MINUTES

PLANNING COMMISSION
City and Borough of Juneau
Mike Satre, Chairman

REGULAR MEETING
January 14, 2014

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.

- Swearing in of new Planning Commission Members

  - ✓ Chairman Satre swore in new Planning Commission member Gordon Jackson.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Ben Haight, Paul Voelckers, Nicole Grewe, Karen Lawfer, Gordon Jackson, Dan Miller

Commissioners absent: None

A quorum was present

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Ben Lyman, Senior Planner; Eric Feldt, Planner II; Chrissy McNally, Planner I; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Robert Palmer, City Attorney; Nathan Coffee, Architectural Associate

Assembly members present: Loren Jones, Carlton Smith, Karen Crane, Jerry Nankervis

- Agenda changes

  - ✓ A conditional use permit and two related variances related to the condominium development in Auke Bay were moved from the Consent Agenda to the Regular Agenda for full public hearings: USE2013 0037, VAR2013 0024, and VAR2013 0025.

- ✓ Removed from the Agenda was VAR2013 0021; a variance request to reduce street side setback and rear yard setback for reconstruction of a garage on the same footprint on Alder Street.

II. APPROVAL OF MINUTES

- December 10, 2013 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the meeting minutes of the December 10, 2013, regular Planning Commission meeting, with any minor corrections or modifications provided by 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 thanked new commissioners and outgoing commissioners for their service.

The Assembly passed the Disturbing the Peace ordinance, which is easier to comprehend and a more useful tool, said Mr. Nankervis. The Assembly begins its finance cycle with a meeting on January, 15. It recently heard an appeal on the Atlin Drive rezone. The decision is not out yet. The Assembly has another 38 days or so to make that decision. At the Assembly Committee of the Whole meeting Monday night, the transit report was presented, with both a short-term and mid-term plan. The price tag to implement the short term plan was $200,000 and for the mid-term plan the cost was estimated at around $2 million.

A report was also made to the Assembly by Max Felix, on community health indicators. According to this report, Juneau is the healthiest community in the state of Alaska. Mr. Nankervis said there is room for improvement compared to the rest of the country in certain areas, but overall he felt it was better news than expected. It provided information on declining instances of drug overdoses among other data.

V. RECONSIDERATION OF THE FOLLOWING ITEMS

AME2013 0015:	Rezone 82 acres of Rural Reserve to a mixture of Industrial, Commercial and Rural Reserve.
Applicant:	Bicknell, Inc.
Location:	Honsinger Pond Area

Mr. Miller recused himself from participation on this item.

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

Chairman Satre reviewed the item by relating the item was before the Commission for action at its last regular Planning Commission meeting on December 10, 2013. At that meeting a motion to approve staff's findings, analysis and recommendations failed by a vote of five – two. Near the end of the meeting, notice of reconsideration on this item was given by Mr. Watson. The item is now up before the Commission for reconsideration.

Chairman Satre further explained that the City Attorney's Office advised that only those Commission members who voted on the prior motion should be eligible to vote on the motion of reconsideration, should it be made. Those Commission members eligible to vote, said Mr. Satre, would therefore be; Ms. Grewe, Mr. Haight, Ms. Lawfer, Mr. Watson, and Mr. Satre.

MOTION: *By Mr. Watson, for reconsideration of AME2013 0015.*

In support of his motion, Mr. Watson said that when an owner purchases property, they can use or develop that property any way that it is allowed under the Land Use Code described in Title 49. Mr. Watson said that nowhere in Title 49 is it stated that a property owner is required to approach a government agency or to negotiate a purchase of the owner's property. He added an owner cannot be forced to turn their property into land that is less valuable than it is already currently noted on the maps.

Mr. Watson said the Commission certainly cannot refuse to rezone a property based upon a perceived notion based upon what it thinks the land may be used for. The Comprehensive Plan clearly states that when considering rezone requests the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration. All new zoning and rezoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps, said Mr. Watson.

Mr. Watson said that on page 135 of the Comprehensive Plan, that the search for buildable lands conducted in the 2008 Comprehensive Plan identified very little potential industrial lands suitable for development in the short term. He continued to read that lands identified for development in the near future include current and former gravel extraction areas.

A property owner, said Mr. Watson, has the right to expect fair treatment when he or she comes before the Planning Commission. He said it was for that reason that he called for reconsideration.

