

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
December 8, 2020

I. 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 7:07 p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Assistant Clerk; Ken Alper; Dan Hickok; Weston Eiler; Josh Winchell; Erik Pedersen

Commissioners absent: None

Staff present: Jill Maclean, CDD Director; Irene Gallion, CDD; Sherri Layne, LAW; Teresa Bowen, LAW

Assembly members: Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – No changes. Agenda approved.

III. APPROVAL OF MINUTES

- A. October 27, 2020 Draft Minutes – Planning Commission Regular Meeting
- B. November 10, 2020 Draft Minutes – Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission Regular Meeting October 27, 2020 and November 10, 2020 minutes.*

The motion passed with no objection

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Chairman LeVine explained the process and rules for public participation.

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

VI. **ITEMS FOR RECONSIDERATION** – None

VII. **CONSENT AGENDA**

USE2020 0022: Special Use Permit for a new marijuana retail store
Applicant: Alaskan Coffee Pot
Location: 2221 Dunn St.

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit. The permit would allow the development of a new marijuana retail store in the Light Commercial zoning district.

The approval is subject to the following conditions:

1. Condition: Prior to issuance of a building permit for the proposed retail facility, a shared use parking agreement must be approved by the Community Development Department, and recorded with the State Recorder's Office. The parking agreement must state that it may be nullified only when the Community Development Director has approved the nullification of the agreement on an instrument that is recorded with the State Recorder's Office. Alternatively, the applicant may submit a revised parking plan demonstrating compliance with CBJ 49.40.
2. Condition: Prior to the issuance of a temporary certificate of occupancy, the applicant shall install screening to ensure no marijuana product is visible to the general public from the right-of-way.
3. Prior to operation the applicant must receive the required State License; by approval of this special use permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the State License, including if the facility is within 500 feet of a school.
4. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
5. On-site consumption of marijuana products is not allowed. The applicant shall post signage within the coffee shop area stating that marijuana products shall not be consumed on-site.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2020 0022.*

The motion passed with no objection.

USE2020 0023: Conditional Use Permit for an accessory apartment on an undersized lot
Applicant: Jay Hubbard
Location: 753 St. Ann's Ave.

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 753 St. Ann's Avenue in a D5 zone.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2020 0023.*

The motion passed with no objection.

VIII. UNFINISHED BUSINESS – None

IX. REGULAR AGENDA

CSP2020 0008: Rehabilitation of Goodwin Road from Blueberry Hill Road to the end, including full water replacement, and partial sewer replacement
Applicant: City and Borough of Juneau
Location: Goodwin Road from Blueberry Hill Road to the end

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 Goodwin Road Reconstruction (Blueberry Hills subdivision).

Ms. Gallion presented CSP2020 00008.

Questions for Staff

Mr. Voelckers noted the photos show an area used for parking in the summer months and asked if there was any signage or what happens in the winter and if plowing encroaches on the ability to park.

Ms. Gallion did not see any signage when she was out there and said basically the snow is pushed to the side of the road but not quite over the curb.

Mr. Pedersen asked if there is an Engineer's estimated cost for the project.

Mr. Dye answered it is \$550,000 according to the packet documentation.

APPLICANT PRESENTATION

Mr. Bohan, CBJ Engineering, spoke to the project and said the total project costs will be closer to just under \$1,000,000. The sloughing and structural issues described in the Staff report are essentially long-term settlement issues that come from the development of the initial subdivision. Those will be reduced as time goes on. As CBJ rebuilds the road base, the settlement will be reduced. The goal was to narrow the roadway and provide a buffer along the slope. He added they can build the road full width or narrowed as in their original plan. They had no concerns either way.

Questions for Applicant

Mr. Hickok asked what concerns were brought up by the neighbors and if the Applicant had addressed the concerns. Mr. Bohan answered the only issue brought up by the public was solely regarding the narrowing of the road.

Mr. Voelckers stated the drawings show the road narrower than what will be voted on. Ms. Gallion noted the revised drawings are available on the agenda website.

Public Testimony – None

Additional Applicant Comments –

Mr. Alper asked for clarification as to what increased the project cost from \$550,000 to nearly a \$1 Million and whether that related to the widening/narrowing of the roadway. Mr. Bohan answered that the original estimate was just a guesstimate and when they acquired more information, they were able to make more accurate final estimations.

Mr. Alper noted the lack of public testimony and asked if that indicated they were in agreement with the project. Mr. Bohan answered in the affirmative saying that his staff had reached out to the neighborhood and they had no objection to the project.

Mr. Dye asked for an update about the difference between the \$1.2 million budget request compared to the nearly a million Mr. Bohan had described. Mr. Bohan explained the \$1.2M leaves room for contingencies, planning, design, and the other estimate was limited to construction.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and APPROVE CSP2020 0008.*

The motion passed with no objection.

