

**PLANNING COMMISSION**  
City and Borough of Juneau  
**Michael Satre, Chairman**

REGULAR MEETING  
March 25, 2014

**I. ROLL CALL**

Dennis Watson, Vice Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:02 pm.

**Commissioners present:** Dennis Watson, Vice Chairman; Karen Lawfer, Ben Haight, Bill Peters, Paul Voelckers, Dan Miller, Nicole Grewe, (telephonically until 8:11 p.m.); Gordon Jackson

**Commissioners absent:** Chairman Satre

**A quorum was present**

**Staff present:** Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Jonathan Lange, Planner I; Chrissy McNally, Planner I; Greg Chaney, Land and Resources Manager

**II. APPROVAL OF MINUTES**

- February 18, 2014 – Special Planning Commission Meeting
- February 25, 2014 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the minutes of the Special Planning Commission Meeting of February 18, 2014, and the Regular Planning Commission Meeting of February 25, 2014, with any minor modifications by Commission members or by staff.*

The motion was approved by unanimous consent.

**III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

**IV. PLANNING COMMISSION LIAISON REPORT**

Assembly Liaison Jerry Nankervis reported that at the Committee of the Whole (COW) meeting last Monday, the Assembly was provided with an update from the After School Commission, and the Community Development Department's (CDD) annual meeting which was held this month. There were two reports from the City Engineer; one on the West Douglas road extension, and one report on the Lemon Creek second access. Mr. Nankervis said that basically there are no funds available for that project at this time.

On March 24, 2014, there was a Public Works and Facilities Committee meeting, during which there was an update from Rorie Watt, Engineering Director, on the Sealaska Heritage parking situation. Their proposal is to extend the sidewalk in front of the new building under construction, eliminating five parking spaces, and offset that parking deficit by moving the sidewalk back and creating four parking spaces on the Sealaska side of the building, and one additional parking space at the end of Shattuck Way, behind the building.

At the last Assembly meeting, Ordinance 2014 0009 was approved, which is the rezone of the Auke Bay Post Office building. Ordinance 2014 0010 was also approved, said Mr. Nankervis, which is the property across from the Pioneers Home, he said. The Assembly accepted the appeal which he called the "Landscape Alaska Appeal". This appeal was of the Conditional Use permit granted to Landscape Alaska. Assembly member Loren Jones will be the presiding officer for that appeal. The Richard Harris appeal was finalized at the last Assembly meeting. The applicant's request for a rezone was granted, with some dissenting votes from Assembly members. The Finance Committee met on March 19, and was provided with an update on the budget shortfall. Mr. Nankervis clarified this breaks down to about a \$5 million shortfall for 2015, and a \$7 million shortfall for 2016. He clarified this is not a deficit but a shortfall, since that money has not yet been spent.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS - None**

**VI. CONSENT AGENDA**

SMP2014 0001 was pulled from the Consent Agenda and placed on the Regular Agenda to enable public comment.

AAP2014 0001:	A Conditional use permit application for an accessory apartment on a substandard sized lot in a D-1 zone, not served by city sewer.
Applicant:	George & Lynette Campbell
Location:	17090 Glacier Highway

**Staff Recommendation**

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

1. Prior to Final Plat Approval, the applicant shall submit a joint use and maintenance agreement for access and utility easements to be recorded with plat.
2. Prior to Final Plat Approval, the applicant shall submit detailed drawings of the proposed utilities and driveway meeting all applicable CBJ Engineering standards.
3. Prior to construction of the subdivision improvements, the applicant shall submit a detailed drainage management plan consistent with CBJ §49.35.510.
4. Prior to grading or paving of access easements the applicant will contact Community Development Staff to flag the required habitat setback.
5. Storm water features will be required prior to development to comply with CBJ

19.12.120 Storm water Quality and the CBJ Manual of Storm water Best management Practices.

6. Prior to Final Plat recording, the applicant will be required to install improvements for public water and sewer to all proposed lots, or shall bond for improvements.

USE2014 0004: A Conditional Use Permit for Brotherhood Bridge replacement project staging area on Clinton Drive.

Applicant: Orion Marine Contractors

Location: Clinton Drive

### **Staff Recommendation**

Based upon the proposed project (identified as Attachments A and B), and the findings and conclusions stated above, the Community Development Department Director **RECOMMENDS** the Planning Commission **APPROVE** the request with the following conditions.

Recommended conditions:

1. Prior to any site preparation or construction activity, the applicant shall obtain a grading permit, issued by the Community Development Department.
2. The applicant shall ensure transported material is secure and safe, and any debris falling on the street or sidewalk be cleaned up as soon as possible.
3. The applicant shall ensure that the sidewalks in front of the subject site shall remain passable for all pedestrians, and cleared of any material that may originate from the construction staging operations except for permitted closures.