Speaking in opposition to the motion, Ms. Grewe said she was only speaking to the motion to reconsider, not to the application or to the merits of the application. She said the Commission

has heard this particular application in one form or another three times prior to this, and the end result has consistently remained the same.

She said the most recent vote on this issue was a strong five – two vote against the rezone request.

Ms. Grewe said she had procedural concerns. Even though Mr. Watson had been cleared by the City Attorney after initially recusing himself to vote in a prior vote on a related issue, Ms. Grewe said even though she did not know the circumstances, that it made her uneasy as a Planning Commissioner.

Ms. Grewe said she believed that the community needed closure on this issue at the Planning Commission level. She said the applicant has the right to appeal the issue before the Assembly if they wish to pursue this to another level.

Speaking in favor of the motion, Mr. Haight said he felt Mr. Watson had a reason for voting for reconsideration, and that he was willing to continue the discussion.

Ms. Lawfer said that she was opposed to the motion for reconsideration, largely for the same reasons outlined by Ms. Grewe. Ms. Lawfer said the process has been carried out, and that the land is useable under the current zoning.

Roll Call Vote:

AYES: Haight, Watson

NAYS: Grewe, Lawfer, Satre

MOTION FAILS

MOTION: *by Mr. Watson, to rescind the actions of the Planning Commission the night of December 10, 2013 for AME2013 0009* [*sic*] *(AME2013 0015), asking for unanimous consent.*

Mr. Satre said this is the first time a motion to rescind a prior Planning Commission action has happened during his tenure on the Commission.

Mr. Satre asked City Attorney Robert Palmer to clarify the difference between a *motion to rescind* and a *motion to reconsider*. Mr. Palmer answered that traditionally a *motion to rescind* is very similar to a *motion for reconsideration*. He said according to Robert's Rules of Order, Section 35, that actions cannot be rescinded or amended, "…when it has previously been moved to reconsider the vote on the main motion and the question can be reached by calling upon the motion to reconsider."

Mr. Palmer stated this means when a *motion for reconsideration* has been put on the table, and it has been decided or could be reached through a *motion for reconsideration*, then a *motion to rescind* cannot later be used.

Under questioning from Mr. Satre, Mr. Palmer said they believe the rule is the same under Mason's Manual, the authority mentioned in Title 49 to which the Commission is to adhere for its procedural rules.

Mr. Satre said under full disclosure that he did have a discussion with Ms. Mead earlier in the week about procedure, to make sure the Commission was following the right path. He added that this particular question did not come up during their discussion.

Mr. Satre said given the knowledge shared by the City Attorneys, that Mr. Watson's motion was not in order.

VI. CONSENT AGENDA

VAR2013 0022:	A Variance request to reduce the lot depth dimensional standard for a bungalow lot from 80 feet to 64 feet in a D-18 zone.
Applicant:	Kris Barnum
Location:	112 D Street

Staff Recommendation
Based upon the proposed plan (identified as Attachments), and the findings and conclusions stated above, the Community Development Department Director RECOMMENDS the Planning Commission APPROVE the request.

VAR2013 0023:	Variance request to reduce rear setback from 20 feet to 5 feet for the construction of a carport.
Applicant:	Kevin McDougall
Location:	225 St Ann's Avenue

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and APPROVE the requested Variance, VAR2013 0023. The Variance permit would allow for a reduction of the rear setback from 20 feet to 5 feet in order to construct a carport.

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

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

AME2013 0009: Requested zone change from Waterfront Commercial to General Commercial of the Auke Bay Post Office property would allow for remodel of existing office space into 7 apartments; residential property on north side of Glacier Hwy. would also be re-zoned to General Commercial from Light Commercial.
Applicant: Northwind Architects
Location: 11893 Glacier Highway

Staff Recommendation
Staff recommends that the Planning Commission recommend that the Assembly amend the zoning maps as provided CBJ 49.25.110(c).

Mr. Satre stated that Commission action on this item following its public hearing had been postponed so that the Auke Bay Steering Committee had a chance to meet and offer its comment on this issue.

Mr. Lyman said the Auke Bay Steering Committee decided after discussion on the matter it did not have the expertise or the knowledge to make a comment on the project at that time.

Additionally, since the last meeting, said Mr. Lyman, the owner of the Post Office property in question voluntarily placed a deed restriction on his property limiting it to a height of 35 feet for a period of three years. This was with the intent, said Mr. Lyman, that during the Auke Bay planning process that a better fit zoning district would be developed for the Auke Bay area than either Waterfront Commercial (WF) or General Commercial (GC). Mr. Lyman said this was showing a good faith effort on the part of the property owner that he did not want to expand the building, but to use what was there.

