

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
April 28, 2020

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, 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, Assistant Clerk; Ken Alper, Dan Hickok, Weston Eiler, Josh Winchell

Commissioners absent: None

Staff present: Jill Maclean, CDD Director; Alix Pierce, CDD; Laurel Christian, CDD; Teri Camery, CDD; Emily Wright, LAW; Irene Gallion, CDD; Dan Bleidorn, LANDS; Alec Venechuk, ENG; Michael Eich, ENG

Assembly members: Greg Smith

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES -None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

CSP2020 0003: Deckover a portion of the downtown waterfront between the Steamship Dock and Marine Park, where the lightering float was previously located

Applicant: City and Borough of Juneau

Location: Downtown Juneau, between the Steamship Dock and Marine Park, where the lightering float was previously located

Staff Recommendation

Staff recommends that the Planning Commission adopt the above analysis and findings, and recommend APPROVAL of the Marine Park deckover to the Assembly.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and approve the consent agenda.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

(Moved from Consent Agenda on request by Mr. Voelckers)

USE2020 0003: A Conditional Use Permit to continue operation of the City and Borough of Juneau South Lemon Creek Material Source sand and gravel facility, and asphalt reclamation/rock crushing

Applicant: City and Borough of Juneau

Location: 2300 Anka St

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow continuation of an existing gravel pit. The approval is subject to the following conditions:

- 1) Hours of operation shall be 7 a.m. to 10 p.m. Monday through Friday and 9 a.m. to 10 p.m. on weekends, year-round.
- 2) The permit shall expire fifteen years from the date of Planning Commission approval.
- 3) Seed mixes utilized for revegetation in restoration efforts shall be free from non-native, noxious weeds.
- 4) The applicant shall provide the Community Development with the annual SWPPP report no later than February 15th each year.

Required Conditions, per CBJ\$49.65.235:

- 5) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.

If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the commission may prescribe. If the extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to the water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

Commission Discussion

Mr. Voelckers questioned how the hours of operation were set. Staff Teri Camery explained the change was made to conform with the noise ordinance and was consistent with other gravel operations. Mr. Dye asked whether they would be required to be closed to operations on holidays. Ms. Camery said she knew of gravel pits that had restrictions against blasting on weekends and state/federal holidays but they were not required to close other operations on those days. Mr. Winchell clarified that the operation could limit their own hours beyond what is set in the conditions so long as their hours do not violate the noise ordinance. While they are allowed to be open until 10:00 pm, they may choose to close at 5:00 pm.

Discussion/Questions for Applicant

Mr. Eich, CBJ Engineering, explained for all their operations, they prohibit mining activity on recognized state and federal holidays and he expected that would be the case with this one as well. As for start times on the weekends, he explained that previously they have started as early as 7:00am but stopped when they realized the noise ordinance hours and conforming to noise ordinance hours at this location would not be a problem for them.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis, and recommendations, as amended by memo dated 4/28/2020 and approve USE2020 0003.*

The motion passed with no objection.

WCF2020 0001:	A Wireless Communications Facility Permit for a new, unlit, 98-foot wireless communication tower
Applicant:	Mastec Network Solutions
Location:	12401 Glacier Highway

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 98-foot, unlit, tower with the following conditions:

1. The applicant shall install fencing around the tower and ground equipment to prevent unauthorized access. This fencing shall be designed to visually screen the base of the pole and ground equipment from the roadway.
2. The applicant shall paint the pole matte dark brown to blend with the surrounding natural vegetation.
3. ~~The WCF cannot have lighting, and if in the future the FAA requires lighting, a modification to the Special Use Permit must be approved by the Planning Commission.~~
4. Prior to issuance of a building permit, the applicant shall submit a revised site plan showing all **new or relocated** appurtenant structures meeting the minimum required setbacks for the zoning district. **The direct replacement of existing appurtenant structures is allowed if in accordance with VAR2010 0002**

Questions for Staff

Mr. Eiler asked where in code or plan we are coming up with recommendations for painting the poles. Ms. Christian and Ms. Maclean explained it is in the definitions of code regarding aesthetically blending with surroundings. It is specifically referenced at 49.65.930 - *WCF shall be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings or be compatible with the urban environment.*

Mr. Winchell asked about moving the pole in regards with the break point of the pole. Mr. Winchell had concerns about safety issues. Ms. Christian explained that the pole does meet setback requirements because it would be constructed with breakpoint technology. The issue was with the cabinetry and that is why it was moved.

