

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
November 9, 2021

- 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 7:01p.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; Erik Pedersen

Commissioners absent: None

Staff present: Jill Maclean, CDD Director; Allison Eddins, CDD Planner; Sherri Layne, Law

Assembly members: Alicia Hughes-Skandijs

- III. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** – None
IV. **APPROVAL OF MINUTES** – None
V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** Chair LeVine gave a brief overview of how to participate via Zoom format
VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
VII. **ITEMS FOR RECONSIDERATION** – None
VIII. **CONSENT AGENDA**

USE2016 0005: A Marijuana Cultivation License 5-Year Renewal for Tree Logic, LLC –
(USE2021 0018)
Applicant: Tree Logic, LLC
Location: 5763 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Cultivation License five-year renewal without amended conditions.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2016 0005/USE2021 0018.*

The motion passed with no objection.

USE2016 0012: A Marijuana Manufacturing License 5-Year Renewal for Top Hat, LLC –
(USE2021 0012)
Applicant: Top Hat, LLC
Location: 2315 Industrial Boulevard

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow the renewal of a five-year Marijuana Manufacturing Special Use Permit without amended conditions.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2016 0012/USE2021 0012.*

The motion passed with no objection.

USE2016 0013: A Marijuana Cultivation License 5-Year Renewal for Top Hat, LLC –
(USE2021 0013)
Applicant: Top Hat, LLC
Location: 2315 Industrial Boulevard

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the

renewal of a five-year Special Use Permit. The permit would allow the renewal of a five-year Marijuana Cultivation Special Use Permit without amended conditions.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2016 0013/USE2021 0013.*

The motion passed with no objection.

USE2016 0017: A Marijuana Cultivation License 5-Year Renewal for The Fireweed Factory – (**USE2021 0014**)
Applicant: The Fireweed Factory
Location: 8415 Airport Boulevard

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Cultivation License five-year renewal without amended conditions.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2016 0017/USE2021 0014.*

The motion passed with no objection.

USE2016 0026: A Marijuana Retail License 5-Year Renewal for Fireweed Factory, LLC – (**USE2021 0015**)
Applicant: The Fireweed Factory
Location: 237 Front Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Retail License five-year renewal without amended conditions.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2016 0026/USE2021 0015.*

The motion passed with no objection.

USE2016 0027: A Marijuana Cultivation License 5-Year Renewal for Green Elephant –
(USE2021 0019)
Applicant: Green Elephant, LLC
Location: 101 Mill Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a Five-Year Special Use Permit. The permit would allow a Marijuana Cultivation License 5-year renewal without amended conditions.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2016 0027/USE2021 0019.*

The motion passed with no objection.

USE2016 0028: A Marijuana Retail License 5-Year Renewal for Green Elephant –
(USE2021 0020)
Applicant: Green Elephant
Location: 101 Mill Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow a Marijuana Retail License five-year renewal without amended conditions.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2016 0028/USE2021 0020.*

The motion passed with no objection.

IX. UNFINISHED BUSINESS – None

X. REGULAR AGENDA

USE2021 0011: A Conditional Use Permit for a cold weather emergency shelter to be
located at Resurrection Lutheran Church
Applicant: Resurrection Lutheran Church
Location: 740 W. Tenth Street

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 a cold weather emergency shelter to be located at Resurrection Lutheran Church.

The approval is subject to the following conditions:

1. Prior to opening the facility, smoke detectors must be installed in the sleeping area and in each of shelter restrooms.
2. Prior to opening the facility, an alarm must be installed on the emergency exit door in the cold weather emergency shelter sleep area.
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.

Prior to Staff Presentation several Commissioners disclosed potential conflicts. Chair LeVine lives in the area. Mr. Winchell has served as a volunteer at a similar type facility. Ms. Cole runs a shelter for survivors of domestic and sexual violence. All declared they have no financial interest and felt they could be impartial. They were allowed to stay. Mr. Voelckers disclosed he owns a building nearby and felt it could potentially be seen as having an impact on his building and tenants and therefore he felt he should recuse himself. He was removed from the meeting for the duration of this hearing.

