

Agenda  
**Planning Commission**  
***Regular Meeting***  
CITY AND BOROUGH OF JUNEAU  
*Michael LeVine, Chair*  
September 12, 2023

**I.     LAND ACKNOWLEDGEMENT** – Read by Commissioner Keller

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

**II.    ROLL CALL**

Michael LeVine, Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:01 p.m.

**Commissioners present:**     Commissioners present in Chambers – Michael LeVine, Chair; Mandy Cole, Vice Chair; Travis Arndt, Clerk; Erik Pedersen, Assistant Clerk; Paul Voelckers; Matthew Bell; Adam Brown; Nina Keller

Commissioners present via video conferencing – None

**Commissioners absent:**     David Epstein

**Staff present:**             Scott Ciambor, CDD Planning Manager; Jennifer Shields, Planner II; Forrest Courtney, Planner I; Ilsa Lund, CDD Administrative Assistant; Emily Wright, Law Assistant Municipal Attorney (via Zoom)

**Assembly members:**       Not in attendance

**III.   REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** - No changes

#### **IV. APPROVAL OF MINUTES**

**A.** August 8, 2023 Draft Minutes, Regular Planning Commission

**MOTION:** *by Mr. Arndt to approve the August 8, 2023 Planning Commission Regular Meeting minutes.*

***The motion passed with no objection.***

**B.** August 22, 2023 Draft Minutes, Regular Planning Commission

**MOTION:** *by Mr. Voelckers to approve the August 22, 2023 Planning Commission Regular Meeting minutes.*

***The motion passed with no objection.***

**V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION - by Chair LeVine**

**VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

**VII. ITEMS FOR RECONSIDERATION - None**

**VIII. CONSENT AGENDA - None**

**IX. UNFINISHED BUSINESS - None**

#### **X. REGULAR AGENDA**

Prior to hearing **USE2023 0011** Mr. Arndt declared a conflict as he is the neighbor directly across the street from the property in question and the outcome of this hearing could affect property values either way. Due to this direct financial interest, he recused himself from hearing the case.

**USE2023 0011:** Applicant requests a Conditional Use Permit for commercial storage and parking.

**Applicant:** Brent Bitterman

**Location:** 20012 Cohen Drive

#### **Director's Report**

The applicant requests a Conditional Use Permit to use a residentially zoned lot for the off-season storage of commercial boats and parking of commercial vans in support of his seasonal tourist business. The applicant proposes the exterior storage of three (3) commercial boats outside this winter until construction of a new single-family/garage structure is completed which will provide 4,080 square feet of interior boat storage and van parking. Six (6) commercial vans are currently parked year-round in a leased building near Auke Bay. Once

construction of the new single-family/garage structure is completed, the three (3) commercial boats and up to six commercial vans will be stored/parked inside during the off-season. Employees and customers of the tourist company will not be reporting to the site for commercial purposes.

### **Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE with conditions the requested Conditional Use Permit. The permit would allow for commercial boat storage and van parking on a residential lot.

Approval is subject to the following conditions:

1. Exterior storage of commercial boats shall be temporary, for a period not to exceed eighteen (18) months from the date of issuance of the Conditional Use Permit.
- ~~2. Commercial boats and vans shall be stored / parked inside the new single-family/garage structure. [Removed by motion]~~
- ~~3.~~ **2.** No exterior parking storage of commercial vans/boats shall be permitted. [Amended]
- ~~4. Parking spaces shall be a minimum of 8.5 feet by 17 feet. [Removed by motion]~~
- ~~5. One accessible parking space shall be at least 13 feet by 17 feet, including an access aisle area of at least 5 feet by 17 feet. A blue wheel stop and CBJ approved signage shall be posted for the space prior to commencement of the proposed use. [Removed by motion]~~
- ~~6.~~ **3.** Exterior lighting shall be designed and located to minimize off-site glare.
- ~~7.~~ **4.** Employees and customers of the tourist company shall not report to the site for commercial purposes.

**STAFF PRESENTATION** - by Mr. Ciambor

### **QUESTIONS FOR STAFF**

Mr. Voelckers asked why there would be an ADA parking space required for what is essentially a residence property. Condition #5 requires an ADA space while condition #7 excludes the property from commercial use. Mr. Ciambor explained it is based on the land use code and deferred to the applicant for further explanation.