Mr. Lyman added that the rezoning would however run with the land, regardless of the owner, so that theoretically, another owner of the property under the General Commercial zone could construct a 55 foot building on that site. The deed restriction would put a temporary hiatus on that.

Mr. Lyman briefly reviewed his presentation of the previous regular meeting on this item for the benefit of the new Commission members. The current General Commercial zone from the entrance to Auke Bay Elementary School and the Squire's rest would be extended to the properties in question.

Since this application arrived during the tenure of the 2008 Comprehensive Plan, they would be looking to the 2008 Comprehensive Plan for consistency, not the 2013 Comprehensive Plan, said Mr. Lyman. The Marine Mixed Use zoning currently applies to both properties; the Auke Bay post office and the Iverson building, a residence across the street from the Post Office. The

applicant is seeking the rezone because there is currently unutilized space since the Post Office vacated part of the building.

The current zoning limits the density to 18 units per acre. With the rezone to GC, in the event the Post Office does not renew its lease, 50 units per acre would be possible, allowing the owner to convert the entire building to apartments.

Mr. Lyman showed the Commission the Table of Permissible Uses, and explained what the numbers on the table signified regarding permissible uses within the zones. Mr. Lyman noted this is important since the zoning runs with the land, a new owner could change the use of the land according to the table.

He reviewed that height limitations were a cause of concern between the different zones, noting that the deed restriction suggested by the owner of the property would alleviate that concern for the next three years.

Mr. Voelckers asked in light of the property owner reducing the proposed height of his property for three years while waiting for a more appropriate rezone of the area, how long the process of a more desirable zoning for the area would take. He asked if that rezone effort would be specific to Auke Bay or applicable to other areas within the community such as Douglas.

Mr. Lyman answered that this focus was on the Auke Bay area, and that the Comprehensive Plan discusses adopting new regulations for that area. The area is currently a combination of many different zones, said Mr. Lyman, not all of them being a good fit for the area, and also resulting in each property owner playing by a different set of rules. A result of the Auke Bay planning effort will result in a new set of tools for the area, one of which could be a new zoning district for the area, he explained. The plan is due to the Assembly this fall, and hopefully adopted this year.

Mr. Voelckers asked if hypothetically the GC zoning was granted, and in two years the current owner did not like the proposed changes, if they would have the option of maintaining the GC zoning, or would they be forced to adopt the new area zoning?

Rezoning is ultimately up to the Assembly with recommendations coming from the Planning Commission, said Mr. Lyman. It would certainly be a much easier thing to accomplish politically with the approval of the property owner, said Mr. Lyman. If the Assembly decided on a zone change as a right fit for the area, they could apply that rule set, he added.

Mr. Satre asked if there had ever been an effort to increase the density of WC zoning, rather than potentially fragmenting the districts.

Mr. Lyman answered that the MMU designation in the Comprehensive Plan refers to neighborhoods serving in marine-related retail, marine industrial, food and beverage services

and recreational services along with transit and transportation services with residential densities ranging from 10 – 60 units per acre.

Waterfront Commercial uses largely specify water-related, dependent or oriented use. A business catering to the general public would not be allowed in the WC zoning district, said Mr. Lyman.

In answer to Mr. Satre's question, Mr. Lyman said that is a tool they need to develop, but that it is not something that has been made a priority yet.

Mr. Satre said he would entertain a motion to open the item up again for public testimony, especially if the Commission would like to speak to the applicant regarding the three year limitation he proposed.

Mr. Watson spoke against such a motion, stating that the applicant's response was clear, and he did not feel the need for additional public comment.

MOTION: *by Mr. Miller, to approve AME2013 0009 with staff's findings, analyses and recommendations.*

Mr. Satre said as an individual commissioner he did have some concerns about reaching across a major thoroughfare to make changes to the zoning maps. He said it is something they have avoided in adjustments to those maps in the past, and while he understood the reasoning behind this proposed rezone, he believed it set them up for some difficult situations down the road as they looked to reshape this area.

Mr. Voelckers said he had similar concerns about setting a precedent but did not have the background to know if this type of rezone had happened in the past or not, so he appreciated Mr. Satre's comments.