STAFF PRESENTATION – Planner Eddins presented **USE2021 0011**

Director Maclean clarified Conditional Use permits run with the land. If the Commission wants the permit to expire, they will need to add an expiration date.

QUESTIONS FOR STAFF –

Mr. Dye asked about parking requirements. His understanding was that with this change in use, they would need to be in compliance with certain parking regulations. Ms. Maclean explained that this is not a change of use permit, the church is remaining a church so there is not a change needed. Planner Eddins explained the parking was described in her presentation is related to the current uses already and added the warming shelter would use the current parking spaces as they would be using the spaces outside of hours currently used by the church.

Mr. Arndt asked how many people on average used the facility per night in the first year of the contract. Ms. Eddins did not have those numbers but said she had multiple conversations with the CBJ Chief Housing officer and she learned the average number of people per night never exceeded capacity.

Mr. Hickok asked why parking would be an issue with the shelter. Ms. Eddins explained an emergency shelter is classified as assisted living. Title 49 has parking requirements for assisted living facilities.

Mr. Dye asked if there was a pre-application conference. Ms. Eddins said she conducted the preapplication conference over the counter and accepted the application. She explained that St. Vincent de Paul informed CBJ that they would not be able to continue their contract. The church volunteered and came in for the pre-application conference and had the completed application completed that same day. However, the time crunch did not allow for the full information to be included in her packet.

APPLICANT PRESENTATION – Karen Lawfer, Congregation President, Resurrection Lutheran Church, spoke on behalf of the church. Ms. Lawfer described the activities and outreach the church conducts and that they have a space conducive to the cold weather shelter. If the permit is approved, they will begin interviewing for staff as soon as tomorrow.

Pastor Karen Perkins has worked with the warming shelter locally and explained the church has experience with the potential patrons through their food pantry ministry. There will be a site manager and they have planned extensive training for people working the shelter. As a shelter of last resort, they will accept patrons at all levels, including patrons that are intoxicated or have behavioral issues. Patrons will contribute by cleaning and helping in the shelter. The shelter will provide an evening and morning meal. Their proximity to public transportation is an advantage. They are working with public safety personnel and have reached out to the neighbors in the area to address concerns.

QUESTIONS FOR APPLICANT

Mr. Winchell asked what do they think they can do to address crime potential with the bank. Pastor Perkins said there is a limit to what they can do but she pointed out people with mental illness or experiencing homelessness do not have a higher incidence of violence.

Mr. Arndt asked what they anticipate the patrons will do during the hours outside of operating hours. Pastor Perkins said she does not expect them to stay in the area. Rather, she expects they would go elsewhere for warmth or food.

Mr. Hickok asked if there is a sense they will be taking residents from the new Glory Hall. Ms. Lawfer explained this is a shelter of last resort. If an individual is not able to utilize the Glory Hall or other emergency shelter, then they can use this shelter. People can be turned away from the other shelters due to intoxication or other reasons. They will not be turned away from Resurrection Lutheran.

Mr. Dye asked what the operating hours would be. Ms. Lawfer said they will be open a minimum of 11:00 P.M. to 6:30 A.M. They will only operate when they can be fully-staffed. Once they are fully-staffed they will be open beyond that when necessary. She gave an example of when there is a storm coming, they would open doors earlier to let them out of the weather. Pastor Perkins added while they may open early, unless there is an emergency, they will not stay open late in the mornings because of the other activities needs of the church. She does not expect to be open earlier than 10:00 pm unless there is some emergency reason to do so.

PUBLIC COMMENT

Alicia Bishop – spoke on behalf of the Harborview Elementary Site Council. They feel the shelter would negatively impact school and student safety.

