MINUTES

PLANNING COMMISSION
Regular Meeting
City and Borough of Juneau
Mike Satre, Chairman

November 25, 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 (telephonically), Ben Haight, Nicole Grewe, Paul Voelckers, Mike Miller (telephonically)

Commissioners absent: Bill Peters, Gordon Jackson

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Laura Boyce, Senior Planner; Chrissy McNally, Planner I; Jonathan Lange, Planner II; Tim Felstead, Planner I; Allison Eddins, Planner I; Samantha Stoughtenger, Wastewater Utility Superintendent; Michelle Elfers, Project Manager

II. APPROVAL OF MINUTES

- October 14, 2014 – Regular Meeting
- October 28, 2014 – Committee of the Whole Meeting
- October 28, 2014 – Regular Meeting

MOTION: *by Mr. Watson, to approve the October 14, 2014, and the October 28, 2014, Regular Planning Commission meeting minutes and the October 28, 2014, Planning Commission Committee of the Whole meeting minutes with any minor modifications by any Commission members or by staff.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Loren Jones reported that the Assembly is interviewing applicants for the Planning Commission. He added that he Assembly has accepted the Tall Timbers Neighborhood Association appeal of the Planning Commission decision to issue Haven House a Conditional Use permit. Mr. Nankervis will be handling that appeal.

The Assembly conducted its five-hour retreat yesterday and will meet again in this fashion in the New Year. The Assembly expects a draft of the Juneau Economic Plan by December 24, (2014), said Mr. Jones.

Capital Transit has looked at its revised plan under the reduced budget, which is not acceptable, said Mr. Jones. It will be holding a series of public hearings on proposed revisions this December 1, 2, 3, 4, and 6th, said Mr. Jones.

The Assembly has a report on downtown revitalization and identifying future industrial lands, said Mr. Jones. One of the Assembly's priorities includes looking at the Lemon Creek area such as the staff has done with Auke Bay, said Mr. Jones. There are also recommendations in the Economic Development Plan that a similar plan be followed for the downtown area, he added. Other plans were also discussed, said Mr. Jones.

The Assembly reviewed the Subdivision Ordinance and timeline, said Mr. Jones. Mayor Sanford would like to see the Subdivision Ordinance reach the Assembly quickly, said Mr. Jones. The memo received by the Assembly said that by the time it would reach the Assembly would be some time in February, said Mr. Jones. The Mayor would like to see this ordinance reach the Assembly before it does its priority setting on the "14th", said Mr. Jones.

Mr. Watson asked Mr. Jones what the status was on the Assembly decision on the appeal of the Bicknell property.

The petitioner had asked for a delay, said Mr. Jones, while the petitioner entered into negotiations with the Borough for a solution. Mr. John Corso is the hearing officer who granted the delay, said Mr. Jones. That is the current status of the appeal as far as he knows, said Mr. Jones.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

AAP2014 0015:	A Conditional Use Permit for an accessory apartment on a substandard sized lot on Dixon Street in Downtown Juneau.
Applicant:	Myra Pugh
Location:	725 Dixon Street

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, with the following conditions of approval.

Conditions of approval:

- One additional on-site parking space shall be provided prior to Certificate of Occupancy, if the corresponding Variance Permit VAR2014 0021 is not approved.

VAR2014 0021:	A request for a Variance to the parking requirement for an accessory apartment on Dixon Street in Downtown Juneau.
Applicant:	Myra Pugh
Location:	725 Dixon Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2014 0021. The Variance permit would allow for the reduction of the parking requirement from one space to zero spaces for an accessory apartment at 725 Dixon Street in Downtown Juneau.

MOTION: *by Mr. Watson, to approve VAR* AAP2014 0015 *and VAR2014 0021 on the Consent Agenda with staff's findings, analyses, recommendations and conditions, and asks for unanimous consent.*

The motion was approved by unanimous consent.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2013 0016:	Residential rezone of 43 parcels along North Douglas Highway
Applicant:	City and Borough of Juneau
Location:	North Douglas Highway

Staff Recommendation

After talking to Mr. Stitz, staff understood his concerns. Staff clearly indicated they would recommend that his property be excluded from the up-zone and simply be rezoned to the transition zone of D-3. Staff made this conditional upon his understanding that such an action would mean that any future rezone request for the property would be done at the owner's expense. Mr. Stitz understood and agreed.

