

DRAFT Minutes
ASSEMBLY STANDING COMMITTEE
LANDS COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
Monday, July 13, 2015, 5:00pm
Assembly Chambers

I. ROLL CALL

Jesse Kiehl called the meeting to order at 4:59pm.

Members Present: Jesse Kiehl; Jerry Nankervis; Mary Becker; Kate Troll

Other Assembly Members Present: Mayor Sanford

Liaison Present Chris Mertl;

Staff Present: Greg Chaney, Lands Manager; Beth McEwen, Deputy City Clerk; Beth McKibben, Planning Manager; Christine McNally; Amy Mead, City Attorney

II. APPROVAL OF AGENDA

There were no agenda changes.

III. APPROVAL OF MINUTES

The minutes of the following Lands Committee were approved:

June 22, 2015

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. Proposed changes to Title 49 for expansion of childcare uses allowed in residential zoning districts

Ms. McKibben: The planning commission held five Title 49 committee meetings. We had participation from members of the Assembly, public, representatives from the Association of Education for Young Children, and State of Alaska Childcare Program. The Planning Commission held their hearing on June 23 and proposed some amendments that are being presented to you as this draft ordinance. Currently childcare homes caring for eight or fewer children are allowed as a permitted use in all zoning districts except Waterfront Commercial, Waterfront Industrial and Industrial. Childcare homes for nine through twelve children are allowed with a Conditional Use Permit in all districts except Waterfront Commercial, Waterfront Industrial and Industrial. Childcare centers (more than 13 children) are allowed with an approved conditional use permit in D10, D15, and D18 zoning districts. In Light Commercial, General Commercial, Mixed Use, and Mixed Use 2, they are allowed outright or with a conditional use permit depending on if they are a minor or a major development. We are proposing to amend the definition of Childcare Center to provide for the paid care and supervision of thirteen or more children under the age of 12 at any one time. Childcare Centers include pre-schools and nursery schools not associated or co-located with an elementary, middle or high school. We have also clarified the definition of Child Care Home, as a building or portion thereof, used for the purpose of providing for the paid care and supervision of no more than twelve children under the age of 12. We are

adding a new category in the Table of Permissible Uses for Childcare Homes caring for up to twelve children, they would be permitted in all zoning districts except Waterfront Commercial, Waterfront Industrial and Industrial. Childcare Centers, more than thirteen children, with a Conditional Use permit in Rural Reserve, D1, D3, D5, D10SF. We created a new article with specialized use provisions specific to Childcare Homes and Centers. Childcare Homes, because they are allowed through the building permit process, do not come in front of the Planning Commission, and require an approved parking plan with one parking space per employee and two parking spaces for the dwelling unit. Childcare Centers require no parking or loading areas within and setbacks except the approved driveway and a minimum of one off street parking space for each on shift employee plus one space for ten children. Currently we have no parking requirement for any type of childcare. We have amended parking requirements to allow Childcare Homes to have stacked parking, currently only residential single family and duplex style homes are allowed to have stacked parking.

Ms. Becker: What is the rationale for adding parking requirements?

Ms. McKibben: Because we review Childcare Homes from eight to twelve children through the conditional use permit and one of the main issues is that if there is sufficient parking but we have no requirement in the code to say what the required parking for this use is. Throughout this process, we have heard from the neighbors that parking at existing facilities is a concern. New or revised permits will have to comply with these requirements.

Ms. Troll: In reviewing the Planning Commission minutes, I see that the adult care will be dealt with later. I am trying to reconcile why there are changes being made in this draft.

Ms. McKibben: The draft ordinance that went to the Planning Commission only had the line 7.300 and it said day care centers for children and adults, so we separated this because they only wanted to add Childcare Centers for our D1, D3, D5 and D10SF districts.

Ms. Troll: Can Ms. Mead clarify this.

Ms. Mead: 7.300 is the line that exists in current code, in 2012 the Planning Commission combined Childcare and Daycare Homes which are homes for children and adults. The way children has been defined historically has been twelve and under. When the proposed amendments came forward, there were two areas of the code where we have homes and centers, children twelve and under or children and adults thirteen and older. With respect to the ones that are in section 2 of the proposed code, those are the lines where we merged the number of permitted attendants, the Planning Commission was agreeable to making those changes to both the Childcare Homes and the Daycare Homes. The reason why that recommendation came forward from Law was because historically these things have treated consistently and without articulating a reason why we are now going to treat them differently, it would have been difficult to justify doing so. Either there needed to be an articulation to why we were going to treat them differently or we are going to need to continue to treat them the same until we develop that reason. The reason why we make this distinction has to do with State licensing requirements but those do not carry across well to our zoning.

Mr. Merti: Has there been any discussion on open-space associated with these centers?

Ms. McKibben: The Title 49 Committee talked about that a little bit but they did not want to add a lot of requirements above what the State requires. There was a draft that included a requirement, but after discussions and comments from the State licensing program it was removed.