Mr. Dye asked about why the new tower was not subject to the variance already in place. Ms. Christian explained that the new tower is taller than the one in existence currently. Had the new tower been exactly the same then it would have been subject to the variance but the new tower is 98-feet and replacing the current 90-foot tower. Mr. Dye asked about the overall height, in particular, are the lightning rod and antennae included in the height and referenced the conversation from the prior meeting? Ms. Christian explained that the towers discussed at the last meeting did not have antennae that extended beyond the top of the tower and this one does.

Discussion/Questions for Applicant

Alissa Haynes explained they were required a new special use permit due to the lightning rod above the tower.

Mr. Voelckers asked about the break point expressing concern that it appeared be in the location of a future array installation point and asked if that was taken into account when designing the tower. Ms. Haynes explained it was part of the engineering and design.

Mr. Dye asked if the exiting tower had lightning rod included in the 90-feet measurement. Ms. Haines answered the lightning rod is not included in the current 90-feet.

COMMISSION DISCUSSION

Mr. Dye questioned what situations would be allowed under the existing variance and what would trigger the need for variance new special use permit. If they were replacing the current pole with another of the same height in the same location, would the special use permit be required? Ms. Maclean explained that the existing construction specified a metal tower and the applicant constructed a wooden pole and the variance was approved after the fact. In 2014, the new ordinance was adopted stating wireless facilities cannot be varied.

Mr. Dye asked whether the variance was still valid and if not, why not. Ms. Maclean explained what was approved under the original conditional USE permit was a steel monopole at the 25-foot setback. However, what was constructed was a wooden pole at 11.1 feet from the right-of-way. Ms. Maclean also explained the original USE permit, since it was not enacted upon within 18 months, is considered expired. Ms. Wright added the variance was correcting the decision to construct the tower incorrectly and that the original conditional USE permit is no longer valid.

Mr. Voelckers raised the public comment regarding the fencing should include screening to blend aesthetically.

MOTION: *by Mr. Winchell to accept staff's findings, analysis, and recommendations, and approve WCF2020 0001 as amended in the April 23, 2020 memo.*

Commissioners commented that there are concerns regarding consistency in how the towers are treated and how height is defined and descriptions of how the arrays are counted and held also need to be clarified.

The motion passed with no objection.

USE2020 0005:	A Conditional Use Permit for a temporary asphalt plant at the Juneau International Airport
Applicant:	SECON
Location:	1873 Shell Simmons Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a

temporary asphalt plant at the Juneau International Airport.

The approval is subject to the following conditions:

1. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
2. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped or if a major spill occurs.
3. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or Alaska Department of Transportation.
4. ~~The applicant shall limit the number of trucks in operation during peak hours of traffic, when possible.~~ (Removed on amendment)
5. Trucks traveling from Concrete way to the proposed temporary asphalt plant shall turn right at the Concrete Way and Glacier Highway Intersection.
6. Prior to commencement of the proposed use, the applicant shall work with the Alaska Department of Transportation & Public Facilities to install all required signage in the right-of-way.
7. **Operations shall be from 7 a.m. to 10 p.m. Monday through Friday and 9 a.m. to 10 p.m. on Saturday and Sunday, unless a permit shall first be obtained from CBJ Building Official.** (Added by Amendment)

Questions for Staff

Mr. Arndt asked for a definition of how long 'temporary' is as this is a permit for a 'temporary' permit. Ms. Christian explained the work phase on this permit is through October 2021. Mr. Arndt asked what if they needed to extend beyond that date. Ms. Maclean asked for a moment for staff to research that question as she understands that if they were to approve a multi-year permit that would be considered 'permanent' and they are not sure a permanent asphalt plant is allowed in that zoning district. Ms. Wright explained that the applicant has a contract for the construction project currently but they are not guaranteed every renewal of projects. Therefore, the City would not approve a permanent plant effectively giving them a monopoly when they are not necessarily going to always have contracts with the Airport. Ms. Maclean explained a temporary plant is tied to the duration as defined in a project.