Mr. Dye asked what the Site Council is and asked about the relationship between the council and the School District. Ms. Bishop explained the council is a decision-making body comprised of parents, teachers and the principal of Harborview Elementary looking at school safety and budget issues.

Mr. Dye asked what overlap times concerned the Site Council. Ms. Bishop said the 7:00 A.M. release could overlap with children going to school or catching buses.

Mr. LeVine asked what conditions might make the Council more comfortable with the shelter in the area. Ms. Bishop said the plan over burdens JPD. She would prefer a fuller plan on how they will deal with issues as they arise.

Tom Sullivan – Vice President, First National Bank of Alaska – expressed concerns regarding the safety of bank employees, customers, and school children in the area. He said allowing clients with issues that disallow them to stay at the other shelters brings more dangerous persons into the area. He felt the ATM, and night depository as well as drive thru areas would be potential vandalism targets.

Mr. Dye asked if there are any conditions that would make this a compatible use. Mr. Sullivan said No.

Marc Wheeler – 427 W 9th Street – owns a business in the area. Mr. Wheeler asked if a year-round shelter would be allowed or if it would be limited to a certain time period. He also had concerns that there might be an increase in derelict cars in the area.

Hilary Poole – spoke to say there were instances where the shelters were over capacity. She added the glory hall moving to the airport area has increased crime problems in that area. She

said access to public restrooms is a MUST and there are not many public restrooms in the area surrounding the church.

Jerrick Hope-Lang – is an indigenous homeowner in the area. He felt with the loss of the glory Hall shelter in the downtown area, this is a need.

Mr. Winchell asked Mr. Hope-Lang if he thought patrons would seek warmth during the day or mill around in the neighborhood area. Mr. Hope-Lang said his experience is that they will not mill around.

Ms. Cole asked if he is in support of the shelter being located in the Flats. He said he supports it 100%.

Doniece Gott – 120 Behrends Avenue – spoke in support of the warming shelter in Resurrection Lutheran. She has children in schools nearby.

Neil MacKinnon – co-owner of the laundry building across the street. They have had problems with homeless people in the laundromat ever since the church started their meal program and believes the problems will increase if the warming shelter is opened.

Mr. Dye asked if it would help if there was a condition that patrons must be bused out of the area when they leave the shelter in the morning. Mr. MacKinnon said he did not know where they would go but it would be better if they did not come to his business.

Naomi Davidson – 521 W 9th Street – has school-aged children in the area. She said this has moved too quickly for public input and she has concerns with increases in crime that could come with this. She felt this process has moved too quickly.

Mr. Dye asked what time the bus picks up her child and other children in the area. Ms. Davidson said children start to line up as early as 7:20 A.M. or 7:30 A.M.

Mr. Dye asked if she could think of a condition that would alleviate her concerns. He suggested having a phone number of someone to call with concerns. Ms. Davidson said that would be helpful. She added if the staffing plan included providing a presence in the area that would be good.

Mr. Hickok asked if it would help if people were let out later in the morning. Ms. Davidson had heard of that idea but did not support ‘detaining’ people. Rather, she would prefer to see a more robust and community-focused plan.

Mr. Pedersen asked what time school starts at Harborview. Ms. Davidson said the first bell is at 7:50 A.M. but buses and children walking arrive earlier than that. Children attending DZ school are at the bus stop by 7:30 A.M.

Mr. Winchell asked if it would empower the people in the area if there was a phone number to contact staff with concerns and to report problems with patrons. Ms. Davidson said it would be helpful.

At Ease 8:47 P.M. – 8:57 P.M.

ADDITIONAL APPLICANT COMMENTS – Ms. Lawfer thanked the public for their comments and said she wants to make sure people understand that it is important to keep a dialogue with the neighbors. Pastor Perkins said she agrees that it would be better to have a complete program but this is what they can do now. She added from her experience, the perception of threat is usually more than the actual threat. People utilizing a shelter are more likely to be mistreated than to mistreat. She thanked the public for their comments.