Mr. Meryl: Is there any discussion of proximity to existing parks? I think getting kids outside and not keeping them cooped up in a house is something that needs discussion.

Ms. McKibben: When the Title 49 Committee discussed this, they left it up to the experts in the field. The Committee wanted to discuss external impacts to the neighborhoods rather

that the management of these facilities. They left the managing of the facilities to the licensing agency.

Mr. Kiehl: Is the need for adult care something that the Comprehensive Plan identifies as a major goal of the community or something that is restraining our prosperity?

Ms. McKibben: When I reviewed the Comprehensive Plan, I did not find any reference to adult care that does not mean that it is not a need in our community.

Ms. Mead: on the first page of the ordinance, there is a typing error. There should not be 1's in the categories of Industrial or Waterfront Industrial.

Ms. Troll: If we pass this motion, I hope that the Planning Commission will give this same type of attention to the adult care facilities.

Motion: Ms. Troll: I move the Lands Committee forward the Planning Commission's recommendation to the Assembly with the correction as noted by Ms. Mead.

Hearing no objection, the motion passes unanimously

B. Proposal to create a CIP for replacement of CBJ truck scale in Lemon Creek

Mr. Chaney: The proposed Ordinance will appropriate \$100,000 as a transfer from the Lands Fund balance to the Lemon Creek gravel scale replacement capital improvement project (CIP) D14-020. The existing Lemon Creek truck scale serving the two CBJ material sources in Lemon Creek has worn out to the point that it cannot be repaired and a replacement scale is necessary. This CIP would be used to purchase an appropriate replacement truck scale.

Ms. Troll: How much would be left in the Lands Fund?

Mr. Chaney: Currently the Lands Fund balance has been on the rise due to high gravel and rock sales. This ordinance will reinvest some of the revenue from the material sources back into those sources in order to keep them functioning in the future.

Motion: Ms. Becker: I move the Lands Committee approve a motion of support to appropriate a \$100,000 transfer from the Lands Fund balance for a new scale replacement capital improvement project and forward this recommendation to the Assembly.

Mr. Nankervis: What is the life expectancy for a new scale?

Mr. Chaney: This depends on the amount of use it will get. There has not been much activity in Lemon Creek lately. The current scale has lasted over 10 years.

Hearing no objection, the motion passes unanimously

C. Request for rezone of USS2386 Lots N, J1 and J2, located near Glacier Highway at the south end of Auke Lake

Ms. McNally: Transition zones are governed by section CBJ§49.70.720 zoning upgrades within the Lands Use Code. The intention is for lands located within a transition zone, the zoning will be upgraded to a higher density at the time public water or sewer or other required improvements are provided. This area has had water for some time, but sewer was installed last summer. Two guidelines and considerations for Subarea 3 of the Comprehensive Plan are relevant to this transition zone. The first is number 8 (pg. 178); which is provide for additional medium to high density development on CBJ land. The second guideline and consideration is number 14 (pg. 179); the sewer system is being

expanded to include the industrial area and the southern part of West Valley, in the Pederson Hill area. The Planning Commission recommended D3 zoning mainly due to traffic safety as well as sewer capacity. When sewer was installed, it was designed to accommodate D10 zoning.

Ms. Becker: These three parcels, you're saying are ok to rezone to D10?

Ms. McNally: Staff recommended the transition to D10; however, the Planning Commission recommended to the Assembly that it be D3.

Mr. Kiehl: Why has one lot been labeled as transition to D3, and the other to D10? What was the rationale for the different transition zones?

Ms. McKibben: The area that is transition to D3 is in the urban low-density area. This includes part of one of the lots. These maps have existed since 1985.

Mr. Mertl: Have the private property owners expressed interest in D3 rather than D10?

Ms. McNally: Yes, and that is one of the reasons why the Planning Commission decided to make that recommendation. One of the property owners approached the City to initiate the application. They wanted to build an additional residence on their lot, which they can do under D3.

Motion: Ms. Troll: I move the Lands Committee approve a motion of support to the Assembly for rezoning lots N, J1, and JS of USS 2386 from D1(T) D10 to D3 and forward this recommendation to the Assembly for approval.

Ms. Becker: Staff has been recommending D10; can you give the rationale for D10 over D3?

Ms. McNally: The guidelines and considerations for this area support D10 and the investments in the infrastructure were complete with the understanding that this could transition into D10. This rationale was used when the City evaluated installation and the monetary investment of the infrastructure. The City put in the infrastructure for many more units. In addition, new driveways would not be accessed through Glacier Highway; they would be off an internal road.

Hearing no objection, the motion passes unanimously

VI. STAFF REPORTS

Mr. Chaney: Jessica Beck has taken a position with JDP. Congratulations to her!

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

VIII. ADJOURNMENT

Meeting adjourned at 5:46pm