refuge ; and Whereas CBJ has an express shortage of both industrial and commercial land. We recommend the CBJ Assembly actively pursue acquisition and restoration of the subject parcel. If negotiations fail, then we recommend the parcel be rezoned as requested by the owners.

Mr. Satre asked the staff if this motion was possible to consider with a zoning application before the Commission.

Mr. Bishop said he felt this was an important case for many reasons, both for the public and for the applicant. He said they were not making a definite decision but rather a recommendation to a controlling body.

Mr. Medina said he did not have a problem with the first part of the motion pertaining to the acquisition of the property by the CBJ (City and Borough of Juneau). He can not support the applicant's request for Light Commercial and he also could not support the Industrial designation by staff for two reasons. In the Table of Permissible Uses 9.200, a fuel station is a permitted use, and 18.300, towers and antennas more than 50 feet in height are a permitted use. For those reasons, for this particular area, Mr. Medina said he did not feel that Industrial zoning was appropriate.

Ms. Grewe said she fully supported Mr. Bishop's motion, and she urged support by all Commissioners. She said she had struggled with this issue all day. There is \$750,000 noted in the CIP (Capital Improvement Projects), she said, and although the money has not yet been appropriated, the intent is there, she said. If the reaction from the Assembly was in the negative, she asked if that would result in an automatic recommendation rezone for the applicant? She would prefer it come back to the Commission for consideration at that time.

Mr. Satre said he did not think it would result in an automatic rezone for the applicant. The way the motion is framed the findings are included in the motion, which is a bit extraordinary, said Mr. Satre. Chair Satre then asked staff if the Commission is charged with dealing with the application at hand or can they take a slightly different direction.

Ms. McKibben said she was unable to find guidance, Title 49 sets out rezone can be applied for and the restrictions and procedure, without much discussion of the Planning Commission action.

Mr. Bishop said with the motion he was trying to take into consideration the needs of the general public, the Comprehensive Plan, and the applicant. He said he does not think it is fair to

string the applicant along indefinitely. Mr. Bishop said he feels they are legitimate land owners and they deserve some closure on their zoning request. Mr. Bishop said he thinks that Light Commercial has the public benefit that Industrial does not have. There are landscape standards that go along with Light Commercial that are not included with Industrial, and generally Light Commercial lands are designed to be a draw to the public. Industrial areas are hard on the eye and not particularly pleasing to the public, said Mr. Bishop. The buffer between the Light Commercial on the other side of Egan and the one proposed is transient and doesn't see it as a means of trying to keep commercial from one side. He also believes that the 26 acres being requested is a reasonable amount to be an island of Light Commercial anywhere. While he strongly supports the CBJ purchasing the project he wants to make sure the applicant doesn't get pushed too far.

Mr. Watson said to him it sounds like the motion is trying to leave the ultimate decision to the Assembly. He said he thinks that Title 49 is silent on the questions addressed to Ms. McKibben. He said he thinks it is silent for a reason. He said the Commission has an application before it, and it is charged with making a decision on land use only, not on speculative purchases. He said purchasing the land has always been the plan of Parks and Recreation, but it has never had the funds to do so. He said that is not something for the Commission to even consider at this point, since it is all hypothetical.

Mr. Haight said he had an issue with the time element within the motion as it was stated. He asked how a point in time would be identified when the Assembly had reached a point that it could not purchase the property and the Commission was to proceed with the rezone. Mr. Haight said regarding the Rural Reserve, that it appeared obvious to him from the Land Use Plan that the intent was as Rural Reserve and Rural Reserve is primarily for public purpose. Mr. Haight said he felt this was appropriate in that the motion really addresses that aspect of the existing zoning, and allows it to proceed in that manner before it is rezoned.

Mr. Bishop said he struggled with the time issue as well. He said that basically if the Assembly deems it failed then it has failed, and they move on to the Comprehensive Plan zone change. Mr. Bishop added that it would be in the Assembly's hands to determine the time of failure.

Mr. Medina said he thought Mr. Watson had a good point. He said the Commission had an application before it, and that he would rather see the Commission take action on one particular item, and have a vote rather than make it an "either" "or" situation. Mr. Medina said he could not support the current motion for the reasons stated earlier. He said the Commission should act on the application before it, and proceed from there.

Ms. Lawfer noted that she had read all the minutes and that she believed that there were certain parts of the discussion she disagreed with Commissioners on regarding Light Commercial having a buffer. She said to her, that was a fairly significant buffer. Ms. Lawfer said she thought the Commission should first vote on the staff recommendation. She added that she appreciated Mr. Bishop's motion, because she also believed that it was not in the best

interests of the community to parcel up the land.