Referring to the Comprehensive Plan map, Mr. Lyman said that both sides of Glacier Highway are designated to be zoned MMU with the exception of the property owned by the University of Alaska Southeast. He said this is in stark contrast to other zonings where there is a boundary designation that follows the roadway. In those cases there was a clear difference between one side of the road and another, said Mr. Lyman.

Mr. Jackson asked that the action of the Auke Bay Steering Committee on this item be reviewed again.

Mr. Lyman repeated the information for Mr. Jackson.

Mr. Jackson asked how active the steering committee was.

Mr. Lyman said this item was discussed by the committee for about 45 minutes.

Mr. Satre reviewed for Mr. Jackson that the steering committee is a brand new committee, with this item coming before it at its very first meeting.

The motion passed with no objection.

IX. REGULAR AGENDA

CSP2013 0028 &
USE2013 0034: Conditional Use and City State Project review for construction of a new 20,600 SF library and associated site improvements (parking, landscaping, etc.) in Dimond Park.
Applicant: City and Borough of Juneau
Location: Riverside Drive

Staff Recommendation
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. Further, it is recommended the Planning Commission recommend approval of the City/State Project Review. The permits will allow the development of a new 20,600 SF library and associated site improvements (parking, landscaping, etc.) in Dimond Park. The approval is subject to the following conditions:

1. The contractor is required to use flaggers when construction vehicles use any of the internal access routes in the Dimond Park Complex.
2. The contractor is required to wash down the trucks and dampen excavated material off-site prior to exiting the site as an effort to reduce dust.
3. The contractor is required to control dust and remove unwanted material from the street surface of Riverside Drive and the internal circulation routes of Dimond Park.
4. Per CBJ Disturbing The Peace code, §42.20. 095, the contractor will not be allowed to operate any heavy construction equipment before 7:00 am or after 10:00 PM Monday through Friday, or before 9:00 am or after 10:00 PM Saturday and Sunday, unless a permit is obtained from the CBJ Building Official.
5. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at CBJ 49.40.230(d).
6. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, 20% of the lot must be planted with vegetation or the installation of vegetation must be bonded for.

7. Vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans.
8. The site drainage ties in with the existing storm water system for the Dimond Park Community Complex.

The library within the Dimond Park community complex is going to be 20,600 square feet, said Ms. McKibben, replacing the current Valley library housed in the Mendenhall Mall which is 6,000 to 9,000 square feet. The total Dimond Park community complex is about 70 acres, with the site for the proposed library about 1.8 acres.

This property is zoned Medium Family Residential, with city and water already available to the site. The proposed library will be adjacent to the Aquatic Center in Dimond park, said Ms. McKibben, with its parking lot oriented differently than the Aquatic Center parking lot, to shorten the distance for the library patrons. The library itself will be facing the interior road within the Dimond Park complex.

The building will have geothermal heat with an electric boiler supplement. The library plans call for:

- 6,420 square feet dedicated to adult library collections
- 1,000 square feet for young adult materials
- 2,740 square feet for the children's library
- 2, 030 square feet for meeting and study areas
- 2,250 square feet for administrative areas
- 2,790 square feet for public areas and support

The library will be a single story building, well within the height requirements for the zoning. The CBJ Engineering Department commissioned a new Traffic Impact Analysis since the library was not included in the Traffic Impact Analysis performed in 2009, said Ms. McKibben. Since the study was done and since the Aquatic Center has opened, the traffic on Riverside Drive has decreased, said Ms. McKibben. In the horizon year of 2015 which is the same horizon year in the 2009 study, all of the intersections will function at a "C" or better, on a scale of "A" being the best and "E" being the worst. The intersection at Stephen Richards Drive will function at level of service "D" at the p.m. peak hour, said Ms. McKibben, which is the lowest level the Code allows traffic service to go before mitigation is required.

All of the other intersections will be at a level "C" or better for the planning year, said Ms. McKibben.

Mr. Watson expressed surprise at the decline in traffic on Riverside in seven years, considering the addition of the Dimond Park complex with the new high school, Aquatic Center and field house.

Ms. McKibben said she felt there were a few contributory factors, including the rise in gas

prices in 2008, which contributed to a change in driving habits with a reduction of trips in the car, she said. She added that bus ridership has increased, and that the rising cost of gas may be a factor as well. Ms. McKibben said this is a phenomenon all over Juneau, not just Riverside Drive. Since a minimum level of service will be maintained before mitigation is required, Ms. McKibben said they are not recommending any additional traffic devices be installed with the addition of the library.

