

MINUTES

REGULAR PLANNING COMMISSION MEETING

City and Borough of Juneau

Mike Satre, Chairman

August 26, 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 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Ben Haight, Gordon Jackson, Paul Voelckers

Commissioners absent: Dan Miller, Karen Lawfer, Nicole Grewe

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Chrissy McNally, Planner I; Jonathan Lange, Planner II; Beth McKibben, Senior Planner; Robert Palmer, Municipal Attorney II

II. APPROVAL OF MINUTES

- July 22, 2014 – Special Planning Commission Meeting
- July 22, 2014 – Regular Planning Commission Meeting

MOTION: *by Mr. Watson, to approve the minutes of the Special Planning Commission Meeting of July 22, 2014, with the correction that the Special Meeting did not adjourn at 6:06 p.m. but reconvened in executive session, from which it adjourned at about 7:15 p.m., and approved the Regular Planning Commission Meeting of July 22, 2014, with any minor modifications by any Commission members or by staff.*

The motion by Mr. Watson was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Wilma Avenue resident Russ McDougall addressed the Commission stating that he is a 40 year resident of Juneau. He told the Commission he felt that work on modifying the accessory apartment rule was coming along slowly, and he wanted to encourage the Commission to take action on this rule. They would like to increase the accessory apartment rule from 600 square

feet up to 800 to 1000 square feet, explained Mr. McDougall. Mr. McDougall said that he has a job pending because of this rule.

Mr. Watson asked when they began working on this issue.

Mr. McDougall responded they began working on this in 2007.

Mr. McDougall stated that it has been kicked around as an issue long enough and that it is now time to move forward to resolve these problems.

Mr. Voelckers asked where the current holdup is with this project.

Mr. McDougall said he believes that it is coming up before the Commission within the next month or two for a final recommendation.

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Nankervis reported that the Assembly met last night and did see the Landscape Alaska appeal. That decision has not been made public yet, said Mr. Nankervis.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2013 0016: Rezone of approximately 245 acres of RR(T)D3 to D3 and RR(T)D15 to D15 and approximately 40 acres of D1(T)D3 to D3 along North Douglas Highway.
Applicant: City and Borough of Juneau
Location: North Douglas Highway

Staff Recommendation

1. Approve the zone transition from RR to D-15.
2. Approve the zone transition from D1 to D-3 for those lots designated RDR on the Land Use maps of the Comprehensive Plan.

Additionally, staff recommends consideration of the following:

1. An up zone to D5 for lots designated as ULDR on the Land Use maps of the Comprehensive Plan.
2. An up zone to D-15 for lots designated as MDR on the Land Use maps of the Comprehensive Plan.

Ms. McNally reported that this transition rezone was initiated by the CDD staff. This land is located from mile 1.3 to 1.9 on North Douglas Highway, she said. This area received public sewer in the summer of 2013, said Ms. McNally, so the staff felt that it was time to initiate the rezone. Approximately 200 acres of the CBJ owned land designated for transition from Rural Residential to D3 is shown primarily as Urban Low Density Residential, said Ms. McNally. She added that in addition there is a 400 foot wide buffer along Eagle Creek which is designated for a stream protection corridor. There are 43 parcels in the transition area with the majority of the parcels zoned D1 with the transition to D3, explained Ms. McNally.

Mr. Watson asked how the 200 acre area of the CBJ parcel would be accessed by the highway.

Ms. McNally responded that at this juncture there is currently no access to the highway from those lots in question.

MOTION: *by Mr. Watson, that AME2013 0016 be approved based upon staff's findings and recommendations, and asked for unanimous consent by the Commission.*

The motion was approved by unanimous consent.

AME2014 0009:	An Application to Rezone Lot 3 of Black Bear Subdivision at the south end of Silver Street from D-1 to D-3.
Applicant:	Juneau Youth Services, Inc.
Location:	Silver 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.

This lot is located at the south end of Silver Street which is located in the west Mendenhall Valley, explained Mr. Lange. This is west of the Mendenhall River, north east of Auke Lake in the Back Loop Road area, and south of the Montana Creek area, explained Mr. Lange.