COMMISSIONER QUESTIONS

Mr. Winchell asked Pastor Perkins if she would be willing to provide a telephone or other contact option for neighbors to report concerns. Pastor Perkins said she would be and said they invite feedback at warmingshelter.org . Email addresses and direct phone numbers, including her cell phone number can also be found at the website.

Ms. Cole asked if patrons would have to stay overnight or would they have the option to come and go. Pastor Perkins said they would be required to stay. If they left, they would not be invited back until the next night the shelter is open.

Mr. Arndt asked if people would be allowed to consume alcohol on premises. Pastor Perkins said use or consumption of any intoxicating substances would not be allowed. Mr. Arndt asked if there had been any thought given to them operating out of the JACC facility. Pastor Perkins said they did not approach that at all. It was her understanding that the JACC is unavailable.

Mr. Hickok asked if they could address the issue of food container litter. Pastor Perkins said their food pantry program does not distribute food in to-go containers. The planned morning meals would be something like oatmeal or a nutrition bar and coffee.

Mr. Alper asked about the relationship between JPD and the proposed shelter. He wanted to know where the shelter perceived their perimeter of responsibility to be. Pastor Perkins said she would love to have staff on the street and at the bus stops but currently they do not have the

staff for that. She added that they also need to respect people's rights to be on public streets and bus stops and not be followed.

Mr. Alper asked what she foresees for hiring staff. Pastor Perkins said she expects it to be harder to hire than in the past but they do have interested parties ready to interview already.

Mr. Winchell asked if it would be proper protocol to leave a large garbage can near the entry/exit point of the facility. Pastor Perkins thought that was a good idea and said they will implement that.

COMMISSIONER QUESTIONS FOR STAFF

Mr. Dye asked if the applicant was required to obtain a nonconforming certificate for parking and other nonconforming aspects in order to apply for the permit. Ms. Eddins said they did not.

Mr. Pedersen asked if the permit was approved, would it run with the land? Ms. Eddins confirmed that it would unless the PC conditioned an expiration date. She suggested a closure date around May 1 and resuming around November 1.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2021 0011. Adding the following 6 conditions:*

- 4. Prior to opening the facility exterior security cameras must be installed and functional.*
- 5. The facility operating start time will not be before 9:00 P.M. and will end by 6:30 A.M. the next day.*
- 6. The facility can operate November 1 through May 1.*
- 7. When the facility is operating there must be a minimum of two staff present at all times*
- 8. The permit will expire May 1, 2022.*
- 9. The facility will provide a contact number to the surrounding neighbors that will actively be answered between the hours of 7:00 P.M. and 9:00 A.M. on the days that the cold weather emergency shelter is operating. The intent of this condition is to provide a way for the CWES to respond to issues as they occur in the surrounding area.*

Mr. Dye spoke to his motion saying there is a need to provide this shelter as soon as possible. He explained each of the conditions:

- 4. Prior to opening the facility exterior security cameras must be installed and functional.*

The applicant has already said they will do this. Mr. Dye felt it would help to alleviate neighbor concerns if it were a required condition

- 5. The facility operating start time will not be before 9:00 p.m. and will end by 6:30 A.M. the next day.*

This allows for flexibility beyond the minimum standard opening time but he feels the shelter should close by 6:30 A.M.

MOTION TO AMEND: *by Mr. Alper to change the morning end time to 7:00 A.M.*

Mr. Alper felt people are less likely to misbehave when there are other people around. He felt 6:30 A.M. is too early.

Mr. Winchell thought it would be appropriate to include flexibility in the case of weather fluctuations.

Mr. Hickok asked if Mr. Alper would be amenable to changing it to 8:00 A.M. Mr. Alper was not.

Mr. LeVine said he would not support the amendment as he felt the 6:30 A.M. closing time was appropriate.