Mr. Voelckers had concerns regarding 'when possible' in Condition #4. Mr. Winchell concurred with Mr. Voelckers and wondered if they could require a percentage instead. Ms. Maclean explained the Commission could amend or remove that phrase as they see fit. Ms. Maclean offered to defer that question to the applicant.

Mr. Dye asked about the existing asphalt plant nearby in Lemon Creek and asked if there was a reason that they could not truck the asphalt as needed from there. Mr. Dye also asked about the noise requirement and why the hours of operation or noise ordinance were not referenced in the conditions. Ms. Christian answered that the work being done would be subject to FAA rules as well as having to be scheduled around airport activities and night work might at times be

required.

Discussion/Questions for Applicant

Mike Short and Noah Molnar representing SECON came forward to answer Commissioner questions.

Mr. Winchell asked is there an advantage to having the asphalt plant located directly in the area of the project. Mr. Short explained it is better to have the asphalt as hot as possible when it is laid. If they haul the asphalt from the AGGPRO plant to the airport site, they will be in a rush to get it laid.

Mr. Voelckers asked for clarification as to how much they will need to drive hot mix on public streets. Mr. Short explained that for part of the project, they will be driving the public roads. He clarified the plant will not be running at all times. It will only be used for spurts of time (one day to a week at a time) when paving is being done.

Mr. Winchell and Mr. Voelckers discussed with Mr. Short the 'when possible' portion of Condition #4 asking him how he interprets that condition and how it would affect the project. Mr. Short felt that it had the potential to slow or extend the project and added that it is subject to interpretation and different people would interpret 'when possible' differently.

PUBLIC COMMENT

None

Mr. Short spoke to the public comment letter regarding the concern of fumes from the plant. Mr. Short explained that they have met the DEC requirements and the fumes are not harmful.

Commission Discussion with Staff

Ms. Maclean explained a temporary permit can be extended by the Commission for 18 months at a time and they can grant extensions up to two times. Mr. Arndt and Mr. LeVine pointed out that this permit is requested to be temporary for the life of the project but the commission can put a time limit on the permit if they prefer and then can extend that time limit as described.

Ms. Wright pointed out the verbiage in Condition #4 is vague enough to be challengeable and if the commission wanted to, they could set limits by defining 'peak hours' and defining 'limit the number of trucks' or strike the condition if they wanted to. Mr. Voelckers spoke in support of striking the condition.

Mr. Dye suggested amending the Conditions by striking Condition #4 and adding Condition #7.

MOTION: by Mr. Dye to accept staff's findings, analysis, and recommendations, and approve USE2020 0005 as amended.

Mr. Arndt spoke in support of striking Condition #4 but against adding Condition #7 stating that the verbiage is already in code. Mr. Voelckers spoke in support. Ms. Wright explained that with Condition #7 in place, the commission has the ability to revoke the permit. Without it, they can only cite them in accordance with ordinance.

MOTION: by Mr. Arndt to amend Mr. Dye's motion by removing Condition #7.

Roll Call Vote to remove Condition #7 Yea:5/Nay:3 Motion Fails

Yea: Mr. Arndt, Mr. Eiler, Mr. Hickok

No: Mr. Alper, Mr. Winchell, Mr. Voelckers, Mr. Dye, Mr. LeVine

Roll Call Vote on Motion to Accept as amended: Yea:8/Nay:0 The motion passed with no objection.