Ms. Grewe clarified that it was Mr. Bishop's motion on the table, and Mr. Sartre verified that it was. Ms. Grewe reviewed her reasons for supporting the motion. She mentioned the support in the 2008 and 2013 Comprehensive Plan versions, the CIP Fiscal Year 2015, the Wetlands Review Board intentions for the area, the overwhelming public opposition, the reminder to the applicant that this land is zoned Rural Reserve, and that there are uses allowed within that zone. The property as it is now is developable. She said she did not feel the Commission should race through the decision just because it felt that it was holding up the applicant on developing the property. She would like to take up the motion up as presented.

Mr. Bishop said he does not believe the Rural Reserve uses are the highest and best uses for the property and a waste. It is one reason he supports Light Commercial in this area because he believes it is the best use and some commercial next to industrial is appropriate. He reminded the Commission that staff recommended a modified proposal as well. For negotiation, Mr. Bishop said he strongly recommended that the City work with the applicant on land exchanges.

Mr. Medina asked Ms. Grewe if she was aware of the second part of Mr. Bishop's motion; that if the land was not purchased by the City, that the recommendation was to rezone it to Light Commercial.

Ms. Grewe said she understood that, which is why she had asked previously that if the motion passed, if the rezone would come back to the Commission before being implemented. As long as the rezone were to come back to the Commission she is fine with the motion. Mr. Sartre confirmed that was his understanding.

Mr. Bishop said his answer would be different from the Chair's; that he would not want the issue to come back to the Commission; that would be protracting the process longer than necessary. If the Commission did not want the motion to proceed in that direction then they should look towards an amendment at this time.

Ms. Grewe said she would like to make a friendly amendment that should a purchase agreement fail that this issue come back before the Planning Commission, that the applicant not be required to wait the two year period, and that the Commission would take up the issue again as if new. Ms. Grewe said she would appreciate it if this was not accepted as a friendly amendment that the Commission take a vote on the amendment as it stood.

Mr. Bishop said he would not accept the friendly amendment.

Mr. Watson spoke against the motion, saying they would be putting the onus on the Assembly to make the decision and then putting the applicant at a distinct disadvantage. Mr. Watson said he did not feel this is the time or the place to be taking this type of action. There is nothing

wrong for people coming forward and wanting a rezone, he said. That is the process. Mr. Watson said he is very uncomfortable with this type of action. He said it would be setting a precedent which is totally incorrect, and outside the scope of the Planning Commission.

Roll Call Vote: *(On Ms. Grewe's amendment that if this goes to rezone that it would come back to the Planning Commission as a new application waiving the two year period)*

Ayes: Grewe

Nays: Medina, Haight, Lawfer, Bishop, Watson, Satre

MOTION FAILS

Mr. Bishop said he thinks there is the perception that the Commission is not taking up the applicant's proposal. He said he thinks the Commission is recommending the approval of the proposal if the Assembly deems it appropriate not to purchase the property or fails during the negotiations.

Mr. Satre said that he struggled with the motion, as he thought it may be out of order in terms of what the Planning Commission can and cannot do. Mr. Satre said he thought it was worthwhile to discuss Mr. Bishop's idea and his creativity in approaching this issue. Mr. Satre said ultimately he is opposed to the motion. He said he felt the Commission needed to deal with the request as stated.

Roll Call Vote:

Ayes: Grewe, Haight, Lawfer, Bishop

Nays: Medina, Watson, Satre

MOTION FAILS

MOTION: *by Mr. Watson, to accept staff's findings and recommendations, and to ask for unanimous consent.*

Mr. Medina said he was against the motion for the reasons he stated earlier - because fuel stations were a permitted use in an Industrial zone and towers and antennas more than 50 feet in height are a permitted use in an Industrial zone.

Mr. Bishop also spoke against the motion because this did not let the Assembly know that this was not the Commission's first choice. The Commission's first choice is to honor the public documents that state that this land should go into public ownership and that is also the

expressed will of the public that testified

Ms. Grewe said the Comprehensive Plan speaks to this area being developed for parks. She added there has been overwhelming public input on the issue, and the area is in the Capital Improvement Plan, there is the missed opportunity to purchase the property and the Wetlands Review Board has weighed in on this, and there has been little to no support for it. She said there is also the emotional aspect that the land is a scenic corridor and an iconic view shed that defines this community, fragmented ecosystems, and cultural identity of the community

Mr. Haight said he supports Mr. Medina’s opinion that Industrial zoning is too harsh and that the applicants proposal of Light Commercial and Industrial is more appropriate for the area.