Juneau Youth Services is the applicant of this large parcel of land consisting of 159 acres, said Mr. Lange. In 2013 they recently divided that large parcel into three smaller parcels, said Mr. Lange. Juneau Youth Services is located on the Back Loop Road, and they have requested to rezone a ten acre parcel, with a 127 acre conservation lot which they have given to Alaska Seal Trust, which has subsequently been deeded to the CBJ as a conservation lot, explained Mr. Lange.

Juneau Youth Services is asking to rezone the ten acre parcel from D1 to D3, said Mr. Lange, which would be the same zoning as the adjacent McGinnis subdivision. The D3 zone request would be an expansion of an existing zone north of the subject parcel, said Mr. Lange. The

rezone request does conform to the maps of the Comprehensive Land Use Plan, said Mr. Lange, characterized by densities of one to six units per acre, he said.

The proposed rezone did go before the Wetlands Review Board in July, said Mr. Lange. The Wetlands Review Board gave a recommendation that if a rezone were recommended for a density greater than D3, then an additional wetland evaluation should be performed.

Mr. Watson asked staff to clarified that the existing lots located north of the subject parcel were currently zoned D3 .

Mr. Lange confirmed that this was correct.

Board President for Juneau Youth Services Peter Freer said while they do not have any agency or institutional uses planned for the property at this time, they will have future plans for the property at a zoning density consistent with the surrounding neighborhood.

Mr. Watson asked if there was a walking path through the larger parcel of land.

Mr. Freer said that there was an unofficial walking path, but not on the 10 acre parcel of land.

PUBLIC COMMENT

Mark Millay, a resident of Wren Drive, said that he wanted to make it clear that the land was not platted according to Title 49. He said he objects to the zoning change until the subdivision itself is in compliance. He said in his view essentially what is happening is that the zoning change is being requested in which D1 zoning cannot even be supported, let alone support for D3 zoning. He said when the survey was completed, the Title 49 section dictating compliance was omitted. He said he felt this plat should never have been signed until the amenities and utilities were brought forth. He said the argument for the North Douglas rezone request was that utilities were present in the area. There are a lot of issues which need to be nailed down before development can proceed, such as expanded size for accessory apartments creating expanded size of the sewer, said Mr. Millay.

Lorraine Hansen, who lives in the end of Wren Drive, said she is concerned about this application because there is no information provided for the adjacent neighborhood property owners. She said they cannot properly assess the impact to their properties when they have no knowledge as to why the rezoning is occurring. She said that she would appreciate a proposal from the applicant actually stipulating what they plan to do with the property.

Chairman Satre responded that the Planning Commission is in the same position regarding re-zones. He said they have to consider all possibilities in that zoning district because the owner can always sell it the next day.

Wren Drive resident Christie Elliott said she is also frustrated with what she sees as a double standard in the zoning process for this zoning parcel. She also expressed confusion about the wetlands issues.

Mr. McDougal wanted to make the current property owner and future property owners aware of the forthcoming tax abatement coming before the Legislature this year which would defer property tax owed on property until it was sold. In addition, Mr. McDougal said that he is in favor of the zone change, but that it does need to meet the standards, and if necessary it should be delayed until it can meet those standards.

Mr. Nate Houston said they bought their house a little over a year ago with the assumption that the land behind their property would be undisturbed. He expressed concern that such a large majority of the ten acres which were wetlands are no longer wetlands and are now uplands. Mr. Houston said that he feels the rezone to D3 does not match the rest of the neighborhood. Mr. Houston stated that his biggest concern is the view shed. They have a lot of standing water in their yards and no sidewalks, and this did not seem like D3 zoning to him, he said.

APPLICANT

Mr. Freer said that he had no notion that anything was wrong with the plat. He said it was taken through the normal CBJ process, and it was approved and signed, and he was caught quite unaware tonight that there was some fatal flaw or something defective in their plat. Should the Commission want to delay their decision while the plat is reviewed again for accuracy before completeness, Mr. Freer said he thought that would certainly be suitable.