Yea: Mr. Dye, Mr. Voelckers, Mr. Winchell, Mr. Alper, Mr. Hickok, Mr. Eiler, Mr. Arndt, Mr. Voelckers

No: None

At Ease 8:54 – 9:06

USE2019 0015: A Conditional Use Permit & City Project Review to build a Valley Transit Center with associated Park & Ride facilities
Applicant: CBJ Capital Transit / Engineering
Location: Mendenhall Mall

Staff Recommendation

CONDITIONAL USE PERMIT RECOMMENDATION

It is recommended that 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 transit center with driver break facilities and possibly a public bathroom, along with the associated Park and Ride on a future lot within the current Mendenhall Mall lot in a Light Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to issuance of a Building Permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements per CBJ 49.40.230(d).
2. The approved lighting plan shall include lighting immediately adjacent to the driveway exits onto both Mendenhall Mall Road and Riverside Drive.

3. Prior to issuance of a Building Permit, Capital Transit shall have a recorded access easement agreement with the owners of the mall for use of Mendenhall Mall Road for the Valley Transit Center buses and users.
4. Any bike racks shall be permanently affixed to the ground, building, or other permanent fixture, and shall be located so that parked bicycles do not encroach into a pedestrian walkway or vehicle area. Bicycle racks shall, at a minimum, be designed in accordance with the standards listed in the Juneau Non-Motorized Transportation Plan. [2009 edition, page 44]
5. **Current facilities shall be located to allow space for future potential public facilities.**
(Added by Amendment)
6. **The project will include no fewer than three EV stations with chargers Level 1 or 2.**
(Added by Amendment)

CITY PROJECT REVIEW RECOMMENDATION

Staff recommends that the Planning Commission recommend the Assembly **APPROVE CSP2019 0008**, the development of the Valley Transit Center and associated Park and Ride lot.

It is further recommended that:

7. All plumbing fixtures meet a recognized water efficiency standard beyond the minimum required by the CBJ Building Code (e.g. EPA WaterSense standard).
8. It is recommended that public recycling receptacles be used at the VTC.

Commission Discussion

Mr. Winchell asked whether CBJ will be charging for parking in the park and ride area. Ms. Pierce answered, to her knowledge, they will not be charging for parking but the applicant would be best to answer that.

Mr. Eiler asked if moving Transit's main transfer area from behind Nugget Mall to the Mendenhall Mall area is in accordance with the comprehensive plans. Ms. Pierce answered that it is.

Mr. Dye asked for clarification about the EV charging stations and since they are not specifically included in the CUP, would they still be required? Ms. Wright said that if the Commission wanted to ensure they are included, then they should consider adding it to the conditions.

Ms. LeVine asked why lighting is mentioned in two of the conditions and not rolled into a single condition. Ms. Pierce explained one is a standard condition and the other is addressing a specific concern that was expressed.

Questions for Applicant

Alec Venechuk came forward to answer questions. Mr. Winchell asked about fees for parking for park and ride patrons. Mr. Venechuk did not have an answer to that. Mr. Voelckers asked for a description of the public ADA restrooms. Mr. Venechuk described it will be a single stall unisex restroom providing the basic necessities. Mr. Voelckers asked how that will be monitored to avoid criminal and other unwanted activities. Mr. Venechuk said he cannot speak to how the building will be managed.

Mr. Arndt asked how moving the bus stop from behind Nugget Mall to the proposed location would affect service for the new shelter location at St. Vincent. Mr. Venechuk explained that the area would still have service but the main transfers would occur at the new location. Ms. Maclean said that the bus service behind Nugget Mall would be moved and will actually be closer to the St. Vincent location.

Mr. Arndt suggested a change in the design of the turnout where the right turn is required. Mr. Venechuk said he would bring it to the design team of the contractor.

Mr. Voelckers had a concern that the plan should include ability to expand as he sees potential for this to grow.

Mr. Dye asked how the plan came to include three EV charging spaces (as opposed to 2 or 4 or some other number). What made three the right number? Mr. Venechuk did not have that answer.

Mr. Arndt noticed the report describes 59 parking spaces. How did they calculate the number of spaces that would be needed for this project? Mr. Venechuk said his guess is that 59 is the number of spaces that they could reasonably fit in that space.