Mr. Goddard explained this is the case presented to the Commission in August regarding a transition zone rezone on North Douglas Highway which was approved by the Commission and forwarded to the Assembly for approval. The Assembly has subsequently sent this back to the Commission for further review. The issues raised by the Assembly were if adequate public

notice was given at the time, and if there were higher densities that could be obtained on the properties in question, said Mr. Goddard.

Mr. Goddard said the public notice requirement has been met three times. He said three separate notices had been issued, and in addition to that an informational letter had been sent to the property owners within the rezone. They also held a neighborhood meeting which was held in accordance with the code requirements, said Mr. Goddard. The Assembly hearing itself also met public notice standards, noted Mr. Goddard.

This issue was essentially brought up to the Assembly by Mr. Kody Stitz, said Mr. Goddard. The one change from staff's original recommendation isremove Mr. Stitz's property that was in the D1(T)D3 properties that was recommended go to a D5 zone only transition tothe D3 zone at his request, said Mr. Goddard. He wanted to maintain certain livestock that he understood the upzoning to D5 would prevent him from keeping, said Mr. Goddard.

Commission Comments and Questions
Chairman Satre wanted to clarify that when first heard at the Planning Commission level that all requirements for public notice were met.

Mr. Goddard affirmed that this was true.

Chairman Satre clarified that the current recommendation of staff was to reaffirm the previous staff recommendation with the exception of the single Stitz-owned parcel which would remain as a D3 zoned parcel. By not upzoning this particular parcel of land, said Chairman Satre, could this put the Commission in any spot-zoning type of situation?

Mr. Goddard explained that the requirements for rezoning hold a minimum size requirement. That requirement is met by the size of the Stitz parcel, it being over three acres in size, said Mr. Goddard. This is not technically a spot zone, however the definition of spot zoning is left open to interpretation by the Commission, said Mr. Goddard. It would, however, said Mr. Goddard, be "an island of D3 surrounded by D5".

Any property owner could be present at the Assembly hearing on this issue and make their opinions known regarding upzoning at that time; could they not, asked Chairman Satre.

Mr. Goddard affirmed that this was so.

If this property did remain an island of D3 within a sea of D5, a future property owner would have no real issue coming forward and asking for a rezone up to a higher zone, stated Chairman Satre, given the conformance with the Comprehensive Plan maps and zoning regulations.

Mr. Watson asked for a further clarification on Mr. Goddard's answer on spot zoning.

Mr. Goddard answered that it would be an island of D3 surrounded by D5. He added it would depend on how the Commission wanted to define "spot zoning". The parcel of land meets the criteria to create a separate zone all by itself, said Mr. Goddard. A minimum of 2 acres is required to create an island or a unique zone, said Mr. Goddard.

Mr. Watson asked what livestock was allowed within a D3 zone versus a D5 zone.

Mr. Goddard said within the Table of Permissible Uses there are several types of agricultural related uses relating to farm animals, and that both zones allow six chickens. He would require further input from the staff on any other differences, he said.

Mr. Voelckers asked for the location of the parcels belonging to the other individuals who had submitted recent letters protesting the upzoning. He asked if perhaps their land was contiguous to the D3 request of Mr. Stitz.

The staff responded they had not yet had time to assimilate that information, as those letters had just arrived.

Public Comment
North Douglas property owner Kody Stitz said he and his family purchased their property in July aware that it was zoned D1 and that it could transition in zoning to D3. D5 zoning would prohibit the purchase of toy goats for his children, said Mr. Stitz, unlike D3 zoning. He said he is also concerned about zoning for the entire neighborhood, because he does not want to be an island of D3 zoning within a sea of D5 zoning.

Mr. Stitz said he is not aware of anyone protesting the D1 to D3 zoning. He said he would like to see the zoning stop at D3 zoning and not progress to D5 zoning. He said he felt that was much too high of a zone for the area.