Regarding the wetlands issue, said Mr. Freer, the ten acre parcel is largely uplands on the basis of two wetlands reports that were done by Bosworth Botanical Consulting in connection with appraisals for the property that led to the subdivision of the property and the setting aside of the majority of that property for conservation purposes. He said they do not have a development proposal at this time.

Chairman Satre said the wetlands determinations were specifically labeled as non-jurisdictional studies. If there were a specific proposal for the land, said Chairman Satre, at that point the Army Corps of Engineers would become involved.

Mr. Voelckers asked if the plat was legally recorded.

He was told that the plat was legally recorded.

Mr. Voelckers asked for a follow-up of the legal status of the plat.

Mr. Lange answered that it is a legally recorded plat with legally recorded lots.

Chairman Satre asked if the other questions raised by Mr. Millay could be addressed regarding access, the frontage required, and the other requirements for subdivisions.

Mr. Goddard responded that the frontage and utilities for this lot are in the right-of-way fronting the property. However, said Mr. Goddard, they are not extended to the property line nor is the road itself. Mr. Goddard said he does not know why they were not required to build a full width road from Wren to the edge of the subdivision. He said that is a good question, to which he does not have the answer at this time. Theoretically, said Mr. Goddard, the time to appeal that subdivision would have been at the time of that decision.

Chairman Satre said assuming the rezone passes by the Assembly, what would the applicant have to do, to develop the right-of-way.

Mr. Goddard responded that they would have to improve the driveway to the standards up to an existing maintained City right-of-way. The newly created lots would have to have frontage in accordance with the standard of the zoning district under which they are subdivided.

Mr. Watson said he was not comfortable this evening until he had some more answers. Mr. Watson said he needed some more clarification for several reasons: he felt they were entitled to this as a Commission, and all of their decisions were appealable, and if they could prevent neighbors and the applicant having to become embroiled in a very lengthy appeal process, then he felt a continuance may prevent this.

Mr. Haight said that he agreed with Mr. Watson. He said since this would be moving forward to the Assembly, then the Commission should provide as much information as possible.

Mr. Goddard asked for clarification of the two specific questions to which the Commission would like answers.

Chairman Satre agreed. He said they needed to provide the staff with as clear direction as possible.

Mr. Watson said he would like clarification on Title 49. He said he would like clarification on the access with regards to whether or not there are to be sidewalks on both sides of the street and all of the street requirements because that would be affecting the neighbors' property.

MOTION: *by Mr. Watson, to continue this at the next available Planning Commission meeting, asking for staff to provide additional information, and asking for unanimous consent.*

The motion passed by unanimous consent.

X. **BOARD OF ADJUSTMENT** – None

XI. **OTHER BUSINESS** - None

XII. **DIRECTOR'S REPORT**

Accessory Apartments

Ms. McKibben asked the Commission if they want to launch off with the new draft regarding accessory apartments or if they would prefer that it go to the Title 49 Committee first.

Mr. Watson asked when they would be seeing the draft of the accessory apartment language.

Mr. Goddard responded they have the draft as it was left by Ben Lyman.

Chairman Satre said he was uncomfortable discussing transitional housing in tandem with the hearing coming up.

Ms. McKibben said they were not thinking of discussing the issues in tandem.

Mr. Goddard said the Subdivision Review Committee has enough to do with perhaps the accessory apartments since it is essentially complete. It may be slid in late September or October with Title 49.

Mr. Watson repeated that he would still like to know when the accessory apartment issue would be brought before the Commission.

Ms. McKibben said at this point it would be at some time in October because of the current schedule of Planning Commission meetings.

Transitional Housing

In light of the Use Not Listed decision, said Mr. Palmer, one of the concerns that came out of that discussion was a recommendation by the Board of Adjustment to recommend to the Assembly a transitional housing element in a D5 zone. With that recommendation, said Mr. Palmer, the City believes that process should be started sooner rather than later. They want to ask the Commission how they would like to proceed with this; did they want this to go through the Title 49 Committee or through the Commission as a whole.

