

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
January 11, 2022

- I. **LAND ACKNOWLEDGEMENT** read by Chair LeVine
II. **ROLL CALL**

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:00 p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

Commissioners absent: Travis Arndt, Deputy Clerk

Staff present: Jill Maclean, CDD Director; Alison Eddins, CDD Planner; Irene Gallion, CDD Planner; Sherry Layne, LAW

Assembly members: Alicia Hughes-Skandijs

- III. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** –
Election of Officers added to Other Business

- IV. **APPROVAL OF MINUTES**

A. Draft Minutes November 23, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the November 23, 2021 Planning Commission Regular Meeting minutes.*

- V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Chair LeVine gave a brief description of the rules for public participation via Zoom format
- VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA – None

IX. UNFINISHED BUSINESS – None

X. REGULAR AGENDA

CSP2021 0004: A land exchange between CBJ Land at 11860 Glacier Highway and private property at 11930 Glacier Highway. This will create a new right-of-way to access CBJ land.

Applicant: CBJ Lands Division

Location: 11860 & 11930 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of **APPROVAL** to the CBJ Assembly for a negotiated fair market value land exchange with the owner of Kirkevold Lot 1 with the following condition:

Condition 1: Prior to final plat approval, the owner of Kirkevold Lot 1 must be able to demonstrate that the site meets the parking requirement per conditions four and five of SUB2004-08 and that no automobile or recreational vehicles will be parked within the CBJ right-of-way. Alternatively, the owner of Kirkevold Lot 1 may apply to have the conditions of SUB2004-08 amended or apply for a parking waiver.

STAFF PRESENTATION by Planner Eddins

QUESTIONS FOR STAFF

Mr. Alper noted that the applicant is the CBJ, but the landowner (owner) seems to be the one taking on the burden, as they will be giving up parking spaces. Ms. Eddins explained the owner had approached the CBJ previously for this swap. She added they would likely gain a bit more land than what they would be giving up. With the land swap, the owner's plot would then be large enough to qualify to apply for a rezone.

Mr. Winchell noticed the diagrams and photos in the presentation were slightly different with one showing the land CBJ would acquire abutting the proposed owner's property and one showing them offset and asked for clarification. He also wanted to know if this were to be approved, would the owner then need right of way access across the CBJ portion. Ms. Eddins explained the right of way would abut CBJ property and the owner's property would have direct access onto the new CBJ right of way.

Mr. Dye asked if staff felt 60-foot right of way was the correct size and asked whether there had been ADT analysis to determine the amount of traffic that would be affected. Ms. Eddins said they had considered it and decided to go with the maximum right of way as that seemed the safest route and would accommodate any future development of the road.

Mr. Dye asked what elevates an arterial into a minor arterial that would categorize it as a collector. Ms. Eddins said this road would not be an arterial. It may be a collector but would not be an arterial.

QUESTIONS FOR APPLICANT

Dan Bleidorn, CBJ Lands Manager made himself available for questions and explained the landowners are mildly interested in the exchange. The purpose this CSP is to get the authority from the assembly to allow the City manager to evaluate the proposal. That way, when the owner is ready to make the swap, the CBJ will be ready.

Mr. Voelckers asked if there is any short-term plan to develop the right of way so the owner's alternate driveway can be served. Mr. Bleidorn said they do not have any set plans yet as they are still in the planning stage.

Mr. Voelckers followed up and asked if the department had looked into the gradient and topography of the area and confirmed the plot would be beneficial to CBJ. Mr. Bleidorn said the slope is good and the only concern would be with the wetland in the area.

PUBLIC COMMENT

Debbie White – said she is pleased to see this coming forward adding CBJ has a large developable land-locked parcel and this would allow access to that land. She felt this could help mitigate the local housing shortage.

Dave Klein, 12410 Glacier Hwy – spoke against the land exchange saying they need a plan that Auke Bay supports.

