

## MINUTES

### **Regular Planning Commission Meeting** City and Borough of Juneau **Mike Satre, Chairman**

July 8, 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 7:01 pm.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman (telephonically); Karen Lawfer, Gordon Jackson (telephonically), Dan Miller, Paul Voelckers

**Commissioners absent:** Nicole Grewe, Bill Peters, Ben Haight

**Staff present:** Hal Hart, Planning Director; Beth McKibben, Senior Planner; Jonathan Lange, Planner I,

#### **II. APPROVAL OF MINUTES**

- June 10, 2014 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the minutes of the Planning Commission Regular Meeting of June 10, 2014, with any minor modifications by any Commission members or by staff.*

The motion by Mr. Miller was approved by unanimous consent.

#### **III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Business owner and contractor Bruce Denton said he has had an office in the Senate Building since they have owned it since 1983. Mr. Denton said that he has been painting a portion of the building, and has been absolutely appalled at what he has witnessed going on in the streets of Juneau.

He has asked Pat Race to make a video of the streets of Juneau to reflect their current condition. The brief film will be shown tomorrow (July 9, 2014) at the Gold Town Theater at 4:00 p.m.

Mr. Voelckers asked if Mr. Denton had a perception that things have gotten worse in the downtown area.

Mr. Denton responded that his perception was that the situation has clearly gotten worse. Mr. Denton said that the fights going on in the street, the public defecation, and the general amount of filth in the street are definitely more predominant now than they used to be. Mr. Denton said he felt the best way to remedy the problem was to fill the downtown streets, especially Franklin Street, with people who operate in polite society, such as those people who come out for First Fridays. Mr. Denton said that he can make the video available at any time for viewing.

#### **IV. PLANNING COMMISSION LIAISON REPORT**

Mr. Jerry Nankervis reported telephonically that the Assembly met last week dealing with grant funds. It also conducted its first public hearing on the Wireless Ordinance. As a result of that public hearing, the Assembly decided to move that issue back to the Committee of the Whole. There is nothing new to report on the Bicknell Appeal, reported Mr. Nankervis.

#### **V. RECONSIDERATION OF THE FOLLOWING ITEMS** – None

#### **VI. CONSENT AGENDA**

CSP2014 0012: Roadway reconstruction on Seaview Avenue, Bayview Avenue and Cross Street, including repaving, water pipe replacement and storm drain improvements.  
Applicant: CBJ Engineering Department  
Location: Seaview Avenue, Bayview Avenue and Cross Street

#### **Staff Recommendation**

Staff recommends that the Planning Commission recommend that the Assembly approve the construction of the proposed project, as prescribed at CBJ 49.10.170(c).

SMF2014 0002: Final 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 Final Plat. Approval would allow the applicant to print the plat to Mylar and record the proposed plat.

USE2014 0011: A Conditional Use Permit for an asphalt plant on land zoned Industrial.  
Applicant: JLC Properties, Inc.  
Location: 5751 Concrete Way

#### **Staff Recommendation**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an asphalt batch plant on land zoned as Industrial. The approval is subject to the following conditions:

- 1) Any industrial equipment and raw materials stored in the 100-year flood zone shall be adequately bermed or otherwise protected.

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

The motion was approved by unanimous consent.

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

**VIII. UNFINISHED BUSINESS - None**

**IX. REGULAR AGENDA**

USE2014 0007:           A Conditional Use permit for the development of a floriculture farm on two lots in North Douglas.  
Applicant:               Sunny Cape, LLC  
Location:                 N. Douglas Highway

Chairman Satre explained that this item was continued from the last public meeting because it had been determined by the Planning Commission that proper public notice had not been provided.

Staff finds that USE2014 0007 meets public notice requirements as outlined in City and Borough of Juneau Land Use Title 49.

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

Recommended conditions:

1. All clearing of the access easement must be restricted to within the easement boundaries. No clearing outside of the easement limits is allowed without land owner permission.
2. All brush and debris cut by the applicant in the access easement must be removed from the easement.
3. All work within the access easement may only take place between 8am and 5pm.
4. Any plans to place fill within the easement, or do work beyond what has been described within the application, must be approved by CBJ Lands and Resources Management prior to the start of work.
5. Permitting for access to the North Douglas Highway must be obtained from the Alaska Department of Transportation (DOT) prior to commercial use of the easement for

access.

6. If DOT requires additional work within the CBJ easement as a condition of approval to use the North Douglas Highway for access, approval must be obtained from CBJ Lands and Resources Department prior to the start of work.
7. Prior to clearing of the subject parcel the applicant shall apply for a Grading and Drainage permit through the General Engineering Department.
8. Prior to expansion of farming into mapped wetland on their parcel, the applicant shall apply for a Grading and Drainage permit and submit to the Community Development Department an approved U.S. Army Corps wetland fill permit.

