Minutes

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Michael LeVine, Chairman

November 23, 2021

I. LAND ACKNOWLEDGEMENT by Chairman 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 7:01 P.M.

Commissioners present:	All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell
Commissioners absent:	Erik Pedersen
Staff present:	Jill Maclean, CDD Director; Alexandra Pierce, CDD Planning Manager; Irene Gallion, CDD Planner; Sherry Layne, Law
Assembly members:	Alicia Hughes-Skandijs

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – None

IV. APPROVAL OF MINUTES

A. Draft Minutes October 26, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the October 26, 2021 Planning Commission Regular Meeting minutes.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION Mr. LeVine explained the process for participating via Zoom format

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA

Prior to presentation of Consent Agenda items, Mr. LeVine disclosed he lives nearby the subject property in **USE2010 0010**. He has no financial interest in the property and can be impartial. He was allowed to remain.

USE2010 0010:	A Conditional Use Permit for an accessory apartment on an undersized lot
Applicant:	Thomas F Thornton
Location:	230 Highland Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on an undersized lot at 230 Highland Drive in a D5 zone. The approval is subject to the following conditions:

1. Prior to issuance of a Temporary Certificate of Occupancy, Lots 16 and 17 FR must be consolidated.

2. Prior to issuance of a building permit for the proposed accessory apartment, the applicant must submit a revised site plan showing three (3) off–street parking spaces that comply with the requirements of CBJ 49.40.

MOTION: *by Mr. Arndt to accept staff's findings, analysis and recommendations and approve* ***USE2021 0010****.*

The motion passed with no objection.

CSP2021 0003:	A City Project Review for rehabilitation of Meadow Lane from Stikine Street to the south end of Meadow Lane. The project is primarily a road rehabilitation and includes water, sewer, and drainage improvements.
Applicant:	City & Borough of Juneau
Location:	Meadow Lane from Stikine Street to the south end of Meadow Lane

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 the Meadow Lane Improvements with the following condition:

Condition 1: The CBJ Engineering and Public Works Department is required to apply for and receive a Flood Plain Development Permit from the CBJ Community Development Department before construction begins.

Staff recommends the Planning Commission **APPROVE** the waiver of road construction standards for the Meadow Lane Improvements project.

MOTION: *by Mr. Arndt to accept staff's findings, analysis and recommendations and approve **CSP2021 0003**.*

The motion passed with no objection.

Prior to continuing with the meeting, Mr. Arndt disclosed a conflict, as he is the applicant in **SMP2021 0005** and **SMF2021 0003**. He was removed from participating.

IX. UNFINISHED BUSINESS

SMP2021 0005:	A subdivision of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3321 Mendenhall Loop Road. The proposed wrestling center lot is 0.94 acres.
Applicant:	TDLH, LLC
Location:	3221 Mendenhall Loop Road

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITONS the requested preliminary plat for the subdivision of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road in a D15 zone.

If the Commission finds differently than the Director and approves this preliminary plat, the applicant could submit construction plans, and the final plat.

Recommended conditions for an approval include the following STANDARD conditions:

1. Prior to approval of the final plat, Certification from the CBJ Treasurer showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
2. Prior to submittal of the final plat, a plan showing 30 percent vegetative cover (at a minimum) shall be submitted for approval by the Director.

3. Prior to submittal of the final plat, an access easement meeting the requirements of 49.35.210(b)(3) must be drafted on the draft plat and submitted for review and approval by the Commission. This requirement includes a plat note stating:

   At the time of plat recording, Tract A-2A and Tract A-2b are prohibited from further subdivision. Future subdivision of newly created lots is not allowed, per 49.35.210(b). See the City and Borough of Juneau Land Use code for current regulations.

   The final plat shows a 30-foot shared eased access that fulfills the requirements of 49.35.210(b)(3). ~~An emergency turn-around must be shown~~ (Removed by amendment). Recommended language is included on the draft final plat, Note 10.

Recommended conditions for an approval include the following ADDITIONAL conditions:

4. Prior to submittal of the final plat, an access and maintenance agreement meeting the requirements of 49.35.210(b)(3) will be drafted and submitted for review and approval by the Community Development Department.
5. Final plat revisions are made in accordance with the November 17, 2021 revision memo from Alec Venechuck, P.E., CBJ Engineering and Public Works Department.