Ms. Lawfer spoke against the motion saying the property is zoned Rural Reserve (RR). Based on the comments she read and that zoning part of the property Industrial and leaving part of it RR would just make part of the gray area become “grayer” with regards to the actions of the Commission.

Mr. Watson said the applicant will be setting aside over 20 acres as RR and that he thought that was an important point to bring up. He read staff’s recommendation as an either or. Mr. Watson also stated that the tree line is 45 feet tall and the view is beyond that. He said the Commission needed to consider the application that it had in front of it.

Mr. Satre said if this was a public piece of land he would be in support of a natural park or a conservation area. But this is a private piece of land, said Mr. Satre. A private property owner has rights when it comes to rezones, he said. Rural Reserve zoning is envisioned in the Comprehensive Plan as having the ability to move forward towards the highest and best use of the land, said Mr. Satre. Mr. Satre said he knows there are many documents within the city which indicate there are uses for this land different than those uses the applicant has in mind, but this isn’t the City’s land. They have the ability to develop the land as they see fit, whether at the current zoning, or to ask for a different zoning. The Comprehensive Plan very explicitly supports additional industrial areas, said Mr. Satre. This issue exposes one of the weaknesses of the Comprehensive Plan, said Mr. Satre, where both sides of the issue can find chapters in the Plan to support their argument. Mr. Satre said ultimately he has to side with the applicant on this issue.

Roll Call Vote:

Ayes: Watson, Satre

Nays: Medina, Grewe, Haight, Lawfer, Bishop

MOTION FAILS

Mr. Satre said the last time they voted against a motion to approve that failed they were asked by staff to create findings of fact in case this was to be appealed to the Assembly. He said prior to the meeting he had asked Ms. McKibben if the Commission reached a point where it failed to recommend approval to the Assembly that the Commission have available the findings of fact from the last time this issue was before the Commission as a map amendment.

Mr. Satre said he thought it was important that the Commission adopt findings of fact as a process perspective since the Commission would not be having another meeting until early January, and there may be some different Commission members present at that time.

Mr. Satre asked Ms. McKibben if the Commission were to adopt the findings of fact in terms of general intent if the staff would feel comfortable doing some wordsmithing to reflect the existing application should the Commission ask them to do so.

Ms. McKibben responded in the affirmative.

Mr. Satre said he felt the findings of fact reflected many of Mr. Bishop's and Ms. Grewe's comments in terms of the City moving forward in trying to purchase this property.

Mr. Satre said it appeared that the Commission could adopt the findings of fact with minor wordsmithing if the Commission were amenable. He added he felt it was important to note before a motion was made that typically even when there was a motion that was a failure to approve that generally the Commission adopts the findings of fact unanimously just to support the decision that the Planning Commission made.

MOTION: *By Ms. Lawfer, to adopt the findings of fact from the map amendment application, with staff changing "map amendment" to "rezone", with slight wordsmithing in number four to reflect the current application.*

Mr. Watson said he had concerns with the term "slight wordsmithing". He said he would offer a friendly amendment which would be any slight modifications to the document be highlighted so that it could be clearly seen, and also use the footnote function in WORD so that it would be apparent what text was originally in the document and what was wordsmithed.

Mr. Satre said he understood the difficulties of being online, but that they were basically discussing changing five words in the document to reflect the current application.

Mr. Watson said he would still like it to be noted as such within the document. He felt it was the professional way to alter the document.

Ms. Lawfer restated her motion:

MOTION: *(as restated by Ms. Lawfer) That the Commission adopt the findings as previously*

stated with the following changes with number four that "General" be changed to "Light" and that on number 10 the "map amendment" is changed to say "there has been a significant amount of public opposition to this rezoning proposal". It would remove "map amendment" and the prior withdrawn, said Ms. Lawfer.

Mr. Watson said he would accept this motion if the word "significant" was withdrawn from the motion. He said he did not think the public comment received was significant.

Ms. Lawfer did not accept Mr. Watson's amendment as a friendly amendment.

Roll Call Vote: *(on Mr. Watson's amendment)*

Ayes: Watson

Nays: Medina, Grewe, Haight, Lawfer, Bishop, Satre

MOTION FAILS

Motion to adopt findings carries with no objection.

