

MINUTES

REGULAR PLANNING COMMISSION MEETING

City and Borough of Juneau

Mike Satre, Chairman

September 9, 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; Karen Lawfer, Bill Peters, Ben Haight, Nicole Grewe (telephonically until 7:44 p.m.), Dan Miller, Paul Voelckers

Commissioners absent: Gordon Jackson

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Eric Feldt, Planner II; Jonathan Lange, Planner II; Chrissy McNally, Planner I

Chairman Satre announced that AME2014 0010, an amendment to CBJ 49.55.010 Financial Responsibility updating bonding requirements, was removed from the Regular Agenda.

II. APPROVAL OF MINUTES

- August 12, 2014 – Committee of the Whole
- August 12, 2014 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the August 12, 2014 Committee of the Whole minutes of the Planning Commission and the August 12, 2014 Regular Meeting minutes of the Planning Commission with any minor modifications by any Commission members or by staff.*

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

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Nankervis reported that the appeal from Landscape Alaska is still pending and expected later this week.

Mr. Voelckers asked about the timing of the Wireless Telecommunications Ordinance for final adoption.

Mr. Nankervis stated they do not have a final date. He said it is still before the Committee of the Whole.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chairman Satre noted that should item AAP2014 0012 be removed from the Consent Agenda and be placed upon the Regular Agenda, that Commissioner Voelckers would not participate in that item as he would have a conflict of interest.

AAP2014 0012: Conditional Use permit for an accessory apartment on a substandard size lot in the D5 zoning district.
Applicant: Matthew Voelckers & Catherine Hatch
Location: 228 Highland Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Accessory Apartment permit. The permit would allow the development of an accessory apartment on a substandard sized lot in the D5 zoning district.

VAR2014 0015: Variance request to reduce the front yard setback from 20 feet to 5 feet for the construction of a single family residence in the D3 zoning district.
Applicant: Raymond Hurley
Location: 14195 Otter Way

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0015. The Variance permit would allow for the reduction to the front yard setback from 25 feet to 5 feet for the development of a single family residence in the D-3 zoning district.

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

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

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

Mr. Miller noted that he consulted with the City Attorney to ascertain if he had a conflict of interest concerning this item and was told that he did not.

Chairman Satre noted that the last time this item was put up for a public hearing that the staff report had been presented and that public testimony had also been heard. Subsequent discussion disclosed several particular items that the Commissioners wanted addressed by staff before they proceeded with this item, explained Commissioner Satre.

Staff Recommendation

Staff reviewed the Black Bear Subdivision and finds it met the requirements of Title 49. As outlined above, the subdivision did not warrant street improvements and utilities were not required to be extended to the property line. Given this, staff recommends that the Planning Commission continue to review the rezone request, AME2014 0009, currently before them.

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 explained the staff was asked to ascertain why the plat was approved without improvements to Silver Street, and why the plat did not include certification that the plat met Title 49.

In answer to the question of why the plat got approved without improvements being made to Silver Street, Mr. Lange explained that the staff concluded that street improvements were not required because Silver Street served one lot prior to Black Bear Subdivision, and after the subdivision it was still only serving one lot.

Mr. Lange said the fact that the plat did not include certification that the words "Title 49" are missing from the signature block does not make it a fatal flaw. He said that Title 49 consistency is implied by the signature of the Director.

Ms. Lawfer asked if the option of extending private sewage treatment would still be available for current development.

Mr. Lange said that was correct, with the size of the lot.

Ms. Lawfer asked if this was despite the zoning either D1 or D3.

Mr. Lange responded this was correct.

Chairman Satre asked if the Commission would like to re-open the issue for public comment or proceed with Commission action on the issue.

Mr. Watson said he would like to proceed with Commission action. He said the Commission took a significant amount of public comment at the last meeting and that he felt this was sufficient for this application.

MOTION: *by Mr. Watson, that AME2014 0009 be approved by unanimous consent accepting staff's findings, analysis and recommendations.*

The motion passed by unanimous consent.