### **APPLICANT PRESENTATION**

Brent Bitterman presented he owns Alaska Luxury Tours. He is seeking a CUP to allow him to build a home with a garage large enough to store his boats during the off-season.

### QUESTIONS FOR APPLICANT

Mr. Voelckers asked how often the boats would be transported to and from the property site. Mr. Bitterman explained they would go into storage on the property in October and go into the water in April. Once in fall and once in spring.

Ms. Cole asked if there would be any heavy equipment activity or disruptive (loud) maintenance on the boats on the property. Mr. Bitterman said there would not be.

Ms. Keller asked if there would be van activity to and from the property. Mr. Bitterman explained he leases space in Auke Bay where the vans are stored year-round. They are included in this permit request just in case he parks a van on property at any time.

### PUBLIC COMMENT

*Ben Eisenstein* - Alaska Luxury Tours employee, spoke in support saying the boats are already stored outside. Moving them inside would improve the aesthetic of the neighborhood. This is not the business location and will not increase traffic to the property.

*Jeremiah Kahn* - Spoke in support saying it makes sense to allow the applicant to store the boats inside.

*Lisa Myers, 19331 Cohen Drive (via Zoom)* - Spoke in support saying she does not anticipate any problems and looks forward to seeing the home when it is completed.

*Michael Williams, neighboring resident* - expressed concerns with the rezone. If the rezone is approved and Mr. Bitterman sells the property in the future, would it remain commercial property?

Mr. LeVine explained there is a difference between a rezone and a conditional use permit and this is not a rezone request.

*Dan Miller* - Said the owner is going to extra costs to make sure the facade does not look like a big garage. This will not be a business property. Therefore, the parking space conditions do not make much sense.

Ms. Cole asked for the difference between a big garage and a warehouse. Mr. Miller said that would be the use.

Mr. LeVine expressed trouble with the wording of condition #2 saying it could be interpreted as restricting what can be stored in the garage.

*Al Tingley, neighboring resident* - Spoke in support saying this is a garage/boat condo and should be approved.

*Alice Smoker, 20007 Cohen Drive* - Spoke in support saying she has no problem with this

*Daniel Green, 20003 Glacier Highway (via Zoom)* - Spoke in support

ADDITIONAL APPLICANT COMMENTS - Mr. Bitterman had nothing to add but made himself available for questions.

Mr. LeVine asked if the business is paying him for the storage of boats on the property. Mr. Bitterman explained he does pay himself rent for that storage.

Mr. LeVine asked if he would be storing other items in the garage. Mr. Bitterman said he has a backhoe that may be stored in the garage and he would like to paint a pickleball court so the garage could be used for pickleball during the summer when the boats are in the water.

#### ADDITIONAL QUESTIONS FOR STAFF

Mr. Voelckers asked for explanation of condition #4. It appears to be a description of standard parking space dimensions. Mr. Ciambor explained it is standard parking space dimensions. Per CBJ 49.40.210(a), this request falls under commercial land use category for warehouse storage and wholesale businesses. That designation requires the parking spaces as described and the ADA space.

Ms. Cole asked if Mr. Bitterman was simply building a garage of this size and not renting it to himself, would he still be required to obtain a CUP? Mr. Ciambor said the requirements are because this is commercial land use category due to the commercial use of renting the space for the storage.

Mr. LeVine asked if approving the CUP would allow the applicant to then rent out the garage to others for storage. Mr. Ciambor acknowledged there *could* be the potential for that happening. It had not been taken into consideration or addressed in the report.

#### COMMISSIONER DISCUSSION

Ms. Cole had concerns that the CUP goes with the land and could allow the property to be used for storage. She wondered if they are over-legislating and could create an unintended consequence.

Mr. Bell asked the chair for his thoughts on the conditions. Mr. LeVine said he is trying to find a way to allow the garage to be used for the boat storage and not allow it to be used as a general storage unit. Ms. Keller suggested adding "seasonal storage" to the language of the conditions.

Mr. Voelckers said it seemed like there should be a requirement of the boats to be moved once or twice per year. Mr. Ciambor felt that was covered by condition #7.

Mr. Brown was confused why this requires a CUP at all. Mr. Pedersen agreed with Mr. Brown.

Ms. Cole asked if conditions #4 and 5 are part of the building permit and therefore could be removed. Ms. Wright agreed.