IX. REGULAR AGENDA

USE2013 0036: Conditional Use to add second story to single family residence that sits within the required setbacks.

Applicant: Greta Wade & Laurent Dick

Location: 1401 Martin Road

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 addition of a second story to an existing residence which projects into the required side yard setback.

Ms. McNally showed the Commission pictures of the house and how it sat next to the adjacent properties, particularly Westridge Condominiums, and told the Commission that the staff recommended the Conditional Use permit be granted.

Property owners Greta Wade and Laurent Dick told the Commission that they purchased the Williams property in August as a rental property but decided to expand the property for their own residence. They tried to contact all of the neighbors but neglected to contact all of the neighbors. Mr. Dick said the main neighbor affected by the construction would be the condominiums, and they had no problems with the construction.

Margie Thomson, a resident at 430 Hermit Street, told the Commission that she is thankful that a family bought the house across the street from her. She said she is not in opposition to the construction, and had just seen the plans that day. She said she was surprised to see the addition went up three feet. She said the three foot elevation of the addition eliminates their water view. She asked the Commission how eliminating a partial water view from her home would affect the resale value of her home.

Mr. Satre said that typically in the staff report there is discussion about the neighborhood.

Ms. McNally said the Assessor's Office would make the ultimate determination. She said in her assessment she only had her view from the road. She said her main focus was on the Westridge side because the western facing view was the most heavily impacted. She apologized and said from her view from the road it was not a significant impact.

MOTION: *By Mr. Bishop, to approve USE2013 0036, and adopt staff's analysis, findings and conditions.*

The motion was approved with no objection.

CSP2013 0026: Review of AK DOT&PF safety improvement project at Glacier Hwy and Old Dairy Road/Trout Street intersection for consistency with adopted plans.

Applicant: State of Alaska DOT & PF

Location: Glacier Highway/ Old Dairy Road/ Trout Street

Staff Recommendation

Staff recommends that the Planning Commission adopt the findings in this report, and recommend to the Assembly approval of CSP2013 0026 - review of AK DOT&PF safety improvement project at Glacier Hwy and Old Dairy Road/Trout Street intersection for consistency with adopted plans.

Additionally , it should be noted that, although Staff cannot make approval of DOT&PF's project contingent upon a CBJ project to improve Jordan Avenue, the Community Development Department suggests that sidewalk infill along Jordan Avenue, as well as new sidewalk plowing equipment, be added to the Capital Improvement Program to address the safety concerns raised by the CBJ Street Department. These investments are advisable regardless of the final outcome of this proposed project due to increased density on Jordan Avenue and the increase in proposed cut-out "pork chop" style median facilities in transportation projects throughout the Borough.

Ms. Bronstein explained the area under discussion was located at the intersection of Old Dairy Road, Glacier Highway and Trout Street. McDonalds and the Breeze In are the adjacent businesses to the Northwest, with the Nugget Mall to the south. Crest Street and Jordan Avenue would also be affected, since the project involves a reroute.

The Department of Public Safety and Public Facilities (DOT&PF) reported the intersection has experienced 30 vehicle crashes from 2004 – 2008. And of those 30 crashes, said Ms. Bronstein, 17 resulted from left-hand turn movements out of Old Dairy Road and Trout Street out onto Glacier Highway.

Ms. Bronstein said initially DOT&PF installed a sign which is still at the intersection which forbids turns onto Glacier Highway between the hours of 4p.m. – 6p.m. Ms. Bronstein said she is aware that a slight decrease in accidents has occurred since the sign was installed. She is not sure by how much or how long the sign has been up. The level of accidents was still at a threshold at which safety improvements are warranted, she said.

The proposal from DOT&PF restricts left hand turns out of Trout Street and Old Dairy Road, as well as through movements through the intersection. Drivers entering the intersection from Trout Street or Old Dairy Road would be forced to take a right turn onto Glacier Highway.

DOT&PF conducted public meetings about this project at Nugget Mall in April of 2012. The project was on hold while the Trout Street Bridge was being reconstructed. The bridge is now complete with two lanes and a sidewalk on one side.

As a result of the meeting with the public and with representatives of the Breeze In, an alternative design was proposed which is a single lane traffic circle.

Concerns raised by the public include the potential for convenience oriented businesses to suffer as a result of the reconfiguration of the intersection. Customers of McDonalds and the Breeze In desiring to travel to Egan would first have to travel north to Jordan and then return to Egan via the traffic light. There is also concern that instead of taking the street, that travelers will cut through the Jordan Creek Mall parking lot instead.