Ms. McKibben said that D5 zoning has a 20 percent vegetative cover requirement, and that the library showed 25 percent vegetative cover on its plans, which is no problem. The library will have a minimum of 34 required parking spaces, with two of those spaces designated as van-accessible. She said the lighting plans indicate that it will be similar to the exterior lighting for the Aquatic Center and the high school for consistency.

Mr. Miller noted that since the high school was constructed, the school zone speed requirement has increased in size, to such an extent that a car entering that area mid-zone from one of the neighborhood streets could easily miss the blinking lights indicating the necessary reduction in speed. He asked if there was a remedy for this problem, and if it was possible it may occur with this project.

Mr. Coffee responded that this project did not have plans to address that particular concern, and that from his perspective it would be more appropriately attached to a school project.

MOTION: *by Mr. Watson, that USE2013 0034 and CSP2013 0028 be approved, and he asked for unanimous consent on the motion.*

The motion was approved by unanimous consent.

VAR2013 0024 & VAR2013 0025:	A variance to reduce both side yard setbacks from10 to 5 feet, and a second variance to increase the maximum allowed height from 35 feet to 50 feet for a new 15-unit condominium in Auke Bay.
Applicant:	Aniakchak, Inc.
Location:	11435 Glacier Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variances, VAR2013 0024 and VAR2013 0025. The Variance permit would allow for a roof and 1.5-foot long roof eaves covering a parking deck and 15-unit condominium building to encroach five feet into both side yard setbacks, and allow the condominium building to be 50 feet tall with the following condition:

1) Prior to the issuance of a Building permit, the applicant shall submit a site plan, and if needed, a narrative, showing/ describing how the snow will be managed on site, If snow

will be partially managed on adjacent property, the applicant shall submit a recorded easement addressing snow management.

2) Prior to the issuance of a Building permit, the applicant shall submit documentation that will ensure the foundation of the parking deck and building will not be eroded by water run-off along both side property lines.
3) For the Building permitting process, a surveyor shall verify all yard setbacks of the Foundation Verification Setback Form.
4) Prior to Final Certificate of Occupancy, the applicant shall submit an as-built survey showing the parking deck, building and roof eaves all ~~complying with yard setbacks~~ consistent with submitted plans.

Prior to Final Certificate of Occupancy, the applicant shall submit an as-built survey showing the parking deck, building and roof eaves all **complying with yard setbacks**.

Mr. Feldt told the Commission that the applicant is proposing a 15 unit condominium complex in Auke Bay, adjacent to the Bayview apartment property to the west. The site consists of two lots, one largely upland, and the other on the waterfront.

The applicant's site plan shows a four story condominium building towards the south end of the project, and a 27 space parking deck between the building and Glacier Highway to the north. The project consists of the covered parking area, attached to the four story condominium area with a very large roof. Each story would be accessible by an elevator, said Mr. Feldt.

The applicant is seeking variances to reduce the required setbacks on the sides of the building and parking deck roof from ten feet to five feet. The applicant had to design for the 100 year flood storm scenario, said Mr. Feldt, to be in compliance with new flood maps just passed by the Assembly in 2013. That indicates that this property could be affected by a 100 year storm that could push water up to 26 feet above mean low water. The storm could create waves three feet or higher, so the flood zone regulations require buildings in this situation to be built on supporting columns, said Mr. Feldt. The applicant would place the support posts at 26.5 feet to keep the entire building out of the flood zone, thus removing it from the 100 year storm hazard area, and also preventing the future condominium owners from having to obtain flood insurance.

The building will appear single story when viewed from Glacier Highway, due to the steep slope of the land, said Mr. Feldt. Floors one thru three will contain four two bedroom units, with three two-bedroom units on the top floor. The existing old structures on the site will be removed prior to construction.

Variance 2013 0024 reduces the side setback from 10 feet to five feet for both sides of the building and parking deck roof, said Mr. Feldt.

Variance VAR2013 0025 increases the maximum allowed height from 35 feet to 50 feet. If the height variance is denied, said Mr. Feldt, the applicant has the ability to add the fourth floor units onto the parking deck, or reduce the number of dwelling units. The staff's recommendation, said Mr. Feldt, is to ensure that the minimum vegetative cover on the site continues through the project process.

The staff recommends that both variances be approved. Mr. Feldt amended the last sentence in condition number four to read,"all consistent with submitted plans" instead of, "complying with yard setbacks".