**MOTION:** *By Mr. Miller, to approve the amended Consent Agenda for the remaining two items with staff's findings, analyses and conditions.*

The motion was approved by unanimous consent.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

**VIII. UNFINISHED BUSINESS** - None

**IX. REGULAR AGENDA**

SMP2014 0001: Preliminary Plat approval for a Major Subdivision of three lots to nine lots at the southeast corner of Sherwood Lane and Glacier Highway.

Applicant: ANDSOH Associates LLC

Location: 2767 Sherwood Lane

### **Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Preliminary Plat. Approval would allow the applicant to apply for the

Final Plat Application. Staff further recommends that the approval be subject to the following conditions:

Mr. Lange informed the Commission this item is a preliminary plat approval for a major subdivision at Sherwood Lane and Glacier Highway from three lots to nine lots. This land is zoned Industrial, and is about 5.48 acres in size, said Mr. Lange. Each lot meets the minimum road frontage requirement of 30 feet for each lot. The lot does contain wetlands and an anadromous stream which flows through the property. There is a 25 foot “no disturb” setback for the stream, with a 50 foot no construction setback, said Mr. Lange.

Access to the lots will be obtained from Sherwood Lane, since the Department of Transportation and Public Facilities (DOT&PF) allows no direct access onto Glacier Highway, said Mr. Lange.

The staff recommends approval of the plat application with the following conditions:

1. Prior to plat approval, the applicant shall submit a joint use and maintenance agreement for access to utility easements to be recorded with the plat. A “hold harmless” clause was added to be included in the joint use and maintenance agreement.
2. Prior to final plat approval, the applicant shall submit detailed drawings of the proposed utilities and driveway meeting all applicable CBJ Engineering standards.
3. Prior to construction of the subdivision improvements, the applicant shall submit a detailed drainage management plan consistent with CBJ 49.35.510
4. Prior to grading or paving of access easements the applicant will contact Community Development staff to flag the required setback.
5. Stormwater features will be required prior to development to comply with CBJ 19.12.120 Stormwater Quality, and with the CBJ Manual of Stormwater Best Management practices.
6. Prior to final plat recording, the applicant will be required to install improvements for public water and sewer to all proposed lots, or shall bond for improvements.\

And the following conditions from the blue folder:

7. Prior to Final Plat Approval, the applicant shall define, fire apparatus turnaround and drainage on the plat.
8. Prior to Final Plat Approval, the applicant shall submit a plan detailing topography of the subject parcels.

9. Prior to Final Plat Approval, the applicant shall label on the plat the No Disturb and No Build setbacks.

10. Prior to Final Plat Approval, the applicant shall add the following note to the plat:

ADVISORY NOTE

This subdivision is in close proximity to the Hagevig Regional Fire Training Center which can produce increased noise levels and foul smells. Noises may include sirens, radios, weapons firing blanks and other loud noises. Smells may include smoke from the burning of diesel fuel and other burning activities. The use of chemical extinguishing agents may be used as part of its normal training activities. These activities can occur on nights and weekends and may occur between the hours of 5am and 11pm.

QUESTIONS

Mr. Miller asked applicant John Armstrong if the entire driveway for lots 5, 7, 8 and 9 was outside of the 50 foot streamside (development) setback.

Mr. Armstrong answered in the affirmative.

Mr. Watson said he assumed that the proposed development of the lots was not just for industrial purposes.

Mr. Armstrong said that was correct.

Mr. Watson asked Mr. Armstrong if he fully understood the requirements of the Fire Department regarding the land.

Mr. Armstrong said he fully understood those requirements.

PUBLIC COMMENT

Resident Joe Meek said he was owner of the property across the street from the proposed development. He said he did not feel the proposed development was in harmony with the neighbors. He expressed concern about the potential industrial uses of the property. He said he did not feel those uses would be in harmony with his office building across the street. He felt that heavy industrial use of the proposed development would make his property worthless. He said all of the surrounding land was used for office buildings. He said there was \$7 million to \$8 million dollars worth of property that could be affected by what may or may not happen on the land. Mr. Meek said he did not want to have to come contest the land development every time a potential lot owner from this subdivision came before the Commission for a Conditional Use Permit.

Mr. Voelckers asked if the property was currently zoned Industrial.

Mr. Meek said that was correct.

Mr. Voelckers said if the land is currently zoned Industrial, it seemed to him that chopping the three lots into nine lots would somewhat mitigate the effect since they would be smaller parcels, thus large industrial operations wouldn't be possible.

Larry Bauer, property manager for the building housing the Department of Motor Vehicles on Sherwood Lane, said that he agreed with everything mentioned by Mr. Meek. He said he did not have a problem with the subdivision, but that his concern was what would end up being placed on the lots. He said a lot of noise going on in the neighborhood from potential heavy industrial use would not be conducive to the work of the people in the buildings that he manages across the street. He expressed the concern that noise would motivate his clients to relocate.

Mr. Haight asked Mr. Bauer what level of noise would be acceptable.

