

PLANNING COMMISSION
City and Borough of Juneau
Michael Satre, Chairman

REGULAR MEETING
Assembly Chambers
April 22, 2014

I. ROLL CALL

Michael Satre, Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 pm.

Commissioners present: Michael Satre, Chairman; Dennis Watson, Vice Chairman; Karen Lawfer, Ben Haight, Bill Peters, Paul Voelckers

Commissioners absent: Dan Miller, Gordon Jackson, Nicole Grewe

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Sarah Bronstein, Planner I; Jonathan Lange, Planner I; Amy Mead, City Attorney

II. APPROVAL OF MINUTES

- March 25, 2014 – Committee of the Whole Meeting
- March 25, 2014 – Regular Planning Commission Meeting

MOTION: *by Mr. Watson, to approve the minutes of the Committee of the Whole Meeting of March 25, 2014, and the Regular Planning Commission Meeting of March 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 member and Liaison to the Planning Commission Jerry Nankervis reported the Assembly has primarily been working on the CBJ budget. They are also in the process of performing the Manager's evaluation. The Assembly had a Committee of the Whole work session last Monday where they listened to budget reports from several departments. They also reviewed and approved several of the Manager's proposed budget reductions, with a few of those recommendations still pending.

In Executive Session at a special Assembly meeting yesterday the Assembly discussed the Manager's evaluation.

At its Monday night meeting, the Assembly will consider whether to accept an appeal of a Planning Commission decision.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

AAP2014 0003: Extension of AAP2012 0006, a Conditional Use Permit for an accessory apartment on a substandard sized lot not served by city sewer.

Applicant: NorthWind Architects
Location: 3180 Indian Cove Drive

Staff recommends that the Planning Commission adopt the analysis and findings of this report and grant the requested 18 month extension of the applicant's Conditional Use permit for an accessory apartment on a substandard sized lot not served by city sewer.

VAR2014 0006: A Variance request to reduce the side yard setback from 5 feet to 2.5 feet to allow a carport, and a reduction of the required setback for an eave for the carport from 2 feet to 1.5 feet.

Applicant: Chris Douglas
Location: 4361 Manor Avenue

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0006. The Variance permit would allow for a reduction to the side yard setback from 5 feet to 2.5 feet to allow a carport, and a reduction of the required setback for an eave for the carport from 2 feet to 1.5 feet.

With the following condition:

1. Prior to construction the applicant shall address site grading and drainage through a Grading and Drainage Permit; or add a gutter and down spout system to the carport roof that complies with the roof eave setback of 1.5 feet.

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

The motion was approved by unanimous consent.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2014 0005: Proposed amendment to Title 49 Section 49.75.130 amending the Land Use Code related to rezoning approvals.
Applicant: City and Borough of Juneau
Location: Borough-wide

Mr. Goddard told the Commission this case is for an amendment of the rezone procedure section of Title 49.75.130. There was a change to the Code in February, 2012, which resulted in procedural problems with the rezone process. It effectively split the legislative authority for rezones between the Planning Commission and the CBJ Assembly, said Mr. Goddard.

Currently, explained Mr. Goddard, according to Code, rezone approvals are forwarded to the Assembly as a recommendation for final action, while denials are treated as a decision that can only be brought before the Assembly through the Appeal process. This is problematic, said Mr. Goddard, since zoning decisions are legislative acts, not quasi-judicial acts. Legislative decisions are not subject to appeal. Under the CBJ Code they are subject to judicial review, said Mr. Goddard.

The area of the Code specifically referenced in the staff report was 49.10.170, said Mr. Goddard, which reads that “the Commission shall make recommendations to the Assembly on all proposed amendments to this Title, zonings and re-zonings, indicating compliance with the provisions of this Title and the Comprehensive Plan.”

The proposed Code changes would cause the Planning Commission actions on rezones whether for approval or denial to be forwarded as a recommendation to the Assembly for action, said Mr. Goddard.

Mr. Goddard said the Staff recommends approval of the text amendment as included in the ordinance.

Mr. Satre said he appreciated the minutes from February, 2012, being included in the Commission’s packet this evening. At the time they put in place a form of review that involved a multi-tiered decision making process, he explained.

QUESTIONS

Ms. Lawfer asked how the Commission sets up an approval or a denial. She asked if it needed to be in the form of an ordinance. As an example she provided the circumstance of a rezone request not conforming with the Comprehensive Plan. That may be a circumstance in which the Commission recommended denial to the Assembly based upon the nonconformance to the comprehensive Plan, said Ms. Lawfer.

Ms. Mead responded that historically approvals by the Commission would go through to the Assembly with a recommended ordinance, and denials would come through with either a staff report or the minutes from the Planning Commission as the recommended denial; there is no accompanying legislation to the denial, said Ms. Mead.

The piece that is being amended this evening is only the process piece, clarified Ms. Mead. That is the piece which declares what happens once the Commission has made its decision. The rest of the Code remains unchanged, she said.

Mr. Voelckers verified that the Assembly would still be interested in ascertaining whether a request was approved or denied by the Commission.

Mr. Satre clarified that under this amendment, whether the Commission approved or denied a request, the exact same process stemming from that decision would take place in its recommendation to the Assembly.

Ms. Mead concurred, adding that recommendations for approval to the Assembly would be associated with the extended public approval process associated with the adoption of an ordinance.

Mr. Satre stated that under this amendment, neither party would any longer be placed in an appeal situation to the Assembly: it would no longer be a two-tiered process; both recommendations for approval or denials would automatically go before the Assembly for the final decision, said Mr. Satre. The legislative portion would be handled by the Assembly as it was supposed to be, said Mr. Satre.