Mr. LeVine asked for advice regarding how the PC can restrict the frequency and type of storage allowed in the garage. Ms. Wright said they could state their intent on the record.

**MOTION:** *by Ms. Cole to accept staff's findings, analysis, and recommendations, and approve USE2023 0011 modifying conditions to strike Conditions #2, 4, 5, and amend Condition #3 to read "No exterior parking commercial van/**boats** shall be permitted".*

Ms. Cole spoke to her motion saying these are the minimum conditions required for a CUP. She was not completely convinced a CUP was necessary but could see the justification considering the storage space is being leased to the business and this seemed an expedient way to deal with that.

**MOTION TO AMEND:** *by Mr. Pedersen to strike Conditions 1 and 3.*

Mr. LeVine noted Condition #1 is the one that permits parking the boats outside for 18 months during construction and is the subject of the enforcement action currently. Striking Condition #3 would allow the exterior parking to continue.

Mr. Brown expressed support for the motion to amend.

Ms. Cole said this could leave the applicant and CBJ CDD in a difficult position and the enforcement action would continue. Her understanding was this CUP was the result of collaboration and agreement between CDD and the applicant to stop the enforcement.

Ms. Keller spoke in support of the original motion but against the amendment.

Mr. Pedersen withdrew his motion to amend

**MOTION TO AMEND:** *by Mr. Pedersen to strike Condition #3.*

Ms. Cole asked if someone were building a commercially used warehouse, would we condition them not to store their goods outside. Mr. LeVine said if it were in D-1 residential neighborhood, we would.

**ROLL CALL VOTE ON MOTION TO AMEND**

YEA: Pedersen; Bell; Brown;

NO: Keller; Voelckers; Cole; LeVine

Motion to Amend failed 3 - 4

**MOTION TO AMEND:** *by Mr. LeVine to amend Condition #3 to change 'parking' to 'storage' and to amend Condition #7 to add "other than to transport boats to or from the property."*

Mr. LeVine spoke to his amendment saying it was meant to provide clarification.

Mr. Brown expressed concerns saying he would like to see a time limit allowing a boat to be allowed outside for some amount of time. This way, the applicant could park in outside temporarily for the purposes of moving the boats into and out of the garage and other short-term activities.

Mr. Voelckers agreed with the amendment and spoke to Mr. Brown's concern saying using the term 'storage' rather than 'parking' takes care of that. Mr. Pedersen agreed with Mr. Voelckers.

***The motion to amend passed with no objection.***

***The amended motion passed with no objection.***

Mr. Arndt rejoined the meeting at 8:10 p.m.

**XI. OTHER BUSINESS** - None

**XII. STAFF REPORTS**

Mr. Ciambor reported topics for upcoming Regular meetings are as follows:

- September 26: Cancelled
- October 10: may be a case
- October 24: 2 cases tentatively on the schedule (Gastineau Apartments and Global FCU)
- November 14: Chilkat Vistas Subdivision

Planning department has been working with Northwind Architects and the Historic Resources Advisory Committee on the second phase of the Historic Townsite inventory and survey. That report will be completed and should be posted in the next few weeks.

Mr. Ciambor thanked CDD staff by name for the hard work and dedication they put in.

Mr. Arndt asked when **AME2023 0003** and **AME2023 0004** would be back before the PC. Ms. Wright said LAW is aware of them but they have not yet been discussed. She expects it will be late October before it will come back to the PC.

Mr. Voelckers asked if there would be a report on the general housing inventory over time. Mr. Ciambor said the department is working on an update on the housing tracker developed with the Land Housing and Economic Development Committee. When that is complete, he will share it with the PC.

**XIII. COMMITTEE REPORTS**

**XIV. LIAISON REPORTS** - 'Wáahlaal Gíidaak (Barbara Blake) was not in attendance but she had asked Mr. LeVine to inform the PC that the assembly has discussed the hazard maps and they have been referred to the Committee of the Whole.

**XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** - None

**XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS** - None

**XVII. EXECUTIVE SESSION** - None

**XVIII. ADJOURNMENT** - 8:20 p.m.

Next Regular Meeting October 24, 2023 7:00 p.m.

Respectfully submitted by *Kathleen Jorgensen Business Assists (907)723-6134* 🐾