Chairman Satre said he thought it would be nice to start with the Committee structure and work up rather than start with the Commission and work down.

Mr. Haight said he agreed with Chairman Satre. He said at this point they needed to define what needed to go to the Committee.

Mr. Watson said he would like to know who was on Title 49 Committee, and that he would appreciate it if the website could be updated indicating the membership of that committee.

Chairman Satre asked Ms. McKibben if she could send the rough document of the work plan to the Commission members for their review.

The Commission agreed that accessory apartment language could come directly to the Commission for review rather than committee.

Street Vacation

Mr. Palmer stated that the Street Vacation Code needs to be amended to comply with state law, and to include some provisions that a street vacation decision by the Commission is the recommendation that goes to the Assembly, because that is a legislative decision. Mr. Palmer said his question for the Commission tonight is does the Commission want this to start at a committee level or with the Commission.

Chairman Satre asked if Mr. Palmer had language on this issue for ready to be launched.

Mr. Palmer responded in the affirmative.

Mr. Haight said this was their next topic for the Subdivision Review Committee.

Director

The Wireless Communication Facilities Ordinance is before the Assembly and should be decided this fall, said Mr. Hart.

The Auke Bay Steering Committee is working on the Auke Bay Sub Area Plan Saturday, September 6, said Mr. Hart. The topic for that date is in-fill. That plan should be before the Commission in October, said Mr. Hart.

The staff is continuing to work with FEMA (Federal Emergency Management Agency), said Mr. Hart, to continue to see how FEMA will assist this community, especially in the area of velocity flood zones and other flood areas around Juneau.

The companion piece to the Auke Bay Area Plan will be delivered about three months after the first piece, said Mr. Hart. The Comprehensive Plan comes first, with the actual rules following, said Mr. Hart.

Mr. Hart asked the Commission where it would next like to direct its attention for neighborhood planning.

The Economic Development Plan will also be presented to the Commission, said Mr. Hart. Those policies and objectives are the forerunner of the next Comprehensive Plan, said Mr. Hart.

Mr. Watson said when the Economic Development contractors presented their plan to the Assembly, that he was disappointed in what they presented. Mr. Watson said it was his impression that the contractors were asking more of what the Assembly, wanted rather than imparting information to the Assembly.

Mr. Hart said it was his understanding that a more focused Comprehensive Plan was desired for this year, with less content and more focus. His feedback from last year was that the document was too big, too unwieldy, and that there was too much content to weed through.

Mr. Hart said that during the next 12 to 15 months that the Commission will be seeing action on almost every chapter of the Comprehensive Plan.

Mr. Voelckers said that he recalled that a joint meeting was scheduled with the Assembly at some point in the near future.

Mr. Hart stated he believed that was at some date in September.

Mr. Voelckers said that he recalled that the Commission was going to schedule time at another meeting to discuss the Economic Development Council presentation.

Chairman Satre said he felt it would be very appropriate to schedule some time during the next meeting during Commission comments and questions to discuss the Economic Development Council presentation and Commission feedback.

- Joann Lott, Steering Committee Applicant

The Commission approved Joann Lott as a new member for the Auke Bay Steering Committee.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Subdivision Review Committee

Mr. Haight reported that the Subdivision Review Committee met this evening. There will be another meeting this Thursday night (August 28, 2014), with probably another meeting or so before they have completed their necessary business. They are working on lot consolidation, reaching into the public way. Easement vacation is next, said Mr. Haight. They also reviewed a document submitted by the Engineering Department which addressed financial responsibility.

Commission on Sustainability

Last week, said Mr. Haight, he was with the Commission on Sustainability. Their guest was the City Manager. She spoke about the importance of celebrating some of the Borough's successes in energy conservation management.

Public Works

The Public Works Committee met two weeks ago, said Mr. Watson. It discussed street vacations, said Mr. Watson. That will be coming towards the next Planning Commission meeting, said Mr. Watson.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Watson said he would still like to address the issue of why rezone requests can only be brought up only in January and July.

XV. ADJOURNMENT

The meeting was adjourned at 8:59 PM