Mr. Bauer said he felt there may be some type of meter reading that could be taken to put a cap on the amount of noise allowed to be generated from the properties.

Mr. Haight asked Mr. Bauer if he shared the typical concerns about industrial areas regarding potential odors and the effect of views.

Mr. Bauer said these were concerns, and that odors were currently a problem when the Fire Department carried out some of its activities. He said that for him, the view was not a major issue. He said his goal was to have happy and content tenants who would not want to move somewhere else as a result of industrial development in the neighborhood.

Mr. Miller asked the staff if the land had recently been changed to Industrial or if it had always been Industrial.

Mr. Lange said to the best of his knowledge it had been zoned Industrial for quite some time.

Mr. Miller asked Mr. Bauer if he could agree that nine smaller lots could possibly be less intensive than three larger lots.

Mr. Bauer agreed that could be the case, but that it would depend on the individual land owner and what kind of activity they would be performing. He asked if there would be any CC&R's (covenants, conditions and restrictions) to accompany the subdivision.

Mr. Watson said he assumed that Mr. Bauer had the same concerns about land at the end of Sherwood Lane that he believes is also zoned Industrial.

Mr. Bauer responded that he was not really familiar with that property. He expressed concern that land previously termed "Industrial" is now "Heavy Industrial", and that it does not provide a good mix for the area.

Nathan Young, the Property Facility Manager of the Hagevig Regional Fire Department Training Center, told the Commission that by the addition of additional lots to the area, that they could see a trend of commercial-type properties with residential areas above them. He said the facility is used by many different agencies, and that it is a very high volume facility. They do a lot of burning at the facility, in the area which can often experience an inversion, creating lingering smoke in the area. He said they are very concerned about an increase of density in the area.

Mr. Watson asked approximately how many days a year the facility was in use.

Mr. Young said he estimated the facility was in use a minimum of 200 days a year, of either full day or half day use.

#### APPLICANT

Mr. John Armstrong said the existence and actions of the Fire Department Training Center would be fully written into any purchase agreement so that purchasers would be fully aware of its activities and potential impacts on their property.

Mr. Armstrong said he did put the subdivision together so that individuals would have the opportunity to buy smaller lots, with maybe a shop on the bottom and a caretaker residence above the shop. He said if the lots were not subdivided, the chances would be much greater for a high impact business such as a rock crusher or asphalt plant. He said when individuals purchased the property around him, that they were fully aware that his property was zoned Industrial.

Mr. Watson asked Mr. Armstrong again if he could give a rough idea of how he foresaw the development of the property. Mr. Armstrong said he was going to build a shop with a caretaker's residence above it for sale. He said he would put the other lots up for sale, but that he could not speculate what kind of development the buyers would pursue with the lots.

Mr. Haight asked what the allowable noise level was for the area.

Mr. Goddard answered that the only code in place was the Disturbing the Peace ordinance.

Mr. Haight said he was considering adding a condition limiting the noise levels at the edge of Sherwood Lane to 70 decibels.

Mr. Goddard said that since this is a subdivision application, that they would need to determine if a condition like that would be something that could be reviewed under the subdivision code, as opposed to a use permit or a rezone where it could be attached. He said he would have to research if the subdivision standards gave the Commission the ability to pursue use-related issues at this time.

**MOTION:** *by Mr. Miller, to approve SMP2014 0001 with staff's findings, analyses and conditions with the inclusion of the amended conditions included for the Commission in its blue folder this evening.*

Mr. Miller spoke in favor of the motion, saying that industrial land is rare in Juneau, and that the concerns of the neighbors are important, but that they chose to build commercial facilities in an Industrial zone. Mr. Miller said he felt this was a proper subdivision of an existing industrial zoned property. He said he felt Mr. Goddard made a good point of addressing any possible noise issues when a Conditional Use Permit was before the Commission.

Mr. Voelckers spoke in favor of the motion, stating that it may have the probable consequence of preventing huge industrial developments on the site. He said the plans for the area are leaning towards heavier industrial use rather than lighter industrial use. He said he felt this was a good move, and well within the applicant's rights.

Ms. Grewe said this was within the Comprehensive Plan, and well within the landowner's rights.

Mr. Watson said the land across the street from the subject property has been used for office space for many years. He said he felt it was incumbent upon the property owner to be a good neighbor.

**Roll Call Vote:**

The motion passed with unanimous approval.

AME2013 0010:	Zone Change Request from D18 to Light Commercial for USS1284 Lot A1 & Lot C1.
Applicant:	D&G Properties, Inc.
Location:	9209 & 9213 James Boulevard

Ms. McKibben told the Commission the property in question is located on two lots on James Boulevard, adjacent to the Racquet Club property. The smaller lot is just over 30,000 square feet and the larger lot is just over 32,000 square feet, said Ms. McKibben, with a combined area of 1.89 acres.