Mr. Watson asked Mr. Stitz if when he purchased his property he was aware that it could transition to D3 zoning.

Mr. Stitz said that he was aware of the property's transitional zoning.

Ms. Lawfer asked Mr. Stitz for his opinion on the land designated for D15 zoning.

He said he had no problem with that land designated for D15 zoning because it was formerly a gravel pit and that he felt the zoning was fine for that particular parcel of land.

Juneau resident Pam Garcia said that she owned the land in front of the Stitz property and that she was also against the proposed D5 zoning. Her husband Steve Merli also spoke to the Commission against the proposed D5 zoning and in favor of the D3 zone for his property. Both Mr. Merli and Ms. Garcia said they purchased their property because they wanted to live in a

low density area, and that they would have purchased property elsewhere if they wanted to live in a higher density area.

North Douglas resident Robin Paul said that she owns land next to Ms. Garcia and Mr. Merli. She said that she also is against the higher D5 zoning but is fine with the D3 zone. She said she was confused about how North Douglas addresses were formulated. She said for the purpose of public notices she would prefer that public notices provide the beginning and ending addresses of streets (the range of affected addresses).

Ms. Paul said the curve in the road is very scary and that the increased density of D5 zoning would put too much traffic on the road.

Mr. Voelckers asked Ms. Paul when the subject of D5 zoning first came to her attention.

Ms. Paul said she did not hear the issue of D5 zoning raised at the August meeting that she attended.

Chairman Satre affirmed that the D5 zoning did transpire at the August meeting attended by Ms. Paul. He said the original intent was to move the zoning from D1 to D3, and following the staff report and a recommendation to upzone to a higher density, the Commission made a recommendation to the Assembly at that meeting.

Mr. Watson asked Ms. Paul according to the map where she would consider her neighborhood to end.

Ms. Paul said the gravel pit towards town would make a nice subdivision. She said the neighborhood would start at her property and proceed around the bend in the road to the north.

North Douglas resident Patty Collins also spoke against the proposed upzone in the area. She said that she and her husband understood when they bought their waterfront property ten years ago that at some point it would transition to D3 zoning. Ms. Collins said that they are fine with the D3 zoning but that they are not in favor of the higher density D5 zoning. She said the road is scary and curvy. There is a housing need in Juneau, she said, but she said she did not feel this was the best possible area to raise the density even higher than the D3 zoning.

North Douglas resident Russ McDougall said that he lives in an area which just went from a D1 to a D10 zoning at 10.5 mile North Douglas. He wanted to know if the planners could supply more information on the differences between D1 and D5 zoning.

Chairman Satre said that information would be provided after public comment was concluded.

Commission Questions and Comments
Chairman Satre asked if the staff had additional information on the differences between D1 and D5 zoning, especially regarding the housing livestock.

From a use point of view there is little difference between D3 and D5 zoning, said Mr. Goddard, with a few exceptions. In the D3 zone there could be a single family detached two dwellings per lot. In the D5 zone only one dwelling would be allowed per lot, said Mr. Goddard. There are circumstances where there could actually be higher density in a D3 zone as opposed to a D5 zone, said Mr. Goddard. This is because of the potential difference in lot sizes, he explained.

Mobile homes could be allowed in the D3 zone but not in the D5 zone, said Mr. Goddard.

Mr. Watson asked if as a property owner he could go to the Planning Commission and ask that his D3 lot be zoned to a D5 lot.

As long as it was consistent with the Comprehensive Plan then a rezone could be requested, said Mr. Goddard.

There is a form available online, explained Ms. McKibben; Keeping Chickens and Other Farm Animals in Juneau, which summarizes farm animals which may be owned within the Borough. It specifies how many chickens may be kept in what zones within the area, said Ms. McKibben. For other farm animals it remained unclear if zones D3 and D5 differed, and the Table of Permissible Uses would have to be checked further.

Mr. Voelckers asked Mr. Goddard why he had listed D3 zoning as not appropriate for ULDR (Urban Low Density Residential) zoning in his analysis.