Chairman Satre noted that there were Commissioners present at this meeting who were not present at the last meeting. He asked the staff if procedurally those Commission members were allowed to partake in this vote.

He was told by the staff that Commission members not present at the last meeting could not participate in this vote unless they could certify that they had listened to the tape from the last meeting and all testimony from that hearing.

Commission members on record for this vote:
Satre, Watson, Peters, Haight, Voelckers

IX. REGULAR AGENDA – None

X. BOARD OF ADJUSTMENT

Chairman Satre adjourned the meeting as the Planning Commission and reconvened as the Board of Adjustment.

VAR2014 0017

& VAR2014 0018: A Variance to reduce two side yard setbacks from 10' to 0' for a new covered parking deck; and a Variance to reduce the front yard setback from 10' to 0' for a new covered parking deck.

Applicant: Aniakchak, Inc.

Location: 11435 & 11455 Glacier Hwy

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variances, VAR2014 0017 and VAR2014 0018.

If the Planning Commission makes new findings to approve both or either Variances, staff suggests the following conditions of approval:

- 1) Prior to the issuance of a Building permit, the applicant shall submit a site plan, and if needed, a narrative, showing/ describing how the snow will be managed on site, including snow from the roof. If snow will be partially managed on adjacent property, the applicant shall submit a recorded easement addressing snow management.
- 2) Prior to the issuance of a Building permit, the applicant shall submit documentation that will ensure the foundation of the parking deck and building will not be eroded by water run-off along both side property lines.
- 2) For the Building permitting process, a surveyor shall verify all yard setbacks for the Foundation Setback Verification Form.
- 3) Prior to Final Certificate of Occupancy, the applicant shall submit an as-built survey showing the parking deck, building and roof eaves all consistent with submitted plans.
- 4) Prior to Final Certificate of Occupancy, the applicant shall record an access and maintenance easement and submit a copy to the CBJ. This document shall address shared maintenance of the parking deck, roof and any retaining walls that cross the shared property line. The access easement shall be delineated on the Bay View site and afforded to the owners of Cannery Cove. The easement shall also address any drainages that cross the shared lot line.

This project is in the Auke Bay area with the Bayview properties to the north, and the Cannery Cove condominiums which are currently under construction to the south, explained Mr. Feldt. The 15 unit condominium project which was approved by the Planning Commission earlier this winter, explained Mr. Feldt, has been reduced to a 13 unit condominium project he explained. The Commission had also approved a variance to allow the building to be 50 feet from the ground up, and had also approved a variance reducing the side yard setbacks on both sides from 10 to five feet, said Mr. Feldt.

During a discussion with the State Department of Transportation and Public Facilities (DOT), the applicant was heavily encouraged to use the existing driveway for the Bayview apartment complex for the Cannery Cove project as well, explained Mr. Feldt.

The applicant is requesting the expansion of a roof which would cover the combined parking garage for two projects; the new condominium project the applicant plans on constructing, and the existing apartment complex owned by the applicant, explained Mr. Feldt. This variance would reduce two side yard setbacks from 10 feet to 0 feet for a new covered parking deck, and a variance to reduce the front yard setback from 10 feet to 0 feet for the new covered parking deck, said Mr. Feldt.

If the variance was denied, there would be a ten foot gap between the roofs, said Mr. Feldt.

Ms. Lawfer clarified that the intention was to have two sets of parking lots under one roof.

Mr. Feldt said this is true, except for a driving lane maneuvering space.

On VAR2014 0017 which is the side yard setbacks, the staff found that only findings three and four were met, said Mr. Feldt. On the second Variance, VAR2014 0018, which is the front yard setbacks, all criteria were met except for one and six, said Mr. Feldt.

COMMISSION QUESTIONS

Mr. Voelckers asked if there are precedents within the city with a single monolithic structure which crosses lines of different ownership. He asked if there is a precedence of this being legally done.