Rezoning must be over two acres or the expansion of an existing zone, said Ms. McKibben. There is Light Commercial land immediately adjacent to the lots in question, but it is not "outright Light Commercial", said Ms. McKibben. This land is proposed for Medium Density Residential in the 2013 Comprehensive Land Use Plan, said Ms. McKibben. The current D18 zoning is for primarily multi family dwelling units at densities up to 18 units per acre, said Ms. McKibben.

The applicant has indicated the primary reason for the rezoning is to add more residential units to the site, said Ms. McKibben. Under the current zoning the applicant could construct up to 34 units. They have 32 units now. Under the requested zoning to Light Commercial, they could

construct a total of up to 57 units, said Ms. McKibben. She added that Light Commercial carries with it a 45 foot height restriction, which would be ten feet higher than the current D18 zoning.

Ms. McKibben showed a sample of potential uses for the zones via the Table of Permissible Uses, pointing out that there are similar items which could be constructed under both zones, the difference being that a Conditional Use Permit would be required under the less dense D18 zoning.

The Light Commercial zoning does not substantially conform with the Land Use Maps of the Comprehensive Plan, said Ms. McKibben. Also, the rezoning is not larger than two acres.

#### QUESTIONS

Mr. Miller asked if the applicant was including the existing, adjacent, Light Commercial lot that he owns in his development plans.

Ms. McKibben said it was her understanding that a portion of the adjacent Light Commercial land would be included in the proposed multi-family development.

Mr. Miller asked if there was any way of increasing the density of the existing D18 lots through any kind of bonus provision.

Ms. McKibben said there are not density bonus increases that exist in the code which would fit this situation.

Mr. Voelckers asked what conditions were attached to the adjacent Light Commercial zoned property. He asked what the applicant was hoping to accomplish with the rezone ten years ago.

Ms. McKibben said what she has read is that the zoning at the time was for a projected expansion of the Juneau Racquet Club.

#### APPLICANT

Mr. Jeff Grant told the Commission he sold the Light Commercial zoned property to the Racquet Club so it could expand. When that did not happen, they purchased the property back from the Racquet Club. He said his plan is to build more apartments on the Light Commercial property. He said he would like to be able to go across his property lines to construct the apartments. He said he would like the Light Commercial zoning because he could build higher than the more restrictive D18 zoning allowed.

Mr. Voelckers asked Mr. Grant if he was planning on demolishing some of the housing on the existing D18 lots and comingle the lots with a larger development.

Mr. Grant said that is not his plan. Without the Light Commercial zoning on his D18 lots, he would not be able to cross the property line and merge the property with his existing Light Commercial lots, he explained.

Ms. Lawfer asked why Mr. Grant was requesting to rezone both lots.

Mr. Grant said it seemed the least complicated thing to do, since he owned both lots.

Ms. Lawfer asked if the restrictions still apply to the Light Commercial property he purchased back from the Racquet Club.

Ms. Lawfer was told the restrictions still apply.

Mr. Watson asked if Mr. Grant could recall the conditions placed on the existing Light Commercial zoned lots.

Mr. Grant said his intent is not to do anything other than housing, but that he could not predict the future.

Mr. Watson asked if the adjoining property belonging to Mr. Robinson was the same elevation.

Mr. Grant answered in the affirmative.

#### PUBLIC COMMENT

Resident Dave Hannah spoke in favor of the proposed rezone, saying that he has been involved in bringing affordable housing to Juneau. He said this type of proposal seems to be just what Juneau needs. He said Juneau is still short at least 700 housing units, and that this development would be a very compatible use for the property, as well as bring more affordable housing to Juneau. If the property was rezoned to this use, said Mr. Hannah, then there would be a larger net area to which Mr. Grant could apply the total net density.

A neighboring resident spoke against the proposal. He said the units per acre would just about double. While traffic would increase substantially, there would not be enough predicted traffic to predicate a Traffic Impact Analysis. He said the intersection of James Boulevard and Riverside Drive is very difficult to access during peak commute hours. He said if the applicant wanted high density housing, then he should have purchased land with that zoning to begin with.

Mr. Grant said his plan was to build apartments that he would own, and fit onto his property, at the height that he needed.

Mr. Watson asked if the project were to move forward, if it would be a single or double access onto James Boulevard.

Mr. Grant answered that it is currently a single driveway, and that he did not think there was anything else that he could do.

Mr. Miller said that on the adjoining Light Commercial property owned by Mr. Grant, that 78 units could be constructed.

**MOTION:** *by Mr. Miller to approve AME2013 0010.*

Mr. Miller then spoke against the motion, supporting the staff's findings, analyses and recommendations. Mr. Miller said he spoke against the motion because the zoning went with the land, and it involved more than just the current vision of the applicant for the property.

On his Light Commercial zoned property, if he desired, the applicant could build 78 units, said Mr. Miller.

Speaking against the motion, Mr. Voelckers said when the fabric of the neighborhood is considered, that the 78 unit potential of the existing two Light Commercial lots would carry the neighborhood to its limit of density.