Mr. Goddard stated since the area was not supposed to have services, but that the Borough had provided services, he felt that the higher zone was more appropriate for the area since urban services had been provided.

Ms. Lawfer stated she felt the discriminating factors between D3 and D5 zoning were density versus use. She said she wanted to clarify that lower density does not preclude what some might call "strange" uses for the properties such as a rock crusher, for example. Ms. Lawfer asked for some commercial applications which would be allowed in a D3 zone which would not be allowed in a D5 zone.

Mr. Goddard responded that other than the mineral extraction there were no other differences that he could identify between the two zones. He said they are very similar in character.

Theoretically, said Mr. Goddard, a duplex could be allowed in a D3 zone on the same sized lot as a D5 zone and yet not be allowed on that lot in a D5 zone.

Mr. Haight asked for the exact scope of the Commission's decision on this issue this evening.

Chairman Satre said they had the same application before them that they had before them in August:

- ✓ Approve the zone transition from rural reserve to D15
- ✓ Approve the zone transition from D1 to D3 for those lots designated RDR on the land use maps of the Comprehensive Plan

They also had a recommendation from the staff at that meeting for an upzone to D5 on the ULDR lots, and an upzone to D15 on the gravel extraction parcel, said Chairman Satre. At that meeting the recommendation was that they move forward, said Chairman Satre. He said the Assembly has remanded their decision back to the Commission to reconsider.

The staff recommendation is to maintain the original recommendation except for the Stitz property which they recommend they lower to D3 zoning instead of the recommended D5 zoning which had gone to the Assembly, said Chairman Satre. And now they are confronted with multiple property owners in the area who would like to be included in the D3 zone, said Chairman Satre.

Chairman Satre stated that he felt it was inappropriate for the Commission to be picking and choosing spots on the map according to individual property owner's requests for zoning preference. He said he felt it was appropriate was for the Commission to consider D1 – D3 zoning for the entire ULDR portion, or the Commission could reaffirm its original decision of D5 zoning for that portion.

MOTION: *by Mr. Haight, that those lots recommended for an upzone to D5 as ULDR on the Land Use Maps of the Comprehensive Plan be zoned from D1 transition to D3, with the recommendation that all of the previous recommendations from the Commission to the Assembly on AME2013 0016 stand.*

Mr. Haight said it was the traffic and safety aspects of the road that really affected him on this issue.

Ms. Grewe spoke in support of the motion, and wanted to make note of the additional public comment received this evening in support of the D3 zone for the area, which the Commission had not received in August.

Mr. Watson concurred with the motion, stating that the staff and the Commission had been given the mission over the past couple of years to provide housing for the community. He said he did feel some discomfort that the Commission was responding to some, but perhaps not the majority of the property owner's interests.

Mr. Miller spoke against the motion, stating that he felt D5 zoning was the appropriate upzone for the area and that the Assembly sent it back to the Commission to look at the public notice

aspects and to look at any of the other property to see if it could be of zoned further. Mr. Miller said that he felt the directions for the Commission were clear. He added a D5 zone would not mandate the area being built out to D5 zoning. The result of that zone would be that a few areas would be built with several smaller lots that would help the housing situation in Juneau.

Chairman Satre said that he would not object to this motion, but that procedurally he firmly believed that the Assembly erred in remanding this back to the Planning Commission. When the Commission makes a recommendation to the Assembly regarding rezones the Assembly has every right and every ability to make the exact same change that the Commission is making tonight, said Chairman Satre. The Commission met the requirements of public notice, said Chairman Satre. If there are broader issues of public notice then the entire scope of public notice should be addressed, he added.

Roll Call Vote:

Yeas: Voelckers, Grewe, Haight, Lawfer, Watson, Satre

Nays: Miller

MOTION PASSES

CSP2014 0022:	CSP review of the CBJ Biosolids Treatment and Disposal Evaluation Phase II Final Report.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Assembly that they initiate the design and construction of the thermal belt dryer and energy recovery furnace at the JDWWTP (Juneau Douglas Waste Water Treatment Plant).