Mr. Mead concurred with this statement.

Mr. Voelckers said he presumed this would not be taking any more of the Assembly's time, but would be streamlined procedurally.

Ms. Mead verified that this is the process that has been historically in place, until 2012, when there was an objection that the result of the denials was not codified. She added this process will take no more of the Assembly's time that it has historically taken.

MOTION: *by Mr. Watson, that the Commission accept the Title 49 amendments in AME2014 0005, and asked for unanimous consent.*

The motion was approved by unanimous consent.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS** - None

XII. **DIRECTOR'S REPORT**

▪ **Visitors**

Mr. Hart reported that for three days there have been visitors in Juneau who are considering making investments in the community. They are looking at retail options, housing investment opportunities, and also touring the downtown area. They may also be making associations with local businesses as well. They have been inquiring about local ordinances and the parking regulations in the Code, said Mr. Hart.

▪ **Housing Support**

Mr. Hart met with Mr. Peters and several other individuals in the financial community to reflect on the work of the financial group over the past year. Groups representing the financial, development, builders and real estate communities have been meeting over the past year to

ascertain how housing can be made more affordable and tenable within the community, said Mr. Hart.

▪ **Subdivision Review Ordinance**

The staff has been working on creating a single document for the Subdivision Review Ordinance, said Mr. Goddard. They expect to be delivering that document to the Commission for review between May 8 – 13, said Mr. Goddard, with the expectation that it would be presented to the Commission with a staff report at its regular May 27, (2014) meeting. They have established a schedule of meetings for the Subdivision Review Committee to work on the Ordinance commencing at 6:00 p.m. on:

- ✓ June 5, (Improvement Section)
- ✓ June 19, (Design Section)
- ✓ July 17, (Permit Process and Expirations)
- ✓ July 31, (Remaining Sections and Review)

The Subdivision Review Committee would present their findings to the Commission sometime in August, said Mr. Goddard.

Mr. Hart asked what the Commission felt was the best way to communicate the work of the Subdivision Review Committee as it progressed.

Mr. Satre said that copying the Commission electronically on information would be helpful. He added that as Mr. Haight had stated in the past, that Committee of the Whole meetings would also be a good way of communicating with the entire Commission.

Mr. Goddard said the first Committee of the Whole meeting regarding the Subdivision Ordinance would be in early August.

Mr. Haight said he felt if the Commission was copied with the notes from every subcommittee meeting culminating with the first Committee of the Whole meeting in early August, that the communication with the Commission would be adequately maintained.

Mr. Hart asked how the Commission wanted to proceed with public outreach on this ordinance.

Mr. Goddard said they had discussed developing a web page like they have done for the Wireless Communications Ordinance, and keep the schedules and information posted on that web page. Mr. Goddard added that the document itself would be available early in the process for public review. They would also be communicating with groups such as the Building Association, said Mr. Goddard, with the goal of developing a unified opinion on the Ordinance.

Mr. Haight said he liked the idea of the web page and of close communication with the Builders Association. Notifying the neighborhood associations would also be a good means of establishing communication with the community about the Ordinance, said Mr. Haight, giving the neighborhood associations the opportunity to present their input on the Ordinance.

Mr. Watson said he wanted to hear of definitive plans for meetings with the Home Builders Association and the Board of Realtors. He said since this is a busy season for these groups, that advance scheduling would be helpful

Mr. Haight said the Committee discussed conducting Thursday meetings every other week beginning at 6:00 p.m. after their May 27, (2014) meeting. He added that another item discussed by the Committee to build upon communication with the Assembly was the goal to meet with the Assembly as a Committee of the Whole, providing regular updates.

Mr. Satre said that such a meeting is being scheduled for mid-August.

Mr. Hart said there will be at least two large items for the Committee of the Whole meeting with the Assembly; the Auke Bay Plan and the Subdivision Ordinance. Mr. Hart reminded the Commission that the draft Auke Bay Plan would be presented to the Commission in late August or early September.

Mr. Satre verified with Mr. Watson that the Subdivision Ordinance has been under development for seven years, and that it would be great to complete it.

▪ **Wireless Ordinance Schedule**

The next meeting will be 6:00 p.m. on Thursday, May 8, said Mr. Goddard. He said the Commission also had its regular meeting scheduled for May 13, should additional time (and a larger quorum) be required following the May 8, meeting.

Mr. Satre asked if the Wireless Communication Ordinance draft by the Law Department was still scheduled to be posted on the web site that Friday, (April 25, 2014).

Mr. Goddard said that was the commitment from the Law Department, and that he would verify with it the next day to ascertain that it was still on schedule.

Ms. Mead said the draft would be complete by Friday, but that there was a Community Development Department (CDD) review process that should take place before the draft was posted on the web site.

Mr. Satre asked if there would be a version available to the Commission and the public by May 1, so that there would be a week to review the draft before the May 8, meeting.

Ms. Mead said it would be available by that date.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

LANDS COMMITTEE

Ms. Lawfer said at its April 14, (2014) meeting the Committee forwarded the Pedersen Hill rezone to the Assembly as well as the Russian Orthodox Church easement. She added that \$75,000 is being made available from the Juneau Affordable Housing Fund for a Housing Action

Plan. The Assembly Finance Committee will take up that item on April 23, she said, to outline the schedule and scope of work.

PUBLIC WORKS

Mr. Watson said the Committee met, but that nothing of significance was discussed. He said the Mayor did remind Mr. Watson that although a Douglas Steering Committee is under development, to remember that Lemon Creek would be needing a steering committee as well. There was also some discussion about the Second Crossing, said Mr. Watson, that centered on keeping the prospect on the horizon for the future.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 7:39 p.m.