Ms. Lawfer said she also spoke against the motion, stating that it would lead to conditions placed on the rezone, which was not the way she felt the Commission should proceed with the rezone.

Mr. Watson asked if the shopping center was zoned Light Commercial.

He was told that it was zoned Light Commercial.

Mr. Haight said he liked the idea of easy transitions, and that he found the transition from Light Commercial to D5 a hard transition. He said he liked the idea of transitioning through D18 zoning to D5 zoning. He said he liked the D18 zoning remaining in place.

**Roll Call Vote:**

Yeas: Watson

Nays: Miller, Voelckers, Jackson, Haight, Lawfer, Peters

The motion failed.

Mr. Watson asked how long the period was once a rezone was denied before the applicant could apply again.

Ms. McKibben answered the period was 12 months.

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **deny** the rezone request and the subject parcel will remain in the current D18 zoning district.

AME2014 0002: An Application to Rezone Lots 1 and 1A of Block 46 on Dock Street in downtown Douglas from Waterfront Industrial to D-18.  
Applicant: Jaqueline Farnsworth  
Location: Dock Street

**Staff Recommendation**

Based upon the proposed project (identified as Attachments A and B), and the findings and conclusions stated above, the Community Development Director **RECOMMENDS** the Planning Commission **RECOMMEND APPROVAL** to the Assembly for the rezone proposal.

Mr. Lange told the Commission this was a rezone application for two lots on the waterfront in downtown Douglas from Waterfront Industrial to D18. The applicant was asking for the rezone so that she could construct a single family home on the parcels. The parcels are located on the Northeast corner of Dock Street and Front Street in Douglas, said Mr. Lange. The parcels are about .4 acres in size, he said.

While the land under consideration is under the two acres required for a rezone, it is the expansion of existing adjacent property that is zoned D18, said Mr. Lange. In the 2013 Comprehensive Plan, the parcels are proposed for Marine Mixed Use (MMU) zoning, said Mr. Lange.

The current Waterfront Industrial zoning allows one caretaker unit accessory to Industrial-zoned use, said Mr. Lange. The D18 zoning would allow for up to 18 units per acre, said Mr. Lange. The lot is sized so that it could potentially hold seven dwelling units, he said. The maximum height allowed in the Waterfront Industrial zone is 45 feet, with a 35 foot height limit set for the D18 zone.

Some of the uses allowed in the Waterfront Industrial zone include a rock crusher or seafood processing, said Mr. Lange. In a D18 zone light manufacturing, schools and office space would be some of the uses allowed for the zone, said Mr. Lange.

Mr. Voelckers said in the Comprehensive Plan the area is designated for Marine Mixed Use. He asked if there had been any conversations among the staff on how the Mixed Use Marine zoning might be used in the area.

Mr. Lange said it is his understanding that one of the ideas for the area is that D18 would be on one side of Dock Street, with Waterfront Industrial zoning on the other side of Dock Street.

Mr. Watson said when he and Mr. Miller were on the 2008 Comprehensive Plan rewrite, that the little piece of land under discussion did not really show up. If it had shown up the results would have been different. He said the vision at the time was similar to that explained by Mr. Lange. Mr. Watson said from his experience sitting in on all of the Docks and Harbors meetings, that there are not clear plans for the area.

#### APPLICANT

Applicant Jaqueline Farnsworth told the Commission that she was seeking a zoning change because she would like to buy the property and construct a single family residence on the property. She said if the property was kept in the current zone, that she would need to have some sort of water-related business on the lots. Ms. Farnsworth said she currently lives next door to the property, in Dockside Condominiums. She said the entire block where the property is located is zoned D18, and that the property is located immediately to the south of Dockside Condominiums. Ms. Farnsworth said she felt a zoning change would add to the continuity of the neighborhood.

#### QUESTIONS

Ms. Lawfer asked where the building would be placed on the lot.

Ms. Farnsworth said she would place the proposed residence as close as she safely could to the edge of the water, while still meeting flood zone requirements.

#### PUBLIC COMMENT

Dockside resident Beatrice Caujone said she objected to the proposed rezone of the property adjacent to Dockside Condominiums. She said the Comprehensive Plan adopted since 2008 was to improve the Douglas Boat Harbor and the surrounding area. She said a small marine-related business or paying showers or a Laundromat for the boat harbor residents would fit in with the zoning envisioned in 2008. The plan should not be deviated from for one single individual, said Ms. Caujone. She was also concerned about the view of her Number 15 condominium being restricted by the proposed construction.

The concerns expressed by Dockside Condominium residents Larry Knickerbacker and Denise Vanderpol echoed those of Ms. Caujone.

Dockside Condominium resident Linda Snow spoke in favor of the proposed rezone, stating that D18 zoning would have much less impact on the area than Waterfront Industrial zoning, with its possible 45 foot height, toxic smells and discharges, incompatible with a residential area.