Ms. Cole referenced Ms. Eddins' explanation that the land exchange makes additional development possible but any development would be subject to scrutiny and this step is just opening the conversation. Ms. Cole asked Mr. Klein if knowing there will be scrutiny on development affects his thoughts on the project. Mr. Klein felt Auke Bay does not support this plan and believes this will cause confrontation and will not be supported.

ADDITIONAL APPLICANT COMMENTS Mr. Bleidorn thanked the members of the public for their comments and offered to answer any commissioner questions.

Mr. Pedersen said the parcel appears to have other options for access and asked if this is being pursued out of convenience or is this better than the other access options. Mr. Bleidorn explained the lands that appear to be CBJ lands are not managed by the Land Department. He added that the long-term goals will likely call for multiple access points. He said the Lands Department is considering all options and this one is worth pursuing.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and forward a recommendation to approve CSP2021 0004.*

Mr. Voelckers spoke in support of the motion saying this will give the chance for development in the future.

The motion passed with no objection.

AT EASE 7:43 P.M. – 7:50 P.M.

CSP2021 0006:	Disposal of CBJ-owned land to Franklin Foods
Applicant:	Franklin Foods LLC
Location:	139 S. Franklin Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL WITH CONDITIONS to the CBJ Assembly for the land disposal of 4,000 square feet (Gunakadeit Park) to Franklin Foods.

~~CONDITION: Amendment of the 2013 Comprehensive Plan Land Use Map M to Traditional Town Center in keeping with the surrounding area. [Removed on Motion]~~

STAFF PRESENTATION by Director MacLean and Planner Gallion

QUESTIONS FOR STAFF – Prior to questions for Staff, Mr. LeVine reminded the commissioners that there is a pending appeal on a similar topic and they were not to discuss that. He then asked Ms. Gallion to clarify the job of the commission at this time. Ms. Gallion explained the task of the commission is to make a recommendation to the Assembly regarding the disposal of the land.

Mr. Dye asked for clarification that only one dwelling unit could be built on the property if this were to pass. Ms. Gallion agreed saying staff interpretation of Code is that only one dwelling unit can be built within the severe hazard zone. She added that there is a small corner of the lot that

is outside of the severe hazard zone. Theoretically, they could build on that small area but it would require a conditional use permit.

Mr. Winchell asked if the parcel is sold, would the new owner be able to exclude the other food trucks and create a monopoly for themselves on that corner. Mr. LeVine explained the property would be sold and the owner would be able to do as they see fit with the land.

Mr. LeVine asked if there was development of multiple dwellings in the square outside of the hazardous zone, would it need to happen prior to consolidation of the lots. Ms. Gallion said it would require a Conditional Use Permit. Ms. Maclean clarified the owner could build to density in the one lot outside of the hazard zone. They could then consolidate all the lots, but would not be permitted under current code to then build on the other lots, as that would increase density within a severe hazard zone.

Ms. Cole asked if she understood correctly that the Lands, Housing and Economic Development Committee (LHEDC) wanted the consolidated lot to be used in a way that is currently not allowed under code but CDD identified disposal as an alternative that would allow the development. Ms. Maclean explained the PC could approve or deny the CSP, and they could recommend housing or some other development in the area.

Mr. Dye asked for clarification that consolidating the lots would be considered subdivision and subdivision is not allowed on any parcel designated Severe Hazard zone but if developed, it could be built to density and then consolidated so long as it does not increase density. Ms. Maclean cited CBJ 49.70.300 (a)(3) and found she and Mr. Dye had interpreted it slightly differently. She offered to look at the interpretation further.

Mr. Winchell asked what is the density for non-residential commercial use in this area. Ms. Maclean explained density applies to dwelling units and so would not apply in his question.

Mr. Voelckers asked if there was an option for engineering a hazard mitigation such as a retaining wall. Ms. Maclean said the developments she is aware of were in hillside areas where the hillside was steep but not necessarily in a mass wasting zone. That is where she is aware of retaining walls being utilized. 49.70.300 (a)(4) and 49.70.300 (a)(5) says a developer can hire a surveyor to determine whether an area is outside of the mass wasting zone and the commission can require mitigating measures. Ms. Gallion added 49.70.300(b)(1) says it cannot increase density.