In addition, both the City street department and neighbors in the area have expressed concern that Jordan Avenue is experiencing increased development. There are two 13 unit apartment buildings that are nearing completion at the end of Jordan Avenue, as well as a ten unit residential condominium and an office condominium that are located on the street.

Ms. Bronstein said the area-wide transportation plan is largely silent on the issue other than broad statements supporting improvements to traffic safety. The non-motorized transportation plan makes specific recommendations for pedestrian movements which include the “pork chop” style medians, because a two phase turn is supposed to be safer than a one phase crossing movement over a wide street. In the Comprehensive Plan, said Ms. Bronstein, several policies support economic development and the support of jobs in the area.

Mr. Haight asked what the purpose was of the recommended additional sidewalk on Jordan avenue. He asked if it was to facilitate additional pedestrians or to facilitate getting pedestrians off of a street that is not so busy currently but would be so in the future.

Ms. Bronstein said it was in anticipation of the street becoming busy.

Mr. Satre verified that on local concurrence applications if the Commission finds the application not in conformance with adopted plans then it would go to the Assembly, but if the Commission were to approve it, then it would be considered a final action, subject to appeal.

Mr. Miller asked if the Commission could request that DOT&PF come back with a different plan.

Mr. Hart answered that the Commission is only making a recommendation, it could make its recommendation and send its opinion to the Assembly.

David Epstein, of the DOT&PF, is the engineering manager for the project, and said he was present to answer any questions for the Commission.

Ms. Lawfer asked when the sign curtailing the hours when left turns could be made onto Glacier Highway Old Dairy Road was erected.

Mr. Epstein said it was 2001.

Ms. Lawfer asked if there is any crash data from the 4:00 p.m. – 6:00 p.m. time period.

Mr. Epstein said he did not have that information available.

Ms. Lawfer asked if U turns are illegal in Juneau and if U turns at the light at the intersection of Jordan Creek Mall and Nugget Mall have been studied.

Mr. Epstein replied he did not think U turns were prohibited at the Jordan Street signal. If it was they would have a “No U turn sign” posted, he said.

Ms. Bronstein said that she had heard from senior planner Ben Lyman that U turns were not prohibited in Juneau unless a sign is posted.

Mr. Medina asked if DOT&PF had performed any traffic studies of the area. He said from his observation most of the problems seem to stem from traffic going straight across.

Mr. Epstein said Mr. Medina was correct. He said the thrust of the project was to prohibit through movements of the traffic as well as left hand turns.

Mr. Medina asked if they had looked at design alternatives that considered just addressing traffic which went straight across rather than making left turns.

Mr. Epstein said they had not.

Mr. Miller asked about the decline in crashes, which seemed to indicate a 50% decrease in crashes from 30 to 13,. He asked if there was further crash data from 2010 – 2013 to suggest a further decline in crashes.

Ms. Bronstein said the data was misleading, and that 13 represents crashes due to turns and through movements, not the overall crash rate for 2006-2010..

Mr. Miller said the data still suggested a 20% decline in crashes. He said there were still alternatives to avoid preventing the elimination of left turns off of Trout Street, such as just the elimination of left turns off of Old Dairy Road and the elimination of through traffic.

Mr. Haight asked how many of the crashes were left hand turns off of Old Dairy Road vs. off of Trout Street.

Mr. Epstein said it was pretty even.

Mr. Haight asked if any consideration had been given to making the Jordan Creek intersection a roundabout vs. the one presented to the Commission.

Mr. Epstein said no consideration had been given.

Mr. Satre asked what the thresholds were that determined department action for implementing safety improvements at an intersection when looking at accident data.

Mr. Epstein said the Highway Safety Improvement program is founded on reported crashes. They look at the most recent five years of reported crash data that they have. There are basically four types of accidents; property damage only, minor injury accidents, major injury accidents, and fatalities. The data is segregated by highway segments and intersections, said Mr. Epstein. They take the cost of the accidents and compare it to the cost of a project and develop a benefit cost ratio, said Mr. Epstein. And if a certain threshold is exceeded, then a "ranked project" is created, he said.

Mr. Watson asked if the number of accidents created by the left turn going into Fred Meyer was approximately the same as the number of accidents created by the left turns at the Trout Street intersection.

Mr. Epstein said it was much higher on Egan Drive.

Mr. Miller asked if there had been studies done to measure if requiring drivers to take a more circuitous path would create more accidents on the side streets.