Mr. Feldt responded that there are pre-existing conditions of this nature when common walls and variances are not approved. Subsequently the owners would have to consolidate the properties because buildings cannot legally straddle property lines. But in this instance he added, it is unusual because there is actually no common wall. If there were a common wall then the properties would be required to be consolidated, said Mr. Feldt.

Mr. Voelckers asked if the issue of the pitched roof had been reconciled so that no snow or water could run off of the property.

The conditions put in place in January abiding by the conditional use permit still apply, said Mr. Feldt, which require the applicant to manage all snow and water runoff on-site. The applicant has indicated that the roof pitch and materials can hold the elements on the property, said Mr. Feldt, barring unforeseen climatic conditions.

Mr. Miller asked if the similarities between zero lot lines were discussed with the Building Department when looking at the parking garage variances, to discuss how it may be accomplished.

Mr. Feldt answered that it was not discussed with the Building Department but that the staff had recommended that the shared maintenance of the parking deck, roof and any retaining walls that cross the shared property line be addressed in the document which would be addressing the issue of the two different properties lines and are typical of a common wall housing development.

Ms. Lawfer asked if the Fire Department had reviewed access to this plan.

Mr. Feldt responded that the Fire Department has not provided any comments to this current plan. He said the fire truck could still access the area and the parking structure according to the new plan, and that there is a nearby fire connection on the road.

Mr. Haight asked if the roof as a single structure would comply with the fire code requirements.

Mr. Feldt responded that it is very likely that the Building Department would address the roof as one structure.

Mr. Peters asked for clarification that the structure now had only one access point.

Mr. Feldt responded that this was correct.

Mr. Miller asked if in a more typical scenario where just the parking spaces were being covered if a variance would be required for a roof being constructed in the setback area.

In that scenario to a certain extent the roof would be able to encroach into the yard setback answered Mr. Feldt. There is flexibility for garages and carports and areas of steep topography, stated Mr. Feldt. However, that flexibility also carries with it a restriction on square footage stated Mr. Feldt, which tonight's project exceeds, he said.

APPLICANT

Applicant Bill Heumann said his understanding through numerous discussions with the Fire Marshal is that the covered parking garage is in good standing with the fire code. He said his interpretation of his construction of the parking garage roof is that they are building two roofs up to the property line, not one roof crossing the property line. The latter option would require the structures to be structurally independent of each other, he said.

Mr. Heumann said that they are creating a living environment in Auke Bay to enable residents to be able to stay in Auke Bay. The amenities critically important to their customers are covered parking, an elevator, and accessible units, said Mr. Heumann. Their goal is to provide two covered parking spaces for each condominium unit, said Mr. Heumann. The only other place that he knows of that provides this type of parking in Juneau is Fire Weed downtown, said Mr. Heumann.

COMMISSION QUESTIONS

Mr. Voelckers asked if the results of Mr. Heumann's conversations with the Fire Marshal were that the parking garage was going to have sprinklers or no sprinklers.

The parking garage does not need to have sprinklers, stated Mr. Heumann.

Mr. Voelckers asked if there are any requirements for fire resistant construction of the parking garage.

There are not any requirements for fire resistant construction to his knowledge, stated Mr. Heumann.

Mr. Voelckers asked if there were separations between the parking for the condominium owners and the apartment owners.

They would be separated by easements but not by physical barriers, stated Mr. Heumann.

Resident Sharon Lobaugh said that she had major concerns about the traffic the project would be adding to the area. She also expressed concern about adequate snow removal by the owners of the property during the winter. She said she felt the parking requirements are excessive and she also expressed concern about ambulances obtaining access to the area.

Mr. Watson noted that DOT is planning major structural improvements on the road going by the condominium project.

Mr. Heumann noted that they are required by the Alaska Housing Finance Corporation to have two parking spaces per unit. He added they have reduced their driveways from two to one driveways as a

result of conversations with DOT.