STAFF PRESENTATION by Planner Irene Gallion

QUESTIONS FOR STAFF

Mr. Alper asked for clarification on what is required for the parking lot and emergency turnaround access. Ms. Maclean explained a parking lot or private driveway does not qualify as adequate emergency turnaround because it can be blocked. There needs to be an area that will not be blocked that allows a fire engine to access both lots.

APPLICANT PRESENTATION – Travis Arndt spoke as the applicant for TDLH, LLC and explained they want to subdivide to pass the land to the wrestling club so the club can utilize its nonprofit property tax exemption. Giving up the land will cost the developer the opportunity for 14 housing units but they want the club to have the exemption.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked for clarification as to how the 30% vegetation condition will be met with the easement in place. Mr. Arndt explained they took into consideration the parcel with the easement and worked backwards to confirm they had adequate vegetation.

Mr. Alper asked what is being constrained by restricting future subdividing. Mr. Arndt said this changes the ownership opportunities. With the easement, no matter how many units they build, there can only be one owner.

<u>PUBLIC COMMENT</u> – None

<u>ADDITIONAL QUESTIONS FOR APPLICANT</u> –

Mr. Dye asked if enlarging the easement to accommodate a turnaround would affect lot size and required 30% vegetative cover. Additionally, Mr. Dye asked where the turnaround would be placed in the plat. Mr. Arndt said it will not affect vegetative cover nor will it reduce the land for the club.

<u>Questions for Staff –</u>

Mr. Dye asked for clarification as to why they are requiring a turnaround in this case in comparison to other subdivisions. Ms. Maclean said she added the requirement because of the shared access to the lots. She also took into consideration the lot will be used for a youth wrestling facility. She is not sure emergency vehicle access would be accommodated as the plat is drawn now but felt there needs to be adequate emergency access.

Mr. Dye asked where in code the turnaround is described and required. Ms. Maclean said 49.15 under the platting requirements but she would need time to find the exact citation. She later clarified it is in Title 19 under authority of the Fire Chief.

Mr. Dye asked if 49.35.210 (b)(3)changes does that plat note carry to prevent future subdivision? Ms. Maclean said “No” and said it is comparable to bungalow cottages. It is in effect unless or until the code changes.

Ms. Cole asked what would happen if the Fire Department (CCFR) wants something more intensive than the current proposal that has been agreed to by CDD and the applicant. Ms. Maclean answered CCFR has several design options they typically offer and the only time they require a full cul-de-sac is on a CBJ adopted street or neighborhood with many homes. This plat does not include a CBJ street so she would not expect it to be an issue.

Mr. Dye asked if CCFR had expressed any concern with the turnaround. Ms. Gallion confirmed CCFR has expressed no concerns with the plat.

<u>MOTION:</u> *by Mr. Dye to accept staff’s findings, analysis and recommendations and approve **SMP2021 0005** with amendment to Condition #3 delete “the emergency turnaround must be shown” from the condition*

Mr. Dye spoke to his motion saying since CCFR has no issue with the plat as drawn this part of the condition is not necessary.

Mr. Winchell shared Mr. Dye's concern that there is no code citation, but he felt it to be important that they have adequate emergency vehicle access considering this is a youth wrestling center.

ROLL CALL VOTE
Yea: Dye, Cole, Hickok, Voelckers, LeVine
No: Winchell, Alper
Motion Passed 5-2

X. REGULAR AGENDA

SMF2021 0003:	Final subdivision approval of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3321 Mendenhall Loop Road. The proposed wrestling center lot is 0.94 acres.
Applicant:	TDLH, LLC
Location:	3221 Mendenhall Loop Road

Staff Recommendation

Recommended conditions for an approval include the following:

1. Prior to submittal of the final plat, an access and maintenance agreement meeting the requirements of 49.35.210(b)(3) will be drafted and submitted for review and approval by the Community Development Department.

2. Final plat revisions are made in accordance with the November 17, 2021 revision memo from Alec Venechuck, P.E., CBJ Engineering and Public Works Department.

STAFF PRESENTATION by Irene Gallion

QUESTIONS FOR STAFF

Mr. Winchell asked if the conditions mirror the ones from the preliminary Plat. Ms. Gallion explained the two recommendations are the unfinished conditions on **SMP2021 0005**.

APPLICANT PRESENTATION Mr. Arndt said the access and maintenance agreement are ready to go to the Department and the GE notes are already done. They are just waiting in case anything else comes up at this meeting before printing the mylars. Beyond that, he made himself available for Commissioner questions.