X. BOARD OF ADJUSTMENT – None

XI. OTHER BUSINESS –

Mr. LeVine explained there are three appeals before the Commission and asked Ms. Bowen, Department of Law, to present them and explain to the members the process.

1. APL2020 0004 (1510 Second Street) NCC2020-0067
2. APL2020 0005 (1508 Third Street) NCC2020-0065
3. APL2020 0006 (1506 Second Street) NCC2020-0066

Mr. Alper asked why these were appealed. Mr. LeVine answered the issue is with the number of units in each of the structures. The number of units was not deemed non-conforming and that is the substance of the appeal.

Mr. Alper asked for confirmation that the origin of the application was a non-conforming application and attempt to use a relatively new ordinance to declare something that existed a non-conforming legitimate use. Mr. LeVine agreed.

MOTION: *by Mr. Dye to accept APL2020 0004 and hear it on the record and appoint Mr. Hickok Hearing Officer.*

Mr. Dye explained he did not think it needed to go to a trial setting because the appeal is about how the decision was made, and specifically the questions raised in the appeal about records. He felt that reviewing that and compiling the record would best. He added the application appeared to be complete.

The motion passed unanimously on a Roll Call Vote.

MOTION: *by Mr. Dye to accept APL2020 0004 and hear it on the record and appoint Mr. Hickok Hearing Officer for the same reasons as given in previous motion.*

The motion passed with no objection.

MOTION: *by Mr. Dye to accept APL2020 0006 and hear it on the record and appoint Mr. Hickok Hearing Officer for the same reasons as given in previous motion.*

The motion passed with no objection.

XII. STAFF REPORTS

Ms. Maclean reported

- Douglas Area Plan Meeting Thursday 5 o'clock via Zoom
- December 22 meeting is cancelled

- January meetings will be busy
- Working with LAW to schedule a Commissioner training for January or February
- Flood plain Ordinance will come forward early in the new year
- First Alternative Residential Subdivision will be coming before the Commission January 12. This is a new process.

Mr. Voelckers asked for the status of a meeting for Auke Bay. Ms. Maclean answered there is a meeting scheduled for December 15.

Mr. Eiler asked the status of the Urban Agriculture (Chicken) initiative. Ms. Maclean answered that it had fallen behind with other priorities and then with COVID and all that's happening, it is something that could be discussed and determine its priority after the new year.

Mr. Voelckers asked if there was a reason why there seemed to be a spate of appeals lately. Ms. Maclean said some reasons for appeals could be because there may be a misunderstanding of the appeal process. She sees a misperception that people think the Commission can overturn a Director decision. In actuality, the Commission can only overturn a decision if they determine the Director misinterpreted Code in some way. Additionally, appeals are relatively inexpensive. If an applicant's permit is denied, they can appeal for \$150. Mr. LeVine added that it seems the number of appeals tracks with the number of permits they see.

Mr. Dye requested Staff provide to Commissioners a supplemental package that included the ordinance language prior to the Auke Bay meeting next week so they can have it easily accessible.

XIII. COMMITTEE REPORTS

Mr. Voelckers reported Public Works & Facilities met yesterday. During the meeting, they discussed consolidating JAHG and Centennial Hall into a shared facility. Will meet in January to set priorities for the coming year.

Mr. Hickok reported Lands Committee met yesterday. Discussion included changing the committee to "Lands and Economic Development Committee".

Mr. Pedersen reported JCOS met and main topics discussed included Public communication regarding Waste Management and CBJ energy costs. South Douglas/West Juneau area plan will meet Thursday to discuss zoning and Land use. Mr. Voelckers asked if there has been discussion regarding thermal requirements for construction. Mr. Pedersen said there has not.

Mr. Dye reported Parking will be discussed at the Title 49 meeting next week.

Mr. Dye reported Blueprint met on November 19

XIV. LIAISON REPORTS

Assembly Liaison Loren Jones reported at the Assembly retreat last month, the assembly discussed their goals going forward. The goals were not changed but the strategies for addressing them were updated.

Mr. Voelckers asked if Mr. Jones felt that the Planning Commission had effectively communicated their information to the Assembly. Mr. Jones said he was not sure. He stated it is a challenge to read people via Zoom format. He mentioned that he does encourage other Assembly members to attend Planning Commission meetings so they can develop an understanding of the Commission's work.

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Pedersen commented that he has observed that the way CBJ Code is written, the CBJ is taking on a lot of liability for infrastructure. The application heard today is \$1 Million directly servicing only five homes and that seems very expensive.

Mr. Alper noted that the project taken up at this meeting was a repair on a not very old road and he wondered if this was substandard workmanship. If so, is there any recourse to the original contractor?

Mr. LeVine noted that while these are good questions to get on the record, they are not necessarily within the purview of the Planning Commission.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 8:18pm