APPLICANT PRESENTATION - Dan Bleidorn, CBJ Lands Manager, explained this is similar to the previous agenda item

QUESTIONS FOR APPLICANT – Mr. Dye asked for clarification of the LHEDC position regarding housing on the parcel and if the Assembly was aware of the landslide/avalanche issues by the time they made the final recommendation. Mr. Bleidorn explained the first time the assembly heard of this item was at its introduction to the Parks and Rec Advisory Committee (PRAC). The PRAC determined it was not necessary for Parks management to retain the parcel and recommended disposal. Housing was considered but this was prior to CDD involvement and the committees were not aware that the parcel lies in a severe hazard zone. Once it was known, the assembly proposed to work with the owner with the condition that they own the adjacent properties.

Mr. Voelckers asked why this was being offered to a single entity rather than going to a competitive process to dispose of the property. Mr. Bleidorn said that considering the right of way requirements, the only way to consolidate the properties was for this property to be consolidated with the former Gastineau apartments land. They have received no comments from neighbors or anybody else interested in the property. The owner had approached the CBJ before about acquiring the land. At that time, the assembly opted to lease it to them until CBJ had further information and is now reconsidering disposal.

Mr. Voelckers referenced LHEDC testimony and found chair Gladyszewski and assembly member Smith were clear that the sale would be predicated on controlling the other properties for the reason of the right-of-way access. He said it seems that process has flipped now and asked Mr. Bleidorn what had changed. Mr. Bleidorn said having authority to dispose of property is different from disposing that property. By approving the authority to dispose of the properties on condition that the owner acquire all the lots first, the sale will be authorized but will not move forward or complete until the condition has been met.

Mr. Dye asked if it would be useful to put a condition requiring the land ownership prior to disposal. Mr. Bleidorn said it would be up to the commission but it is already a condition of the assembly

PUBLIC COMMENT

David McCasland – said he now owns the adjacent properties and he is available for questions.

Mr. Winchell asked if it is preferable or more beneficial to build one residential unit or to keep it to all commercial development. Mr. McCasland said he envisions the lower area with street

frontage becoming a world-class food truck area and the upper property might be a desirable location for a single dwelling considering the view, but it would be very expensive housing.

COMMISSIONER DISCUSSION

Mr. Dye asked how important the map amendment is for the development to take place. Ms. Maclean said it is not critical but is a housekeeping item that should be cleaned up.

Mr. Dye asked what would the timeline be for making the amendment and would it slow the disposal activity. Ms. Maclean said that is difficult to answer but if the commission recommended it then the amendment and the disposal could happen concurrently. If something happened to hold up the amendment then that could slow the disposal.

Mr. Winchell commented that due to the fact that there would only be allowed a single dwelling and the owner has said it would be cost prohibitive, they should strike the housing requirement in their recommendation to the assembly.

Ms. Cole said she is not comfortable with abandoning the housing guidance considering the assembly and the PC aim is to develop housing.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve CSP2021 0006 striking the condition*

Mr. Dye spoke to his motion saying the owner has moved in good faith to purchase the parcels adjoining the food truck lot and we should support that. He added he does not see a problem with removing the condition because the assembly can take this recommendation and either follow or amend it when it comes to them.

Mr. Voelckers spoke in support of the motion.

Mr. Winchell spoke saying he will not oppose the motion but he is concerned the upper lots will sit fallow for some time.

Mr. Levine asked if the motion relies at all on staff determining the how much housing should be allowed in the development.

Mr. LeVine said the PC acknowledges the challenges to development of housing in this area but they do not take a stand on requiring housing or not at this time.