PUBLIC COMMENT – None

<u>MOTION:</u> *by Mr. Winchell to accept staff's findings, analysis and recommendations and approve **SMF2021 0003**.*

Mr. Winchell stated for the record that he found it impressive that a developer would give up 20 acres land for a nonprofit for a wrestling facility.

The motion passed with no objection.

Mr. Arndt rejoined the meeting at 8:00 P.M.

AT EASE 8:00 P.M. – 8:05 P.M.

XI. <u>OTHER BUSINESS</u>

A. 2021 Legislative Capital Priority List

Ms. Maclean introduced the priority list and explained the role of the commission is just to take this under advisement at this meeting and to act on it at a later date. Mr. LeVine confirmed that his understanding was for the PC to write a letter to the Director of Engineering regarding both the Legislative Priority List and the CIP Review.

B. CIP Review

Ms. Pierce suggested the PC form a subcommittee to review the Capital Priority List and the CIP Review to meet and formulate letters that the full commission could then vote on and forward.

Mr. Voelckers was confused by the phrase "inclusion on this list is not a funding request". Ms. Pierce suggested the purpose of the list is to let the legislature know CBJ priorities should funding become available. Mr. Winchell asked if it is appropriate to make suggestions tonight or is that to be left up to the committee. Ms. Pierce suggested it go to committee first but left it up to the chair to decide.

Mr. LeVine appointed Mr. Arndt, Mr. Voelckers, and Ms. Cole to the CIP Committee.

Mr. Voelckers asked if there is a draft CIP List available yet. Ms. Pierce said last year the PC put together their list and it was forwarded to CBJ Department heads.

C. 2022 Proposed Meeting Dates

Ms. Maclean noted the January 25 meeting will be cancelled due to lack of staffing and reminded the Commission there is usually not a second meeting in December as that date falls between the holidays. She said there might be an opportunity to schedule a special PC meeting for training on January 18.

Ms. Maclean congratulated Ms. Pierce on her promotion to CBJ Tourism Manager. She will be leaving CDD at the end of 2021.

Mr. Dye asked if cancelling the January 25 meeting and scheduling a special meeting just for training and not for hearing cases would potentially cause delays for developers. Ms. Maclean said at the moment, it does not appear to be the case. She said it was something they might want to look at again at the December 14 meeting. Historically, the winter months are not busy times for developers coming to the Commission.

Mr. Hickok will not be available for a meeting on January 18.

Mr. LeVine thanked Ms. Maclean for acknowledging Jewish holidays on the calendar.

XII. STAFF REPORTS

Ms. Maclean reported:

- Housing and development task force meeting December 10, 12:00 P.M. via Zoom. City Attorney Palmer will present on Variances.
- Brecken Hendricks will be coming to CDD on December 13 as Admin Officer.
- CDD has hired a permit tech and an admin assistant I. They will soon be interviewing for Planner I/II and Plat Reviewer positions.

Mr. Voelckers asked if there was a plan in place to fill Ms. Pierce's position. Ms. Maclean plans to post Ms. Pierce's position right before the Christmas break or right after the New Year.

Mr. Voelckers asked about the Commission positions coming open and if there are any applicants.

Mr. Dye, Mr. Arndt, and Mr. Pedersen's positions are up for renewal. Ms. Maclean did not know if there were any applicants yet. The deadline to apply is December 1 at noon.

XIII. COMMITTEE REPORTS

Mr. Dye reported:

- Title 49 is meeting November 30 to discuss streams.
- The mayor's task force on housing and development is going great.
- He strongly suggested members attend the task force meeting on Variances.

Mr. Voelckers asked for an update on Downtown Parking. Mr. Dye said it is on the radar.

XIV. LIAISON REPORTS

Ms. Hughes Skandijs reported:

- The Assembly approved the funding for the Plat Reviewer and the increases in Planning Commissioner, Mayor and Hospital Board stipends.
- Planning Commission applications are due on December 1 and interviews will be on Dec 15.
- The Assembly retreat will be held Saturday, December 4 at 8:00 A.M. at Centennial Hall.

Ms. Hughes Skandijs also took a moment to congratulate Ms. Pierce on her promotion.

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Arndt congratulated Ms. Pierce on her new position and asked how much longer meetings will be held in Zoom format. Mr. LeVine said they are working on technical issues for running hybrid meetings. The hope is to move that direction after the New Year. Ms. Maclean said adequate staffing is currently a challenge for hybrid meetings.

Mr. LeVine also congratulated Alix on her promotion.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT 8:37 P.M.