Mr. Watson asked if there had ever been an attempt by the Condominium Association to buy the property in question.

Ms. Snow said there had been no attempts to purchase the property to her knowledge.

Dockside Condominium resident Bert Lauder read a letter in support of the proposed rezone of the lots from Waterfront Industrial to D18. She read that she would much rather have a residence next door to the condominium complex, than an industrial facility. She said a home constructed on that land would enhance the residential feel of the street, and help a little bit to alleviate the housing crunch in Juneau. She added that Waterfront Industrial property had a 45 height allowance, vs. the 35 foot height allowed for a D18 structure.

Ms. Farnsworth said she would not try to restrict access to the beach by the public, as she has had access to it for the past 17 years. She said she would honor all requirements such as the flood plain requirements.

**MOTION:** *by Mr. Miller, to approve AME2014 0002 with staff's findings, recommendations and analyses.*

Mr. Miller spoke in favor of the motion. He said that he felt this type of situation is why Title 49 was changed to state that zoning changes need to be in *substantial* compliance with the maps of the Comprehensive Plan as opposed to complete compliance. He said this provided the Commission with the flexibility to address this type of issue. Mr. Miller added that Dock Street provides a perfect separation between zones.

Mr. Jackson said he was in favor of the rezone as well, and that he liked the work that the task force in Auke Bay was doing for that area, to take advantage of the boat harbor and the potential in that area. Mr. Jackson said he felt something similar needed to take place for Douglas as well.

Mr. Voelckers spoke in support of the motion. He said he felt D18 was a better zone for that parcel, but that there was Waterfront Industrial zoned land in Douglas which was not the correct zone in his opinion. He said a task force would be a good thing for the Commission to look forward to.

**Roll Call Vote:**

The motion passed with unanimous consent.

AME2014 0003:	Rezone request of land in the Pederson Hill area from D1(T)D5 to a mix of D10 and D10SF
Applicant:	City and Borough of Juneau
Location:	Pederson Hill

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend **approval** of the rezone request.

Ms. McKibben told the Commission that this was a request from the City to rezone approximately 152 acres from D1 (T) D5 to a mix of D10 and D10SF. A rezone request can be initiated by the Director, the Assembly or the Commission at any time during the year. This request came from CBJ Lands and Resources Manager Greg Chaney, said Ms. McKibben. The D1 (T) D5 zoning means that the land has been intended to transition to D5 zoning, explained Ms. McKibben.

Since this proposal is not to rezone to D5 but to D10 and D10SF, this is a rezone request, with the Planning Commission making a recommendation to the Assembly, said Ms. McKibben. The Comprehensive Plan Land Use designation is Medium Density Residential, (MDR) said Ms. McKibben. City water and sewer are provided along the highway, but not into the parcel itself, explained Ms. McKibben.

The exact access to the site has not been designated yet, said Ms. McKibben, but it will be from Glacier Highway. MDR is described as residential lands for multi-family residential units from five to 20 units per acre. The proposal includes D10 zoning higher up on the property line, and D10SF on the lower, flatter portions of the parcel.

In response to a comment from the public, the Lands and Resources Manager researched the watershed boundary for Auke Lake, and indicated that the rezone would be designed so that none of the D10 zoning would be within the watershed boundary, said Ms. McKibben.

Ms. McKibben explained that D10SF zoning is intended to accommodate primarily single family residential developments of up to ten units per acre. There are not currently any D10SF zoned developments in Juneau, said Ms. McKibben. This zoning has been modeled on small, compact neighborhoods such as the “Flats” in downtown Juneau, and the Starr Hill neighborhood, said Ms. McKibben. She added that D10 and D15 residential districts are primarily multi-family districts at ten to 15 units per acre. In D10SF zoning, single family homes with accessory apartments are allowed, but duplexes and multi-family units are not allowed.

Ms. McKibben said this proposal exactly matches the maps of the Comprehensive Plan, and the variety of policies in the Plan that support the need for more housing.

#### QUESTIONS

Mr. Voelckers asked what the City’s plan was to make the land available to the construction market, and to make the parcels available for sale.

#### APPLICANT

Greg Chaney, Lands and Resources Manager for the CBJ, said D10SF is a density zone that works for small lots that make good neighborhoods. He said the property is about equal distances between the Mendenhall Valley and Auke Bay. Mr. Chaney said as Lands Manager, his job is to get land on the market, while at the same time not competing with the private sector.

This is one of the most easily developed properties in the CBJ, said Mr. Chaney. This zoning is a good size for subdivisions, said Mr. Chaney. Mr. Chaney said there are no applications for D10SF land, and he believes there is a market for this type of zoned land, so he feels the CBJ can fill that need.

#### QUESTIONS

Mr. Haight asked what Mr. Chaney’s thoughts were about accessing the property.