Ms. McKibben explained that this is the City/State project review for the biosolids treatment disposal. This is a review of the recommendations for compliance with the Comprehensive Plan. A second CSP review will follow once the actual project is formulated, noted Ms. McKibben.

The recommended alternative is the thermal drying of biosolids followed by combustion of the biosolids in a furnace to recover heat that is then recirculated to the biosolids by a drying process, thus reducing the amount of purchased fuel, explained Ms. McKibben. The carbon footprint is a recommendation of the 2011 action plan which also includes a lifecycle cost analysis which is called for in the Comprehensive Plan and the Climate Action Plan, noted Ms. McKibben.

There are two proposed locations for the facility whatever alternative it may be, said Ms. McKibben. One is at the existing Mendenhall Wastewater Treatment Plant which is located in the Valley on a three acre parcel surrounded by a residential neighborhood, and the other location is the Juneau Douglas Wastewater Treatment Plant (JDWTP), on a ten and a half acre site, located within a larger hundred acre parcel. It is located within a waterfront industrial district on Thane Road with rural reserve zoned land across the highway, said Ms. McKibben.

This has been evaluated for consistency with the 2013 Comprehensive Plan, the 2011 Climate Action Plan and the Juneau Douglas Wastewater Treatment Plan, and is within the planning area of the 2004 Long Range Waterfront Plan, said Ms. McKibben.

Commission Comments and Questions
Mr. Voelckers asked for some background on how the two sites were selected as an option for the treatment plants. If waste is being trucked between one or the other of the identified sites, why then does that not open up other options that are also available to be used as a trucked option, asked Mr. Voelckers. He asked if other locations had been considered and subsequent studies performed on those locations.

Ms. Stoughtenger replied that only the two existing sites were evaluated, as they are the sites on which they have control. They could also provide costs to utilizing those two sites which they could then provide in their cost analysis, she explained.

Mr. Voelckers said there may even be other city properties available to be considered as sites that may also allow the same CBJ control of process.

Ms. Stoughtenger clarified that they did not look at other CBJ properties.

Mr. Voelckers said that he felt it would be logical to consider other CBJ-owned properties such as possibly those existing in lemon Creek where there is already existing waste-handling infrastructure with the possibility of a future incinerator being installed in that area. He said he was aware of some CBJ-owned property adjoining Home Depot, for example. He said a facility located in that area would avoid a lot of driving and avoid pulling that material (sewage sludge) through the center of town.

Ms. Stoughtenger stated that for this type of land additional costs such as permits and utilities would have to be considered. What may be feasible from a trucking perspective, she said, may carry many additional costs making it beyond the realm of feasibility.

Chairman Satre stated the ultimate goal for this meeting is to state whether the recommended alternative is supported by the Comprehensive Plan.

Mr. Watson stated that he shares Mr. Voelckers' thoughts on treatment site alternate locations. Mr. Watson stated that there were a lot of questions that he wanted to ask, and that he would leave it up to the Assembly to ask those questions, and that he hoped the Assembly did ask those questions. He said the Assembly was also looking for a solution to solve the landfill problem, and that he did not see that problem addressed in this alternative.

Ms. Stoughtenger said this does not handle municipal solid waste, but that sludge from the recommended dryer and furnace would actually drive the biosolids so that in the future if that joint use facility were to come online they would be one step closer to disposing of that in conjunction with the municipal solid waste.

Mr. Watson asked how many containers a week are being trucked through town at this time.

Approximately one a day, answered Ms. Stoughtenger.

Mr. Watson asked if hauling the waste out of town has helped solve the odor problem.

Ms. Stoughtenger said that she wished this was true. The proposed alternative will address any odors from drying the sludge, she said. Any odors experienced by the current plant operations will not be alleviated by the solution, she explained.

Mr. Watson asked where they saw the bio product ending up.

They would end up with an ash which they could use for a construction alternative, or land cover for the landfill, said Ms. Stoughtenger.

Mr. Haight asked when the decision would be made.

They were provided with the two options, said Ms. Stoughtenger.

Mr. Haight said they were currently using aerobic digestion with the JD plant. He said it could perhaps be discontinued with some advantages. He asked if this had been factored into the costs and direction.