Roll Call Vote:

Yes: Alper, Hickok,

No: Winchell, Pedersen, Cole, Arndt, Dye, LeVine

Motion to Amend Failed 2-6 on roll call

MOTION TO AMEND: *by Mr. Winchell to allow for the facility to remain open subject to extreme weather conditions.*

Ms. Cole spoke against the motion to amend saying there are other public facilities available for people to go into during the day and the purpose of this facility is to provide shelter at night when there are not other options. Mr. Winchell said he was not aware of other facilities open as early as 6:30 a.m. and reiterated his concern with people being sent out into extreme weather conditions.

Roll Call Vote:

Yes: Winchell, Alper,

No: Hickok, Pedersen, Cole, Arndt, Dye, LeVine

Motion to Amend Failed 2-6 on roll call

6. Facility can operate November 1 through May 1

Mr. Dye spoke to this saying Ms. Eddins had suggested these dates and he felt this gives guidelines as to when the facility will be operational.

7. When the facility is operating a minimum of two staff must be present at all times

Mr. Hickok asked if someone called in sick, would the shelter have to close for the night. Mr. Dye said yes. Ms. Eddins added the Pastor and her husband had said they would staff the facility if need be.

8. The permit will expire May 1, 2022.

Mr. Dye said this process has felt rushed but it is a life and safety issue. This gives an opportunity for the facility to open and the applicant has ample time between now and May 1 to see what modifications are in order and they can apply for those modifications when they apply for an extension.

Mr. Alper said he understood it to be a two-year contract and he is uncomfortable with forcing it to end in six-months. He suggested May 2023. Ms. Cole opposed an expiration date altogether. Mr. Winchell concurred with Mr. Alper. Mr. Arndt spoke to support Mr. Dye's motion for May 2022. Mr. Arndt felt allowing a test run period through May 2022 would also help with the public acceptance. Mr. Dye said that given the emergency nature of this, it is the fastest he has ever seen something go through the process and that is why he thinks the 6-month window is appropriate. Mr. Hickok agreed with Mr. Alper and Mr. Winchell that six-months is not long enough. Ms. Maclean clarified this application has met the minimum requirements for public notice. It was fast but did meet all requirements. Mr. Pedersen spoke in support of the motion. Mr. LeVine also had concerns with a short period but considering the life and death importance of the warming shelter, it is appropriate.

MOTION TO AMEND: *by Mr. Alper to make the expiration date May 1, 2023.*

Roll Call Vote:

Yes: Alper, Winchell, Hickok,

No: Pedersen, Cole, Arndt, Dye, LeVine

Motion to Amend Failed 3-5 on roll call

9. The facility will provide a contact number to the surrounding neighbors that will actively be answered between the hours of 7:00 P.M. and 9:00 A.M. on the days that the cold weather emergency shelter is operating. The intent of this condition is to provide a way for the CWES to respond to issues as they occur in the surrounding area.

Ms. Cole asked what happens if they are not open until 11:00 P.M. Mr. Dye said he picked the times based on two hours before the earliest the shelter could open and 9 am. He also said the condition does not dictate what will have to happen. Rather, it will give the community a point of contact. Ms. Cole said this would be burdensome because it would require them to pay somebody to be available to answer the phone during times outside of their operating hours. Mr. Hickok thought this could be alleviated by providing a website or email access Mr. Arndt said he was not in favor of the motion because he did not see how the staff could be expected to police the neighborhood when it is required that they be present at the facility at all times.

MOTION TO AMEND: *by Mr. Winchell to change the time in the condition to match the hours of operation.*

Mr. Winchell felt making the times in the condition match the hours of operation would mean staff would be on-site and able to communicate directly with people. Mr. Dye spoke against the motion saying that the public comment demonstrated concerns about what happens before and after the hours of operation. Mr. Winchell felt the phones would be answered during operating hours and if there was an issue outside of those times, JPD would be available.