Mr. Chaney said that access would have to be constructed before any type of development of the property took place. He said the first stage would be to build access points into the site. He said there are three major access points identified for the site. One point threads around Christ Lutheran Church, said Mr. Chaney. It is opposite Sherwood Lane. The next point feeds up next to Hamilton Street, and the third possibility across from Wilma Street would probably be the last place they would try.

#### PUBLIC COMMENT

Mandy O'Neal Cole, a representative of the Affordable Housing Commission, spoke in favor of the proposed rezone of the CBJ property. She said the idea of adding additional units so that beginning home buyers could enter the housing market at affordable prices strongly appealed to the Affordable Housing Commission. She said the multi-family homes also appealed to them.

Mr. Miller asked Ms. O'Neal Cole what she thought about extending the D10SF to the corners. She said this is the first she heard of the idea, but that she liked the idea. She said that she felt the location was perfect for a close-knit neighborhood.

Neighboring resident Laurie Ferguson Craig spoke against the proposed rezone. She expressed concern about the development. She said it was overly ambitious to be developed as proposed. Ms. Craig said the property is hilly, wet and forested. She said that most of the land in the Valley where housing is clustered is dense and flat. She said about a dozen trees were lost in the area this year, and last year as well. She said that windthrow is and would be a big problem in the area.

Ms. Craig stressed the importance of the area as a wildlife corridor and habitat as items related to quality of life.

Neighboring resident Jim Sidney spoke against the proposed rezone, saying that he has lived in the area for 42 years. He said his family homesteaded that area. He said that Hamilton Street, in the neighborhood, is zoned for about four houses per acre. He said this proposed rezone is for almost five times that amount.

Mr. Sidney said there is a variety of wildlife in the area which would be affected by the proposed development. He said there are bear dens in the flat area of the proposed development, with eagle trees above, even though they have not been identified by the CBJ. He said the development is not harmonious with the area.

Mr. Watson said it seemed to him the soil at the recent University addition is similar to the proposed development.

Mr. Sidney said he thought that was true.

Mr. Peters had to leave the meeting due to illness.

Resident Dave Hannah said he lives off the back area of Auke Lake, and that he is very familiar with the neighborhood. He said he is in favor of the proposal. He said although it

saddened him to see the land developed, he said it was probably a good step in providing affordable housing for Juneau. He said that windthrow is a very serious issue, and that the concerns about the wildlife were valid. He said that is probably the last corridor for wildlife to access Douglas Island. He said greenbelts should be preserved for the wildlife corridors, and that the entire area should not be wiped out with development. He added it would be good for the City to figure out how to get out of the land development business.

Mr. Watson asked if the land in the small developed area across from the ferry terminal was similar to Pederson Hill.

Mr. Hanna said he thought the Pederson Hill area had more solid ground.

Mr. Chaney said this is a rezone, and that the subdivision stage had not been reached yet. He said when a subdivision was initiated for the area, that they would be notified of the neighboring farm. He said they are considering a horse trail corridor through the property, although there was no funding for that. Mr. Chaney said that Starr Hill and Chicken Ridge were steep areas, and that they had been developed. He said it will be tough to develop; that it is wet and steep and would need a good drainage plan. He added that they are pulling the development back to the edge of the Auke Lake drainage, and that there would be some untouched areas for wildlife.

Mr. Watson said he assumed there would be a lot more work to be done and at least two – three years before the actual development could commence, so there would be plenty of other occasions for public comment.

Mr. Chaney said this was a true comment.

Mr. Miller asked if the stream areas would be left natural, thus leaving some area for wildlife corridors.

Mr. Chaney said they would try to protect those areas.

**MOTION:** *By Mr. Miller, to approve AME2014 0003 with the recommendation of approval to the Assembly with the staff's findings, analyses and recommendations.*

Mr. Miller spoke in favor of the motion, stating that this may be the best remaining land the City has for this type of potential development. He said it will be a long, drawn-out process, and will give private builders work. He said he agrees that there is a critical wildlife corridor in the area that needs to be protected.

Ms. Lawfer offered a friendly amendment that if feasible, that the zoning be expanded to include D10SF up the development (she indicated the map).

Mr. Miller accepted the friendly amendment.

**Roll Call Vote:**

The motion passed by unanimous consent.

**X. BOARD OF ADJUSTMENT**

VAR2014 0002: Variance request to replace and extend existing deck to property line.  
Applicant: John Lamb  
Location: 312 Sixth Street Unit A

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance to allow the replacement and extension of an existing deck to the property line, VAR2014 0002.

Ms. McNally told the Board of Adjustment that this is a variance request to replace and extend an existing deck to the property line. The land is located in a D18 zoning district, said Ms. McNally. The lot is under the minimum lot size for the D18 zoning district, and considered legally nonconforming. The footprint of the dwelling covers the majority of the lot. The western side of the lot has stairs which provide access to the three homes on Lot 2. The deck is located on the eastern side of the lot.