Mr. Epstein said he could not guarantee those types of things would not happen. He agreed that some drivers would likely cut through Jordan Creek Mall or make U-Turns on Glacier Avenue to avoid the detour. The intent of this project was to move the traffic to a signalized intersection that would be safer.

Daniel Bruce, attorney for the Breeze In Corporation, said the project was not consistent with local plans. He said the negative impact on local businesses far outweighs the impacts on traffic safety. He had a letter dated June 5, 2012 to Mr. Epstein, when they were initially voicing their opposition to the project. At that time, said Mr. Bruce, he indicated that there were seventeen angle crashes between 2004 and 2008. Eight of those were property damage only crashes, another eight involved minor injuries, and one was a major injury that required hospitalization, said Mr. Bruce.

There is a letter from a traffic consultant retained by the Breeze In, who notes that two and a half accidents a year is a relatively safe record for an intersection such as this, said Mr. Bruce. Mr. Bruce said there was a similar business in Boise Idaho that had its access blocked and it reported a 15% reduction in sales. The Breeze In is a business that operates on volume and a low margin, said Mr. Bruce. That could be the difference between a solvent and an insolvent business, he said. To put seven hundred to a thousand cars on to Jordan, which is a dark, substandard street, is increasing the risk of pedestrian vehicle accidents, said Mr. Bruce, by pushing that amount of traffic over on that road.

Mr. Bruce noted that Mr. Epstein said that the amount of traffic coming off of Trout Street and Old Dairy Road were about equal. He noted that by only blocking the left hand turns off of Old Dairy Road, the accident rate could be cut in half, instead of imposing hundreds of thousands of dollars of losses by approving this project as proposed.

There has not been an update on what the crash rates are for 2011 or 2012, nor has there been any economic analysis of the cost of the crashes. Mr. Bruce estimated that the cost of seventeen accidents, including eight minor fender benders and one hospitalization, was dwarfed by the hundreds of thousands of dollars in losses that would be imposed on local businesses.

Mr. Bruce pointed out to the Commission that Michael Reed, the traffic engineer retained by the Breeze In, noted that ninety percent of the time the intersection operates fine. There has been no analysis provided by DOT on the Level of Service at that intersection. Mr. Bruce guessed that most of the time the intersection operates at a C or a B, and that the only time it drops to an F is between four and six.

Mr. Haight asked Mr. Bruce if he thought that if drivers were presented with the opportunity to make a right hand turn to a roundabout instead of making a left hand turn that they would take advantage of that opportunity and that it would perhaps enhance the safety of the area.

Mr. Bruce said he thought it may move one or two accidents from the Breeze In to a traffic light down the road.

Mr. Miller asked if a two lane roundabout were a consideration, and if land were required from his clients, was that something that Breeze In would support.

Mr. Bruce said not knowing what the exact alignment would be, it would be better than the current proposals.

Mr. Bruce said he bet that 95% of the traffic that is making a left hand turn off of Egan is going into either the Breeze In or McDonalds. He said the right hand lane on Glacier Highway is used almost exclusively as a turn lane. Mr. Bruce said in his opinion, there has been a singular lack of imagination on the part of DOTP&F on coming up with a solution that is a win-win in this circumstance.

Mr. Watson said he wondered if the circumstances could be that similar regarding the businesses that were compared between Juneau and in Idaho.

Mr. Bruce said no they were not. He said Boise is a much larger community. He said they do not know how many other convenience businesses were in proximity to that business. He said Juneau used to have two McDonalds. Now it has only one, because the other McDonalds did not have the easy access of a drive through window. He named other fast food restaurants which had closed in Juneau due to a lack of easy vehicle access.

John Williams, manager of Jordan Creek Center, told the Commission that his business would not be affected by the proposed DOT&PF project except by the traffic which would be thrown into the Jordan Center parking lot. He said he just saw the traffic report this evening upon his arrival at the meeting. He said he felt the safe thing to do was to not block off Trout Street. Because Jordan Avenue and the Jordan Creek Center parking lot are not lit, pedestrians walking through the parking lot or on the dark street could easily be hit by cars. He said cars coming from Trout Street attempting to turn left or go straight assume that the right turn lane coming from Egan is a right turn lane and get hit by those cars when instead of turning right, they go straight.

Mr. Watson asked if there was any noticeable drop in business when the left hand turn was eliminated from Jordan Center.

Mr. Williams said it was not noticeable. He said to be frank when there was no traffic, people still turned left. In addition, Jordan Creek Center has alternative access points which allow a left hand turn.