ROLL CALL VOTE

Yea: Dye, Winchell, Alper, Hickok, Pedersen, Voelckers, Levine

No: Cole

Motion Passed 7-1

USE2021 0023: Modification of Use2021 0002 to allow construction of a 5-foot wide bike path to be delayed until the final condominium building is complete
Applicant: R & S Construction
Location: 3011 Clinton Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit Modification. The permit would modify Condition #7 of USE2021 0002 to allow the installation of the 5-foot wide sidewalk to be delayed until prior to the issuance of the ~~final~~ FIRST [added on motion] unit in Building B.

The approval is subject to the following modified condition:

***Condition #7:** Prior to the issuance of a temporary certificate of occupancy for the ~~final~~ FIRST [ADDED ON MOTION] unit in Building B, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The Homeowners Association agreement must address the ongoing maintenance of the sidewalk including snow removal.*

STAFF PRESENTATION by Planner Eddins

QUESTIONS FOR STAFF

Mr. Dye asked if the maintenance agreement described in the condition was the unsigned document included in the staff report. Ms. Eddins confirmed that agreement would be signed by the owners as they purchase the units.

APPLICANT PRESENTATION – Rob Worden, R&S Construction said they are requesting the change in conditions because putting in the sidewalk now would not be as safe as if they waited until the construction was more complete.

QUESTIONS FOR APPLICANT

Mr. Dye asked at what phase in construction would the paving be done in relation to obtaining the TCO for Building B. Mr. Worden said the paving would be done about a month or so before obtaining a TCO.

Mr. Dye asked if it would still work to change it to require the sidewalk prior to TCO for the first rather than the last unit of building B. Mr. Worden said that would work.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2021 0023 changing the condition from FINAL to FIRST unit of building B.*

The motion passed with no objection.

MOTION: *by Ms. Cole to add election of officers to Other Business*

XI. OTHER BUSINESS –
Election of Officers

MOTION: *by Ms. Cole to elect the current slate of officers to continue in their positions*

The motion passed with no objection.

Mr. LeVine added that it is time for committee and liaison appointments and requested members to send him their preferences

XII. STAFF REPORTS

Ms. Maclean reported the following activities:

- Title 49 met and got through ordinances that will now come before the PC at the January 25 meeting. They can expect to see downtown parking, an amendment to the marijuana establishment striking the 5-year renewal requirement, and an ordinance making the pre-application process optional.
- In February or March, the plan is to present ADOD for downtown Juneau, stream side setbacks and accessory apartment
- CDD is currently in process of hiring a planning manager and interviewing for permit technician
- Alaska State APA conference is coming up and they usually send three commissioners each year. She will inform the PC when she gets the dates for this.

Mr. Voelckers asked about the potential for further January meetings. Ms. Maclean said there is a meeting scheduled for January 25.

XIII. COMMITTEE REPORTS

- Mr. Voelckers reported Mayor's Task Force met. Chamber of Commerce is considering creating a liaison to attend the meetings. The task force is also looking at updating the table of dimensional standards.
- Mr. Dye reported the next Title 49 meeting is not yet scheduled but will be coming up

XIV. LIAISON REPORTS

- Ms. Hughes-Skandijs addressed Mr. Voelckers question regarding hazard and landslide mapping saying it is scheduled for the Committee of the Whole (COW) meeting scheduled for January 24

- Assembly met last night and extended the COVID mandates
- The North Douglas rezone was heard and reviewed by the systemic racism review committee. This is the first ordinance to go through the first step of review. It was recommended for the assembly to review it again.

Mr. Dye asked if there would be any value in the commissioners attending the assembly COW meeting when the rezone is addressed. Ms. Hughes-Skandijs said the assembly is pretty well versed in the issue at this point but having them available to answer questions could be helpful.

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS –

Ms. Maclean said should a commissioner wish to speak at the COW, the entire commission would need to approve the member representing the group.

Mr. Maclean added the return to Chambers has been delayed to at least the end of February due to the current COVID condition.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 9:18 P.M.