Mr. Lange said that the applicant plans to clear six of the total 23.6 total acres on two lots located on North Douglas. These are tracts B1 and B3 zoned D1, explained Mr. Lange. The applicant proposes to develop a portion of these properties as a horticulture farm to grow peonies, explained Mr. Lange. Approximately half of B1 and most of B3 contain wetlands, said Mr. Lange.

This year the applicant plans to clear the land, said Mr. Lange. The spring of 2015, the applicant plans to plant 15,500 peony plants, said Mr. Lange. The plants would be ready for harvest by 2019, said Mr. Lange. At that time, two, 220 foot long freezer containers would be brought to the property via water for cold storage of the harvested peony plants prior to shipment.

Equipment and materials (for site preparation and construction) would be brought to the site by barge, said Mr. Lange. The applicant has received a special permit from the Alaska Department of Fish and Game to bring the barge to the wetlands for this purpose, said Mr. Lange. The applicant also has access to the property through a 30 foot CBJ access easement, (via North Douglas Highway) said Mr. Lange.

#### COMMISSION COMMENTS

Mr. Miller asked why the work hours were being restricted, when they were not restricted at most other places in town.

Mr. Lange responded that this was the concern of the Lands and Resources Manager. He speculated that it was because of work on the easement taking place so close to other residences.

Mr. Watson said that he raised the same question that Mr. Miller raised at the last meeting, and that he finds that this concern of the Lands and Resources Department is inconsistent. Mr. Watson said that gravel extraction takes place in areas far more close to residences than this, and that he feels the Planning Department was in error placing this requirement in its findings.

#### APPLICANT

Applicant Brad Fluetsch brought in an example of his peonies which he said is worth \$7-\$10 a stem in the global peony market. Alaska is a unique area which allows peonies to bloom during the North American wedding season, said Mr. Fluetsch. His business will be the first peony farm in Southeast Alaska, said Mr. Fluetsch. It has been estimated that roughly an acre of land produces approximately \$200,000 worth of revenue in peonies, stated Mr. Fluetsch.

#### COMMISSION COMMENTS

Chairman Satre asked Mr. Fluetsch how he planned to use the access easement from North Douglas Highway.

Mr. Fluetsch explained that the access easement from North Douglas Highway is unusable in the summer. He said it is only usable in the winter when the ground is frozen. He said it would be the easiest, most economical way to move material in the winter when the ground was frozen.

Ms. Lawfer asked if it would be a problem if hours to work on the easement were stipulated.

Mr. Fluetsch stated the only problem with those hours was that he would like to be able to work on the easement so that it did not interfere with his work hours. He added that weekend hours would not be a problem.

Mr. Voelckers asked how viable a piece of property B3 was.

Mr. Fluetsch said that it was a nice piece of property, but that wetlands had to be traversed to access it. He said he is currently limiting development to his B1 property.

#### PUBLIC COMMENT

June Hall said she owns a lot almost adjacent to the applicant's property. Ms. Hall said she saw no mention in the documents about an active salmon stream on the nearby property. She also voiced concerns about possible fertilizer runoff effects to the stream. She had questions about where the docking of the barge would take place.

Neighbor to the applicant's property Paul Disdier asked if all of the trees along the waterfront were going to be clear-cut for this development. He also asked if this venture failed, if it remained in its new designation, or if it went back to a D1 designation.

Chairman Satre said the property would remain D1, but the Conditional Use permit, if it were granted this evening, would remain with the property.

Neighbor John Chapman said that he liked the idea of the development, but that he did have concerns about the use of the easement because of traffic concerns. He said the traffic goes very fast at that portion of North Douglas Highway.

Dave Hanna said that his ancestors homesteaded this land 100 years ago for the purposes of commercial gardening, so this is not an unheard of use for this neighborhood. Mr. Hanna said that he is intimately familiar with this land, and that none of these activities will have any negative impacts on the salmon stream in the area.

Gretchen Harrington said that she has property adjacent to the easement. She asked if the Conditional Use permit could specify that it was for growing peonies only. Ms. Harrington expressed concern that opening the easement would open access for the use of off-road vehicles disturbing the families in the area. She said she would like to see some sort of control put on the easement so that it would not be available for open access for all vehicles.

North Douglas resident Wayne Carnes said that his main concern about the project is the access via the easement off of the North Douglas Highway. He said the easement traverses a very wet muskeg terrain that is very deep. He said that the land is very rarely frozen enough to be traveled in the winter. Mr. Carnes asked that the Planning Commission deny the Conditional Use permit. He asked if the Commission does not deny the permit, then at the minimum, that the only access to the property be through the Gastineau Channel, or by foot through the easement. He also requested that a survey of the properties be completed prior to any construction, to protect the CBJ property and the adjacent property owners.