Mr. Miller asked if the measurement for the height of the building actually started at the base of the piling for the building rather than the base of the building itself.

Mr. Feldt said this was true.

Mr. Miller said he did not see where adding ten feet was much help.

Ms. Lawfer asked if the parking deck would come straight out from Glacier Highway.

Mr. Feldt said the parking deck itself would be the same grade as the road.

Ms. Lawfer verified that the view from the road would be a 27 space parking garage.
She asked what the required amount of parking spaces were for a fifteen unit complex.

Mr. Feldt said a 15 two bedroom unit project requires 26 parking spaces. Two of the 26 spaces are required to be handicapped accessible. He added that the parking deck itself is allowed to be built up to both the front and the side lot lines.

Bill Heumann, one of the project developers, said they designed what they thought was the best product they could offer their customers. He said he owns the Bayview Apartments next door to the proposed site. Snow removal as an issue should be greatly alleviated with the covered parking deck, he said. He said with his experience, a shingled roof with a 3/12 or 4/12 pitch would hold the snow.

They have the need for the setbacks because of the width needed for the units, which they see as important space. In a narrower space, it is very difficult to get two bedrooms side by side, said Mr. Heumann, without forcing them up against the view side of the building.

Ms. Grewe asked if there was a price point for the condominiums.

Mr. Heumann said they do not know yet what the project is going to cost, but that they have been targeting about $350,000 for about 900 square feet of living space. He said he would like

to make the units affordable so that more people could have the opportunity to live on the water.

Mr. Watson asked if the items were approved, when the anticipated construction would begin.

Mr. Heumann said they would begin construction about April, if everything went according to plan.

Mr. Voelckers asked if they had initiated detailed engineering yet, and if so what kind of materials would they be using.

Mr. Heumann said they have had preliminary discussions with an engineer. He said there would be a fair amount of steel in the building.

Mr. Voelckers asked what the timeline was for the project.

Mr. Heumann said his last project they turned around in seven months from issuance of the conditional use permit last April. He said for this project he would expect a two month design period. He said he anticipates completion of the condominiums spring of 2015.

Mr. Haight asked why the pitched roof was selected over a flat roof.

Mr. Heumann said at this point in the process he didn't have an answer for that. He said the fire trucks will park in the road and use the roof as an access to the building. He said what really defined the roof over the parking deck was the roof over the building.

Mr. Haight said he thought that a flat roof would be more amenable to the fire department than a pitched roof.

Mr. Heumann replied that what the Fire Department is interested in is ladder height. They want the height between the parking garage and the complex to be similar.

THIS IS NOW PUBLIC COMMENT. THERE SHOULD BE A HEADING HERE STATING THIS

Resident Carla Hart said she supports more housing density, but that she had some concern about the variances for the setbacks and height. She said she did think it was good to have elevators in the building, because she knew there were people in the community with mobility challenges who found housing difficult to locate. She added that she did not think there was enough parking provided considering those occasions when residents would have guests. She said she did not think the roof would hold the snow load indefinitely before dislodging it. She also said she felt the runoff from the site should be addressed carefully before being turned over to a condominium association. She said she did not feel a parking garage facing the street would make it a welcoming place to walk past.

Ms. Hart thought a landscaped area with benches along that way would be a fair mitigation in return for the setback allowances. She said she loved the idea of a flat roof, so that residents of the building could have a garden space or other usable space on the roof, which would add to the community feeling of Auke Bay.

Mr. Medina said he had a procedural question. He said he did not hear the Commission convene as a Board of Adjustment when it heard the staff report.

Mr. Satre said they would do so when they made the motions. They would make a motion on the conditional use permit and act on that. Then if needed, they would convene as a board of adjustment.

Mr. Heumann said there is a public easement on the property that is not currently used. It would provide nice access for the public, he said. He added that he asked for a variance for height for as much as he thought reasonable, so that there would be room to maneuver if discrepancies arose.

MOTION: *by Ms. Grewe, that USE2013 0037 be approved with staff's findings, recommendations and analyses.*

Mr. Voelckers said he has some concerns with some aspects of the variance, and that he had problems giving a conditional use permit for something that would be hypothetical if the variances are denied.

Roll Call Vote:

Ayes: Miller, Jackson, Grewe, Haight, Lawfer, Peters, Watson, Satre

Nays: Voelckers,

MOTION PASSES

X. BOARD OF ADJUSTMENT

The Commission convened as a Board of Adjustment to take action on VAR2013 0024 and VAR2013 0025.