In 1984, said Ms. McNally, the owner of the property tore out a deck without a building permit. They were informed they were in nonconformance. They were told to apply for a variance, which they did, she explained. The variance was denied. In September of 2013, the current owner tore out the existing deck and started to replace and extend it. They were issued a building permit reminder, and told to obtain a building permit. The applicant did come into the CDD offices and obtain a building permit for the window replacement, and they worked with the staff to develop the variance application for the deck, said Ms. McNally.

The primary reason for the recommendation for denial of the variance request was the design of the deck in relation to the neighbor on the east side. The design of the deck affects the privacy of the neighbor residing on the eastern side of the property, said Ms. McNally. Ms. McNally said the corrected finding is that items number one and two were not met, thus resulting in the recommended denial of the variance request.

Ms. McNally said that the variance request was not consistent with justice to the other property owners and that it did not observe the intent of Title 49.

Ms. Lawfer asked if they replaced the existing deck if they would need to obtain a variance.

Ms. McNally answered that a variance would still be required since the existing deck was built illegally as well.

Ms. Lawfer asked how the deck could be constructed without a variance.

Ms. McNally said a five foot setback would be required.

Mr. Miller asked if the stairs could reside within the setback.

Mr. Goddard researched the question and said that uncovered porches, terraces or patios extending no more than 30 inches above the finished grade may be no closer than three feet to a side lot line and no closer than 10 feet to the front, street side or rear. Mr. Goddard said in this case it is parallel to the property line thus exceeding the 30 inch level.

Mr. Watson asked when the decision was made to deny the original variance request.

Ms. McNally said the variance was denied to the former owners in 1985.

Mr. Miller asked if the staff had recommended to the applicant to attempt to reconcile with the neighbor and try to resolve their dispute on their own.

Ms. McNally said that action had been recommended to the neighbor.

Mr. Miller asked if there was an easement on both sides.

Ms. McNally said there was a four foot easement on both sides.

Mr. Goddard added that only one of them was constructed.

Mr. Miller said an easement was an easement whether it is constructed or not.

#### APPLICANT

Applicant John Lamb said they meet four of the six variance provisions to be approved. He said their plan is to provide stair access and to provide egress by that route. Mr. Lamb said he has support from four adjacent property owners for the project.

Mr. Lamb said that both the house and the lot are legally nonconforming, and that this situation pre-dated the current zoning standards. He said the only point of contention that he sees documented is that the neighbor to the east believes that the height of his deck in relation to their fence affects their right to use their property.

Mr. Lamb said he found his neighbor's contention that the deck affects their privacy inadequate considering how close all the homes in the neighborhood were to one another. He said he was willing to work with his neighbor to incorporate lattice on top of a railing or some other measure to provide further privacy to his neighbor's property.

Mr. Lamb said criteria two which the staff said they had not met regarding open air and light applied to him as well. He said he felt they had the right to maximize the use of their own land.

Mr. Voelckers asked who maintains the fence on the shared property line.

Mr. Lamb said it was replaced by his neighbors when he was out of town.

Mr. Voelckers asked if there was a proposal to put a roof over the deck.

Mr. Lamb said a roof was planned.

Mr. Haight asked if shorter landings and steps could have been constructed to maintain elevations less than 30 inches all the way through so there was not the additional exposure across the fence.

Mr. Lamb said that the new deck was built on the same plane as the existing deck.

Ms. Lawfer said there is a picture included with the application. She asked where that picture was oriented. She asked if it was decking in the picture.

Mr. Lamb responded that was the neighbors on the uphill property. He said he thought that was decking in the picture.

Ms. Lawfer asked if that went all the way to the fence line.

Mr. Lamb said that question would be better posed to the neighbors.

Mr. Miller asked if the issue of privacy was addressed with the neighbors, and if so, what were the results of that transaction.

Mr. Lamb said they had a conversation in the neighbor's home, but that unfortunately with an after-the-fact process he was reluctant to resort to measures that would take down what he had already constructed.

Mr. Miller said he felt the item should be continued at the next meeting. He said when he first read the variance request, he felt these were items that could be resolved between the neighbors. He said he felt if the item was continued, it may give the neighbors a chance to resolve the issue on their own.

Mr. Haight supported continuation of the item.

Ms. Lawfer supported continuation of the item as well.

**MOTION:** *by Mr. Miller, for this item to be continued to the next Planning Commission meeting on April 8, 2014.*

The motion passed by unanimous consent.

**XI. OTHER BUSINESS** – None

**XII. DIRECTOR'S REPORT**

- Building Permits

Mr. Hart reported that building permits are up from last year.

- Gastineau Apartments

Mr. Watson asked for an update on Gastineau Apartments.

Mr. Hart said that May 1, 2014 is the deadline that Gastineau Apartments has to respond to the City, or face escalating legal action from the City. They were supposed to build a roof a long time ago to shed the rain while they performed temporary improvements, and they have failed to do so, said Mr. Hart.

**XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None**

**XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None**

**XV. ADJOURNMENT**

The meeting was adjourned at 11:00 p.m.