John Logan said that no studies have been done about the impact of traffic on Jordan Avenue. He said he was worried that accidents were simply going to be moved from one intersection to another intersection.

Bruce Denton, the owner of Jordan Creek Mini Storage, said he agreed that it was an unsafe intersection. He said he always instructed his employees to enter and exit the area through the signal at the Jordan Avenue intersection. He said he foresaw enough problems with future development of the area without adding additional traffic. Coming off the frozen bridge to the stop sign is treacherous, he added.

Bud Jaeger, property manager for the Nugget Mall, said they are opposed to the proposed DOT&PF project as well. He said there were other options that could have been pursued, but that DOT&PF refused to do so. He said timing the lights would be helpful. He said he was very surprised that state did not have a traffic count to back up their project. Instead of a sign that nobody reads, have a flashing light during the problem hours, saying "no left turns", said Mr. Jaeger.

Larry Bauer, property manager for Jordan Creek Condominiums, said that he wanted to point out that there were no street lights at the condominiums or the storage units. He added that a car rental business was being added on Jordan Avenue. The additional traffic generated from the DOT&PF proposal would be totally unreasonable for the area, he said. He suggested that a camera be installed and that drivers be notified that those making a left hand turn would be photographed and would receive a ticket in the mail. He said this plan was interfering with the property owners, their businesses and their income.

Mr. Bishop asked Mr. Epstein about the protocol for using cameras in conjunction with issuance of traffic tickets.

Mr. Epstein said he was not prepared to respond to that question. He said he would think that since the City was the entity that issued tickets that it would be the place to start.

Referring to Mr. Bruce's remark about Level of Service, Mr. Epstein said the only clarification he wanted to make was that capacity wasn't the issue they were trying to address with the intersection, it was angle crashes.

Mr. Satre asked if DOT&PF had any recent traffic volume for the area under discussion.

Mr. Epstein answered that it did.

Mr. Miller said this was the first time in his seven years on the Planning Commission that DOT(&PF) had brought something to the Commission that was not consistent. Considering the information that was brought forward, said Mr. Miller, in his opinion, he could not put forward a positive recommendation to the Assembly. It appears the most recent crash records are unavailable, and of the records that are available, the crashes seem to be declining. If this project were to move forward, it would be moving the crashes to other parking lots and areas, said Mr. Miller. Also, the potential for life threatening injuries could increase when you added vehicle pedestrian occurrences to the mix, he said.

Mr. Satre said one of the first criteria for staff is to ascertain if an application is complete. He asked if there is such a criteria required on a CSP application.

Ms. Bronstein said her understanding is that there is very little guidance given as to what is required for a CSP review. Their review is limited to a 90 day period, said Ms. Bronstein.

Mr. Satre said in this case it would be better for the Commission to find in one way or the other to allow for the process to continue.

Ms. Bronstein said in this case, the hearing was being held on the last possible day it could be held for this project. The 90 day period ends on December 25, she said.

If the Commission finds this plan is not in conformance with its plans, what kind of time frame is the Assembly on, asked Mr. Satre. What would transpire if the Commission made no comment at all, he asked.

If the Commission makes no comment, Ms. Bronstein said she believes the Commission loses its opportunity to do so.

MOTION: *By Mr. Medina, for approval of CSP2013 0026 with staff's recommendations and findings for this report to be recommended for approval to the Assembly.*

Speaking against the motion, Mr. Medina said he thinks the Commission lacks considerable information to make a qualified decision on this issue. He said he thinks there is a lot of data missing. Mr. Medina said he would like to see other options explored, and that the current option is certainly an economic detriment to the businesses involved.

Mr. Miller said he felt the project was just pushing potential crashes into other areas, and that the potential was there for vehicle-pedestrian accidents to occur. Mr. Miller said he did not believe this project would make it safer for the community. Just the thought of crippling businesses to ten or fifteen percent is a staggering number, said Mr. Miller, especially when there are alternatives that make the economic impacts unnecessary.

Mr. Watson spoke against the motion, but he did not accept the forecasted 10 percent sales loss. He saw that loss as short term. He was concerned the Commission had not already thought about sidewalks in the area. He said given the resistance from the businesses in the area, that DOT&PF should have provided some additional information. He said he felt the intersection was the most dangerous on the weekends with weekend drivers attempting to turn left.

Objecting to the motion, Mr. Haight said he concurred with the comments from the other commissioners and anticipated that a good portion of the traffic would be going through the parking lots of Jordan Creek and Nugget malls which were not created for traffic.