PUBLIC COMMENT – None

Questions for Staff

Mr. Arndt asked about the number of parking spaces and how they came to the number of spaces asking specifically if there is a requirement for 'park and ride'. Ms. Maclean and Ms. Pierce explained that the main use of the building is as a transit center and park and ride is a side opportunity and the main users of the transit center is expected to be pedestrians.

Mr. Dye spoke to the EV charging stations and wondered if three is enough. Mr. Voelckers agreed that EV stations should be considered and suggested that it be recommended that the

project includes ample conduit and infrastructure as to make expanding into EV in the future. Mr. Winchell agreed with Mr. Voelckers. Mr. Dye suggested if three is the correct number then it should be included as a condition. Mr. Winchell spoke to possibly setting a percentage of spaces to be set aside for EV. Mr. Arndt spoke against using a percentage as he could foresee unintended consequences for future projects.

At ease 9:52 – 9:56

MOTION: *by Mr. Voelckers to add an amendment to add a Condition #5. Current facilities shall be located to allow space for future potential public facilities.*

Mr. Arndt, Mr. Dye and Mr. Winchell agreed with Mr. Voelckers thoughts but spoke against the amendment due to it being too vague.

MOTION: *by Mr. Dye to strike Mr. Voelckers proposed Condition #5.*

Yes: Mr. Dye, Mr. Winchell, Mr. Arndt, Mr. LeVine

No: Mr. Voelckers, Mr. Alper, Mr. Hickok, Mr. Eiler

Roll Call Vote to remove Condition #5 Yea:4/Nay:4 Motion Fails

MOTION: *by Mr. Dye to add a new Condition #6 The applicant shall provide no fewer than three EV stations with chargers Level 1 or 2.*

Mr. Eiler asked if there was a reason to specify a particular number. Mr. Dye explained the point of making the motion is to require a minimum number.

The motion passed with no objection

Mr. Winchell says he foresees expansion of the facility in the future (10:13) for the record ...

MOTION: *by Mr. Voelckers to accept staff's findings, analysis, and recommendations, and approve USE2019 0015 as amended.*

Mr. Arndt asked Mr. Voelckers if he could clarify or specify in the Condition #5 in a way to make it a specific requirement. Mr. Voelckers said this location has so much potential for growth in the future that he just wanted to make sure the applicant keeps that in mind during the construction so expansion or other growth will be easier when the time comes. Ms. Maclean said she is unsure how Condition #5 could be enforced. Mr. Winchell said he foresees the expansion of the warming building to include certain warming for non-staff and possible expansion to include more EV stations and he feels it demonstrates Legislative or Commission Intent.

Roll Call Vote on Motion to Accept as amended: Yea:8/Nay:0 The motion passed with no objection.

Yea: Mr. Voelckers, Mr. Winchell, Mr. Alper, Mr. Hickok, Mr. Eiler, Mr. Arndt, Mr. Dye, Mr. LeVine

No: None

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT- None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

Ms. Maclean reported

- New Engineering and Public Works director started a few weeks ago
- Lands committee meeting Monday evening, May 4th, via Zoom
- Economic Stabilization Task Force this Thursday
- Title 49 meetings will begin again soon
- Committee of the Whole and Auke Bay Committees will also begin meeting again soon
- Streamside Setback Ordinance and FEMA Flood maps will come before the Commission soon
- Glory Hall CUP public hearing is upcoming

XII. COMMITTEE REPORTS

Mr. Voelckers reported as Public Works liaison that the committee is prioritizing or paring down CIP projects including Augustus Brown Pool and Douglas second crossing projects.

XIII. LIAISON REPORTS

Mr. Smith reported that Coronavirus is still the main focus of the Assembly. There is a lot happening in the Federal, State and Local levels.

They are looking at a \$35 million revenue budget shortfall in the budget in the next 30 months as a result of Coronavirus.

They have approved the ordinance regarding private shared access.

There are 4 applicants for the opening in the Planning Commission. They expect to meet and make their selection next week.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers thanked Mr. LeVine for pulling off another successful electronic meeting.

XVI. EXECUTIVE SESSION- None

XVII. ADJOURNMENT – 10:28