MOTION: *by Mr. Miller, to approve VAR2013 0024 with staff's findings, recommendations and analyses. Mr. Miller added that to staff's recommendation Number 1 that the phrase "including the snow from the roof" be inserted after "how the snow will be managed on site".*

Recommendation Number 1 would then read:

Prior to the issuance of a Building permit, the applicant shall submit a site plan, and if needed, a narrative, showing/describing how the snow will be managed on site, including the snow from the roof. If snow will be partially managed on adjacent property, the applicant shall submit a recorded easement addressing snow management.

Mr. Miller said a metal roof, for example, on that slope, could potentially shed a much larger pile of snow than just five feet. Mr. Miller said the current plans for a 3/12 pitched roof with shingles should hold the snow. He added that he really liked the idea of a flat roof with a garden space.

Mr. Voelckers said he was uncomfortable with the variance for the side yard setbacks, specifically. Mr. Voelckers said the very first line in Title 49 under variance requirements states: "Where hardship and practical difficulties result from an extraordinary situation or unique physical features affecting only a specific parcel property."

Mr. Voelckers said that he had not heard anything specific, unusual or unique about the property, merely that the applicant likes the potential of getting to the full 15 units that is the legal-carrying maximum of this lot. If the variance isn't granted, it would result in an additional five feet on either side of the building, which may or may not require getting rid of a unit, or however units may be stacked vertically, said Mr. Voelckers. He said he would take Title 49 literally meaning that if there were not unique circumstances, then a variance was not the right vehicle to second guess whether this zoning district should have a ten foot setback or a five foot setback. He said he did not believe the burden of proof had been met.

Mr. Watson said he thought the applicant had done a fairly good job of explaining the challenges. The slope on the property is very steep, and if the Commission is trying to encourage housing in this community then it has to look at these proposals in a very positive way, he said. An opportunity to add another unit to the community is very important, said Mr. Watson. Mr. Watson added that he felt the steep slope and the flood plain issue which adds tremendous cost for the developer are substantial issues that need to be considered. To reduce the size of the project cuts the payback to the applicant and discourages other developers, said Mr. Watson. He said he did not see the five foot setback being harmful in any way to property owners on either side.

Speaking in favor of the motion, Ms. Grewe said she thought the applicant had met the burden of the first line of the variance requirements, regarding the topography of the lot, combined with the flood zone issue. Her concern about the snow shed from the roof has been addressed with the first condition.

Mr. Haight also spoke in favor of the motion, stating that he felt since the parking structure is permitted to be constructed up to the lot line, that this set the definition for the remainder of the structure as well.

Roll Call Vote:

Ayes: Miller, Jackson, Grewe, Haight, Lawfer, Peterson, Watson, Satre

Nays: Voelckers

MOTION PASSES

MOTION: *by Mr. Miller, that VAR2013 0025 be approved with staff's findings, analyses and recommendations.*

Mr. Satre clarified with Mr. Feldt that the intention of the recommendations was that they were to be the same for both variances.

Mr. Feldt answered in the affirmative.

Mr. Satre asked that condition number one be reworded so that it was the same as the first condition on VAR2013 0025.

The motion passed with no objection.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

COMMUNITY DEVELOPMENT

Mr. Hart said the eyes of the community are watching the Auke Bay Steering Committee. He said he had been contacted by representatives from the Douglas community, asking for Mr. Hart to provide them an update of the development and process in Auke Bay. He said there are a number of items in the Douglas area winding their way through the department, which the Commission would be seeing in forthcoming meetings. Mr. Hart said he had enquiries about the store attached to the gas station in Douglas which recently closed, and there is an effort to potentially demolish the old washateria building in Douglas. At the same time, said Mr. Hart, there are investments occurring in the area; a triplex, several homes, with other projects coming up in 2014, including the upgrade of some existing buildings.

Each project which occurs in the community creates the opportunity to address things not addressed before, such as a sidewalk and related amenities, said Mr. Hart.

The Planning Department is coordinating in Auke Bay, and looking at businesses which are expressing an interest in the area. Mr. Hart said that he will be sending out monthly reports regarding how many permits are issued in the area, as well as the progress of the Auke Bay Steering Committee from month to month.