Ms. Stoughtenger said she did not know but she would have to check into that.

Mr. Haight said he saw no considerations for electric heat as an option and was wondering if it was an option.

It was not an option, said Ms. Stoughtenger.

Mr. Haight said he found it interesting that Alternative One was considered the least risk because to him it seemed like a high risk due to the volatility of pricing and permit issues.

They have to factor in unknown technology, said Ms. Stoughtenger. They know what they are getting with the status quo, and that was considered as a factor, she said.

The inflation rate used to consider the lifecycle analysis is 2%, said Mr. Haight. The much higher rate of actual inflation is not captured in the analysis, he said. Because of this, he said, the final O&M (Operation and Management) costs are slightly skewed, he said. Mr. Haight said it didn't appear to him that the cost analysis reflected the fact that the existing incinerator building was still in good condition and could be refurbished.

Ms. Stoughtenger said they would be reusing any part of the building that they could.

Mr. Haight said he did not see any costs associated with the end product, especially with Alternate Three.

MOTION: *By Mr. Watson, that the Commission approve CSP2014 0022 and accept staff's recommendations in choosing Number Three as the preferred method to deal with the community's biosolids.*

Mr. Haight spoke in support of the motion saying that he would like to pass the message on to the Assembly that the Commission does support continued study and movement towards resolving the municipal solid waste problem.

Mr. Voelckers said he did support option three but that he was reluctant to proceed and recommend that JD was the best site.

Mr. Voelckers said he would like to propose an amendment to the motion for additional study by the CBJ staff on the cost and operational effects of developing an alternative lemon Creek location for the proposed biosolids plant.

Mr. Watson accepted that amendment to his motion.

Mr. Voelckers stated it may very well be that the JD site is the best option, but that he felt there was industrial property available in Lemon Creek and that savings could be netted with just the trucking and hauling costs. He said it was also likely that the industrial incinerator would be located in lemon Creek. He said there were just too many compelling questions not to have the location be explored further.

Ms. Lawfer asked to offer a friendly amendment to the motion stating that they supported the recommendations made by the staff and that it is consistent with the Comprehensive Plan, and then continue with the individual recommendations.

Mr. Watson withdrew his motion.

FINAL MOTION: *by Mr. Voelckers, that the Planning Commission adopt recommendation Number Three on the biosolids treatment option, and that before the final location is recommended, that additional study by CBJ staff be performed looking at cost and operational effects on alternate locations including Lemon Creek.*

The motion passed with no objection.

USE2014 0014:	Conditional Use to allow commercial hydroponic vegetable farm in the D5 zoning district.
Applicant:	Allen & Gerri Butler
Location:	9220 Lee Smith Drive

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 a

commercial hydroponic vegetable farm in the D5 zoning district. The approval is subject to the following conditions:

1. Prior to a Certificate of Occupancy a commercial water meter shall be installed.
2. CBJ property will not be used to access the site.
3. CBJ property will not be used for storage of supplies or equipment related to this urban agricultural use.
4. Containers used for growing hydroponic vegetables will be temporarily placed on the applicant's property and will be removed if the vegetable growing operation is discontinued.
5. In addition to the landscaped areas shown on the site plan submitted with the project application, a detailed vegetative cover plan shall be provided indicating how the 20 percent minimum is met, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structures.
6. A vegetative screening buffer shall be installed along the eastern property line.
7. The following metrics for business expansion will necessitate a new Conditional Use Permit:

    a) Hiring of employees beyond that required for the six containers
    b) The addition of delivery vehicles beyond the one proposed
    c) The addition of a container van beyond the six proposed

USE2014 0014 (Use Permit)
The proposal is to operate a commercial hydroponic vegetable farm in converted shipping containers, explained Ms. McNally. This property is located in the D5 zoning district and is accessed by Lee Smith Drive. It is in a residential area bordered by light commercial zoning.

The containers are 50 feet long by eight feet wide, said Ms. McNally. Stacked two feet high they would still meet the maximum height requirement for accessory structures of 25 feet, she said. This stie does meet the parking requirement, said Ms. McNally. There is currently a day care operation out of the home, but it will be phased out as the hydroponic farm operation commences.