Mr. Carnes also asked how many jobs this project would actually create; would it be just a few jobs during harvest, or more long-term jobs.

Neighbor Annika Schwartz stated that her main concern about the project centered on access to the easement, and her hope that it would not result in increased traffic that would traverse the easement during hours too early or too late in the day.

North Douglas resident M.J. Grande added her request for a good survey of the property boundaries prior to construction of the easement. She said she has lived in the area for 28 years, and that the easement never freezes solid, even in subzero temperatures.

#### APPLICANT RESPONSE

Mr. Fluetsch responded that it appeared most of the issues were with the easement. He said that KTOO uses the easement regularly in the winter time. It does not need to be frozen many feet deep to run heavy equipment over it, said Mr. Fluetsch. The trees will need to be removed, said Mr. Fluetsch. However, he said, his wife does insist on leaving a border of trees along the channel.

There will be immediate jobs created for people to come help him clear the land, then to help him plant the roots, then harvest the crops, said Mr. Fluetsch. He said he would like to count on 15 to 20 jobs created during the heavy season of June and July, with probably three year-round jobs.

This is a low impact operation, he explained, with no lighting, sound or structures really required.

#### COMMISSION COMMENTS

Mr. Watson asked if they planned on installing private property signs to designate where their property lines existed.

Mr. Fluetsch responded that they did plan on having a survey.

Chairman Satre asked if the easement existed for the public or if it existed strictly for the properties. He said a copy of the easement did not exist in their records.

Mr. Lange responded he believed the easement existed for the properties.

Chairman Satre verified with Mr. Fluetsch that there were no plans to build a dock, and no permit needed for discharge.

Ms. Lawfer asked the applicant if he would need additional permits from the Army Corps of Engineers and the Department of Fish and Game for future barge landings.

Mr. Fluetsch responded that he would be using smaller craft for future landings, and since he owned the land, that permits for smaller water craft would not be necessary.

Ms. Lawfer asked the applicant if he had spoken with the Department of Transportation (DOT) about a driveway to his property off of the easement.

The applicant said that he had, and that the Department told him that he would be responsible for that.

Ms. Lawfer asked the staff if it was aware of any other CBJ access-controlled easements.

The staff could not provide definitive verification. Ms. McKibben did recall that Mr. Lange had brought forward either an easement for a right-of-way or a gate for Parks and Recreation which was controlled by the CBJ.

Mr. Voelckers asked what would be brought in via the easement in the winter, since the bulk of the heavy materials would be coming in via barge.

Mr. Fluetsch responded that he would bring in building materials or planting materials that he could transport via the easement on snow machine or four wheeler on a trailer or on a sled during the winter. Mr. Fluetsch added that most of the easement is already cleared.

Mr. Voelckers asked the applicant if he had plans to place fill on the easement.

Mr. Fluetsch responded that he had no plans to place fill on the easement.

Chairman Satre added that any fill would require an Army Corps of Engineers permit as well.

**MOTION:** *by Mr. Miller, to approve USE2014 0007, with staff's findings, analysis, and recommendations, striking condition number three that sets the work hours.*

In support of his motion, Mr. Miller said he felt that setting work hours from those already set in code make it difficult for enforcement and is a tactic that should not be employed.

Ms. Lawfer offered a friendly amendment to the motion, and said it could be supplemented in lieu of number three which was subtracted. She requested that a survey of the access easement be completed prior to the commencement of any clearing of the easement.

After some discussion, Mr. Miller accepted the friendly amendment.

Chairman Satre thanked all of the neighbors who showed up to express their opinions about the project. He said he understood it would be a change in the neighborhood. He said the applicant did have the right to develop the easement. He said the proposal is in harmony with the Comprehensive Plan and meets all the requirements for the Conditional Use permit.

The motion was approved by unanimous consent

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS** - None

XII. **DIRECTOR'S REPORT**

Mr. Hart told the Commission that the community has seen \$56 million come into the community for the first half of this year in new investments. He said most of that money is primarily in multi-family housing units. He said he anticipates another hundred units coming into the community before the end of the year.

Mr. Hart requested that the Commission get together sometime between now and November to establish pertinent issues to be addressed by the Commission by establishing priorities, goals and objectives.

Chairman Satre suggested the second meeting in August may be a good time for the Commission to address these issues if the existing schedule was not too full.

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

XIV. **PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Jackson requested that he withdraw from the Wetlands of Review Board due to scheduling conflicts.

Chairman Satre said that he would see if he could identify another Commissioner to take that position.

XV. **ADJOURNMENT**

The meeting was adjourned at 8:41 p.m.