Agreeing with the comments from his fellow commissioners, Mr. Bishop said that the intersections as they are now are not safe, and something needs to be done. He said the Commission needs conclusive evidence that an alternative would provide a safer alternative to what is currently in practice. Going through a parking lot is generally more dangerous than going through an intersection, as a rule, he said.

Roll Call Vote:

Ayes:

Nays: Miller, Medina, Haight, Lawfer, Bishop, Watson, Satre

MOTION FAILS

MOTION: *By Mr. Bishop, the commission finds that CSP2013 0026 does not meet with the City and Borough of Juneau policy in the Comprehensive Plan 8.1 for the reason that it does not show that it is more safe and it certainly is not more convenient for the users of our road system.*

Motion was approved with no objection.

Mr. Satre said the Commission is in agreement that there is an issue that needs to be solved regarding the intersection. He said they look forward to future conversations.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS** - None

XII. **DIRECTOR'S REPORT**

- Flood Plain Management Update

CDD (Community Development Department) has helped remove 24 buildings since August from the high risk flood zones through approved map amendments. The department is experiencing a high volume of calls as anticipated. Half of those removed were along coastal areas and half were along riverine areas. A continuing concern that is voiced is the high premiums. People need to shop around, said Mr. Hart, because much lower premiums are available from other providers, but the department cannot recommend any providers.

Mr. Bishop asked how one shops around for a federally provided insurance.

Mr. Hart said there are private providers that provide that insurance at a lower rate.

Mr. Watson said that he understood there was a base minimum rate based upon the value of the home.

Mr. Miller said he found the difference in flood insurance was shocking.

- Road Standards

Senior Planner Laura Boyce reported that out of the Public Works and Facilities Committee the Director of Engineering was tasked to come up with suggested changes to Title 49 regarding road standards. They would like these proposals forwarded to the Planning Commission for review. Ms. Boyce commented this would probably go to the Title 49 Committee. It may best be presented first to the Subdivision Review Committee, since it touches on proposed subdivision ordinance changes.

Mr. Satre asked what form they were in.

Ms. Boyce said they were in a written format. They could be edited but could be brought to the Commission soon.

Mr. Satre said he felt it should first go through the Subdivision Review Committee and then through the Title 49 Committee.

- Development

Several housing development projects are in the development stages. People are interested in meeting the housing needs of Juneau. There are at least two tourism groups aimed at developing large tourism efforts out in the community in the entertainment/cultural areas.

Mr. Watson asked what the Gastineau Apartment situation was.

Mr. Hart said CDD had requested that they come apply for a permit. They had called in Northwind Architects. They had received a permit to begin their roof work. Mr. Hart said he does not believe they have stated any roof work at this point. Once they receive a permit, they have a year to execute the permit.

Mr. Watson asked if the Commission could receive periodic updates on the Gastineau apartments.

Mr. Hart replied in the affirmative.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

- Subdivision Review Committee

Mr. Medina reported that the Subdivision Review Committee met that evening. They met with the Lands Resources Manager Greg Chaney, and discussed the conceptual subdivision of Switzer 2A and 2B, with the discussion of expanding the lot size of 2A and breaking it up into smaller and more buildable parcels.

- Lands Committee

Mr. Bishop reported that the Lands Committee met December 9, and they recommended that the subdivision item previously reported on by Mr. Medina be explored further regarding Switzer Subdivision 2A, which it was. They also looked at an easement for DOT&PF for highway lighting that it recommended for approval and it discussed a proposed sale of remaining Lena lots that will be happening shortly. At the end of the meeting they heard a proposal from the Affordable Housing Commission for affordable housing fund use. They broke it up into two allocations, one for financing an accessory dwelling unit on the same lot and the second part of the fund was to be used for mobile home down payment assistance. Both were forwarded with positive recommendations.

- Auke Bay Steering Committee

The Auke Bay Steering Committee met on December Fourth. There was an excellent turn out, a full house in the UAS Library room, reported Mr. Bishop. There is a lot of enthusiasm apparent in the group. There was a lot of discussion regarding the zone change and how the group wanted to deal with it. The Steering Committee decided they did not have the time to make a determination as a body on the zone change, but would like to reserve their right to do so in the future, said Mr. Bishop.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

MOTION: *By Mr. Watson, for reconsideration of AME2013 0015 at the next regular meeting of the Planning Commission.*

XV. ADJOURNMENT

The meeting was adjourned at 10:12 p.m.