Roll Call Vote:

Yes: Winchell, Hickok, Pedersen, Cole, Alper

No: Arndt, Dye, LeVine

Motion to Amend Passed 5-3 on roll call

MOTION TO AMEND: *by Mr. Alper to amend Condition #9 to add “and will remain active in social media forums widely used by neighborhood members.”*

Mr. Alper spoke to his motion saying he thinks it is important that they stay plugged-in in the way that the community generally communicates with each other.

Ms. Cole spoke against the motion to amend saying it is burdensome. Mr. LeVine agreed with Ms. Cole.

Roll Call Vote:

Yes: Alper, Hickok, Winchell

No: Cole, Arndt, Pedersen, Dye, LeVine

Motion to Amend Failed 3-5 on roll call

MOTION AS AMENDED: *by Mr. Dye to accept staff’s findings, analysis and recommendations and approve USE2021 0011. Adding the following 6 conditions:*

- 4. Prior to opening the facility exterior security cameras must be installed and functional.*
- 5. The facility operating start time will not be before 9:00 P.M. and will end by 6:30 A.M. the next day.*
- 6. The facility can operate November 1 through May 1.*
- 7. When the facility is operating there must be a minimum of two staff present at all times.*
- 8. The permit will expire May 1, 2022.*
- 9. The facility will provide a contact number to the surrounding neighbors that will be actively answered during operating hours on the days that the cold weather emergency shelter is operating. The intent of this condition is to provide a way for the CWES to respond to issues as they occur in the surrounding area.*

The amended motion passed with no objection.

At ease 9:58 P.M. – 10:09 P.M.

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

Mr. Arndt recused himself as he is the applicant.

MOTION: *by Mr. LeVine to continue SMP2021 0005 to the next Regular or Special Planning Commission meeting*

The motion passed with no objection.

Staff Recommendation

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and DENY 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 approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department. The Director of Engineering & Public Works will review for compliance with CBJ 49.35.140.~~
- ~~3. Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.~~
- ~~4. Prior to approval of the final plat, the developer shall submit a final drainage plan for CBJ Engineering & Public Works approval. An Alaskan licensed engineer must prepare the plan [CBJ 49.35.510].~~

~~Recommended conditions for an approval include the following ADDITIONAL conditions:~~

- ~~5. Prior to submittal of the final plat, a plan showing 30 percent vegetative cover (at a minimum) shall be submitted for approval by the Commission.~~
- ~~6. Prior to submittal of the final plat, a construction plan will be submitted showing a barrier to vehicular traffic no less than 2 feet high shall be constructed along the front~~

~~property line to define the driveway(s). This barrier may consist of a vegetated berm, fence, planter box, or other structures/improvements approved by the Community Development Department. Advisory: Fences over six feet tall require a building permit prior to construction. No sight obscuring fence more than four feet tall may be constructed closer than 20 feet from the edge of a traveled way, and on corner lots, sight obscuring fences are limited to three feet in height within 20 feet of intersecting traveled ways [CBJ §49.25.430(4)(L)]. The construction plan will be approved by the Commission.~~

~~7. (If easement access is approved): 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.~~

~~8. (If easement access is approved). 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.~~

~~9. Prior to submittal of the final plat, a construction plan will be submitted showing sufficient exterior lighting must be provided at the intersection of the proposed right-of-way and Mendenhall Loop Road to permit safe pedestrian access. Lighting will conform to CBJ Standard 118 unless another standard is approved. The construction plan will be approved by the Community Development Department.~~

XI. **OTHER BUSINESS** – None

XII. **STAFF REPORTS** – None

XIII. **COMMITTEE REPORTS** – None

XIV. **LIAISON REPORTS** – None

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

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

XVII. **EXECUTIVE SESSION** – None

XVIII. **ADJOURNMENT** – 10:14 P.M.