The lettuce would be harvested out of the shipping containers where it would be grown, packaged in the packaging room and then placed in the delivery truck, said Ms. McNally.

This is considered a minor development meaning that it uses less than 10,000 square feet of land or 5,000 square feet of a building, said Ms. McNally. It is designated as Urban Low Density Residential (ULDR) and with the Conditional Use permit it was found to be in conformance with the Comprehensive Plan, said Ms. McNally.

The proposal is also supported by Policy 2.1 which advocates supporting the individual and commercial production of foods locally grown with careful evaluation of environmental impacts, said Ms. McNally.

Ms. McNally stated that today she received a recommendation from the CBJ law Department that another condition be placed on this permit specifying that it not be for the growth of marijuana.

VAR2014 0025 (Variance)
The variance connected with the use permit was recommended for denial based upon the fact that it was not found to be consistent with justice to other property owners, said Ms. McNally. The property owner could still use the property for a principle permissible use without the variance and the operation could still be achieved by using less containers, said Ms. McNally.

Commission Comments and Questions
Mr. Watson said he had not seen anything addressed with how the day care business meshed with the hydroponic business and how the parking would be addressed for those two separate businesses and the shared parking space.

The business plan is to cease operation of the day care business as the hydroponic farm develops, said Ms. McNally. There is sufficient parking for both uses. The CBJ does not regulate the space requiremetns for day cares. She said the day care business currently has four children and is licensed for eight children.

Applicant
Applicant for the project, Allen Butner, said they are trying to create a business that will provide fresh, local produce of the highest quality without pesticides, fungicides or radiation through the local retailers at a competitive price. They will grow this produce in 53 foot container vans transformed into state-of-the-art hydroponic farms, said Mr. Butner.

They applied for the existing use and various permits in order to locate this business on their existing property, said Mr. Butner. They already have an existing commercial water meter installed on the property, it is flat and located immediately near commercially zoned areas, said Mr. Butner. None of the surrounding property owners or renters that he was able to contact have any objections to this project, stated Mr. Butner.

Mr. Butner said in contrast to the staff report he does believe that they currently do meet the 20% vegetation cover requirement for the property. He said they plan on removing the existing day care business of four children once their business is under operation and the outside play area will then also be added to vegetative cover.

They also do not want to be limited to one delivery van, said Mr. Butler. The delivery van will be a 15 person van, not a large delivery van, he said. He said he would like the option to add a second delivery van if it was needed. He could not maintain a 20 foot setback, said Mr. Butner. If he would have to reduce the size of the growing operation to meet that setback requirement it would not make the project financially viable, he said.

Commission Comments and Questions
Mr. Watson asked on which end of the vans the refrigeration units would be located and what the hours of operation the refrigeration units were to be.

They would kick on as needed, said Mr. Butner.

Mr. Watson asked what the height of the additional roof covering over the vans would be.

Mr. Butner answered they have abandoned the idea of an additional roof covering because the idea of a rooftop garden was much more appealing.

Mr. Watson asked about the noise level of the cooling and heating equipment in the container vans used for growing the vegetables.

Mr. Butner said he has been told the noise level would be the equivalent to the noise of a heat pump for a residential home.

MOTION: *by Ms. Grewe, to approve USE2014 0014 and accept staff's findings, analysis and recommendations as noted in the staff report, and that no marijuana cultivation be allowed as requested by the law department.*

The motion passed with no objection.

X. BOARD OF ADJUSTMENT

VAR2014 0025:	Variance to reduce the rear yard setback from 20 feet to 0 feet to place three shipping containers for a commercial hydroponic farm .
Applicant:	Allen & Gerri Butler
Location:	9220 Lee Smith Drive

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2014 0025.

If the Board of Adjustment chooses to approve the Variance staff recommends a 5 foot rear yard setback instead of the requested zero foot setback.

Chairman Satre adjourned the meeting as the Planning Commission and reconvened the body as the Board of Adjustment to address the variance request. He noted that the staff has recommended the variance be denied on criteria one, two, three, five and six.