Mr. Satre asked if the Commission were to find in favor of the variances and if it were to approve of the findings that the staff had proposed for this option if Mr. Heumann would be comfortable with those conditions.

Mr. Miller said that typically a variance is for a piece of property. He asked if it was okay to have two-pieces of property involved with one variance, or should this have involved two separate variances since it involved two separate pieces of property.

Mr. Feldt answered that variances are for structures that run with the land. The staff found that it would be excessive to address the roofs separately under two different case numbers, said Mr. Feldt.

MOTION: *by Mr. Miller, to approve VAR2014 0017 with amended findings one, two, five and six, (below) and the recommendations provided by staff, should the Commission approve the variance(s).*

In support of his motion, Mr. Miller stated there were insufficient grounds for Finding 1. Mr. Miller said he felt the project was a good idea and that it should not be ruled against just because it had not been done before. He said he agreed with Mr. Heumann's arguments.

Mr. Miller said he felt the only aspect of Finding 2 that did not work previously was the intent of the light and air. This has now been opened up in the new version by the applicant, said Mr. Miller. The safety and welfare aspect has been addressed by having only one driveway, said Mr. Miller.

Finding 5 can be met by Item C, said Mr. Miller, because the project would be unnecessarily burdensome because the unique physical features of the property would render compliance with the standards unreasonably expensive, he said.

Item 6 would result in more benefits than detriments to the neighborhood, said Mr. Miller. It is projects like this which will help keep senior citizens within our community, said Mr. Miller.

In support of Mr. Miller's motion Mr. Haight concurred that it is a unique situation and that the Commission has not come across this situation before. Addressing 5C of the findings he said there is a unique feature and it is addressed by DOT requiring a single driveway. With finding number six Mr. Haight agreed that the benefit is for the neighborhood, and that Auke Bay is trying to create a community that includes the elderly as well as the fit.

Ms. Lawfer stated that addressing finding Number 1 in this case encroachment benefited both property owners rather than negatively affected a property owner. She added that she liked that the building was accessible as well as the home itself. She said that oftentimes the home was accessible but that it was difficult to access the home outside for the handicapped.

The motion was approved with no objection.

MOTION: *by Mr. Miller, to approve VAR2014 0018 with amended findings one and six, (provided above), and the recommendations provided by staff, should the Commission approve the variance(s).*

The motion passed with no objection.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Mr. Hart reported that as of today Juneau has passed over \$72 million in new construction which is running about 6 ½ percent over last year. What is most significant, noted Mr. Hart, is that Juneau is now attracting investors from outside of Juneau.

On September 6, (2014) another design charrette was held focused on the Auke Bay area, said Mr. Hart. The plan is in its final stage, and he said. There is also a new lake group (Auke Lake) which wants to meet, said Mr. Hart.

Mr. Watson asked who was going to lead the project on the \$1.5 million allocated for the parking structure for the Willoughby District.

Greg Chaney would be the lead on that project, said Mr. Hart.

Mr. Hart said that Mr. Chaney could come make a presentation to the Planning Commission on the implementation of the Willoughby District project.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Haight attended a Subdivision Review Committee meeting this evening and they are halfway through Article 5 which addresses subdivision improvements. They will reconvene on Thursday night (September 11, 2014) to complete their review.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Ms. Lawfer commented that not only is the view from the Auke Bay community to the water valuable but also the view from portions of the Auke Bay community to the glacier such as from the University to the glacier.

Chairman Satre commented that the new University dormitories located in the center of the campus have already changed the campus into a vibrant community of campus life.

The Lands Department has requested an item to be placed on the Consent Agenda for the evening of the Haven House public hearing for October 14, 2014, said Mr. Goddard. He said

they understand if it has to come off the Consent Agenda then it has to be moved to the next available Commission meeting.

The Commission concurred, with the understanding that the item would be Consent Agenda only for that meeting.

XV. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.