BUILDING PERMITS

Mr. Hart said he will be providing the Commission with permit numbers from 2013. He said that Juneau had 60 new residential building applications totaling almost $15 million this past year. This was up 27 applications from the previous year, he added. Commercial development including remodels and additions totaled almost $78 million. Permit value is several percentages lower than the street market value for a property, Mr. Hart explained. The Planning Department issued 755 total permits issued last year, compared to 810 permits issued this year. Mr. Hart said if he is reading the data correctly, that Juneau is still falling behind in its issuance of building permits from previous years.

PICTURE OF THE COMMUNITY

Mr. Hart also wanted to provide the Commission with the information provided at the Assembly Committee of the Whole meeting the previous evening on community health indicators. He said all of this information added up to build a picture of the community. By looking at the available data, Mr. Hart said he was surprised to find that there are 1,300 people living out the road past Auke Bay.

QUESTIONS FOR THE DIRECTOR

Mr. Watson asked when Mr. Hart would be presenting the FY 13 information to the Assembly.

Mr. Hart said he would be meeting with the City Manager and Deputy City Manager tomorrow, and providing the rest of the information at different intervals. Mr. Hart said he was not sure at this time when he would be providing that information to the Assembly.

Mr. Watson said a permit for remodels is a real vote of confidence for the community. He said it is an indicator from the community that becoming involved in the community is worth the investment.

Mr. Watson said he has never seen a development director involved in the community as Mr. Hart is involved in the Juneau community. Mr. Watson said he sees Mr. Hart out in the community from early morning to late in the evening.

Mr. Hart said the Comprehensive Plan is an amazing document, and that it carries the Planning Department into many different venues.

Mr. Voelckers asked if there was enough information available to give a sense as to the progress of development in the community compared to other years.

Mr. Hart said his biggest concern and also his biggest hope rests with the neighborhoods. Housing is doing well, said Mr. Hart. He said he feels it is important to provide community development through working with people to draw them together to create a vision, but to also follow that with investment. It's an investment in the neighborhood, said Mr. Hart.

Mr. Hart said his biggest fear is that the community becomes too dependent on institutional funding for its big projects.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

COMMISSION ON SUSTAINABILITY

Mr. Haight reported that the Commission on sustainability met last week. There is a retreat for the Commission scheduled for January, 25. They discussed a proposal by Alaska Hydropower to dedicate a $1 million from the head tax fund towards providing power for the cruise ships. There was also a presentation about the heating district concepts in the Willoughby area, and also discussion on the possible application of that to other areas.

PUBLIC WORKS AND FACILITIES

The Public Works and Facilities committee met on Monday and discussed an LID proposal for Dun Street, a street in name only at this point. This property belongs to Mr. Harris, and he has approached the Borough for him to pay for a street to be put in, and construct according to code. It was decided that this item proceed to the Committee of the Whole to be discussed.

They also received an update on bio solids. The Borough signed a five year contract on removing solid waste from the community. There is concern on both the Public Works committee and the Assembly that this is a band aid, and that a plan is needed.

AUKE BAY STEERING COMMITTEE

Mr. Watson attended the meeting of the Auke Bay Steering committee about a week ago, in which organization of the new committee began taking place. Mr. Watson said it appears the committee has a good feel for its mission and a good direction. The Planning staff was well represented, said Mr. Watson, which was very helpful for the committee.

HISTORICAL RESOURCES ADVISORY COMMITTEE

Mr. Satre said the Historical Resources Advisory committee which meets once a month is interested in having a representative from the Planning Commission on the committee. Mr. Satre said he would not be assigning a Planning Commission liaison to the committee, but if a Commission member was interested in serving on that committee, to let him know.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Ms. Grewe commented that she was surprised how swiftly the Economic Development Plan got approved by the Assembly. She said on the one hand she was pleased with how fast it moved

through the channels to approval, but that she wanted to make sure the Commission and the staff are involved, because it has to have a life beyond elected officials.

Mr. Watson said that a comment had been made by a Commissioner about a conflict of interest on his part during the first application heard that evening. He said that any time that a Planning Commissioner feels that another Commissioner may have a conflict of interest, that they have the right to ask that Commissioner to step down at any time.

Attendance at Planning Commission meetings and Committee of the Whole meetings is very important for Planning Commission members, said Mr. Watson. He said he felt for those Commissioners who didn't attend the necessary meetings, that it put an unnecessary burden on the remaining members.

XV. ADJOURNMENT

The meeting was adjourned at 9:46 p.m.