The Planning Commission convened as the Board of Adjustment.

MOTION: *By Mr. Haight, to approve VAR2014 0025 accepting staff's recommendations to deny*

the variance.

Mr. Haight stated that while just about every criteria denies the variance, if the variance would be granted for this property it would not work for all properties in the area.

Mr. Miller stated that this vegetable gardening application has a lot of good attributes regarding the whole idea of sustainable gardening in Juneau. He said it makes him want to figure out how to approve the variance. He said on the face of it, it can appear difficult to approve the variance criteria.

Mr. Miller said the staff wanted to change the setback to five feet and that the owner said he could live with that. That changes criterion number two to being met so the intent of the title is observed, said Mr. Miller. That also helps with number three, he said. On number five (c) it could be said that the physical features of the community are burdensome and that getting fresh vegetables to our community is burdensome, said Mr. Miller. Number six is an obvious benefit to the community, said Mr. Miller. He said he did not see how Condition One could be met.

Chairman Satre stated he could see that a five foot setback could be much more palatable to the Commission than a zero foot setback.

Could this be accomplished this evening, asked Chairman Satre, or is this something that needed to be directed to the staff for further work.

Mr. Haight concurred with Chairman Satre, saying that further work by the applicant and staff was warranted. He also concurred with the statements of Mr. Miller. He said he would like to see the Commission come up with a solution that would work. He said perhaps it would be a setback or perhaps a reduction of height on the outer container. Something that would reduce what would be considered a light and air issue for the adjacent property, said Mr. Haight.

Mr. Haight withdrew his original motion on VAR2014 0025.

MOTION: *by Mr. Watson, that VAR2014 0025 be continued to allow the applicant more time to work with the staff and have it brought back before the Commission as soon as possible.*

The motion passed with no objection.

The Board of Adjustment reconvened as the Planning Commission.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Childcare
Mr. Hart suggested that regarding the day care issue at one of the upcoming meetings that they have an educational panel which would include the state day care manager to explain the state day care regulations and Joy Lyon, representing the Association for the Education for Young Children (AEYC), and a staff person who has been working on these issues. Mr. Hart stated they have presently before them three daycare proposals for consideration.

Chairman Satre said they would like an idea of what other municipalities are doing in this area, and how Juneau compares with other jurisdictions.

Auke Bay Steering Committee
The Auke Bay Steering Committee meets December 2, (2014) in the Assembly Chambers to run through the final edits of its report. The report will next be presented to the Planning Commission, said Mr. Hart.

Industrial Lands Analysis
Mr. Hart said they want to work more closely with the Engineering Department so they are aware of their land needs so that all land needs are considered. Is imperative that they always look 20 years into the future, said Mr. Hart.

New Community Development Department Staff
Mr. Hart introduced Allison Eddins as the newest member of the Community Development Department staff.

Planning Manager Resignation
Planning Manager Travis Goddard resigned as planning manager to accept a position in Othello, Washington, as planning director.

Commission Questions
Mr. Voelckers asked for clarification on the timing of the Subdivision Ordinance progression.

Mr. Goddard responded they had planned a special meeting on the Subdivision Ordinance January 6, or 7, (2015) with the idea that it would be the only item on the agenda. The staff expected with this schedule the ordinance would arrive at the Assembly mid-January or early February for adoption in March.

Mr. Watson said it would have been nice if the Chair of the Subdivision Review Committee had been made aware of the Assembly's goals for the Subdivision Ordinance regarding deadlines.

- Notice of Appeal to Superior Court
  - USE2013 0027- Zenk, Baumgartner, Miyasato, Olson v. Planning Commission
- Notice of Appeal to Assembly
  - USE2014 0008- Tall Timbers Neighborhood Association v. Planning Commission

- UNL2014 0001- Tall Timbers Neighborhood Association v. Board of Adjustment

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Commission on Sustainability
Mr. Haight reported that the Commission on Sustainability met this evening on biosolids treatment and issued a letter supporting Alternate Number Three as a letter of recommendation to the Assembly.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting adjourned at 10:22 p.m.