Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
December 10, 2019

I. ROLL CALL

Ben Haight, 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 7:03 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Ken Alper, , Shannon Crossley, Travis Arndt, Weston Eiler (by phone)

Commissioners absent: Dan Hickok

Staff present: Jill Maclean, CDD Director; Allison Eddins, CDD; Emily Wright, Law;

Assembly members: None

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

MOTION: *by Mr. Dye to* move **APL2019 0007** to the end of the agenda after other business.

The motion passed with no objection.

III. APPROVAL OF MINUTES

A. November 12, 2019 DRAFT Minutes – Planning Commission Regular Meeting

MOTION: *by Mr. LeVine to approve the November 12, 2019, Planning Commission Regular Meeting minutes noting any staff corrections or Commissioner comments.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS -None

V. ITEMS FOR RECONSIDERATION -None

VI. CONSENT AGENDA –

Due to a potential conflict of interest, the items on the consent agenda were introduced and considered separately.

USE2019 0023:	Conditional Use Permit for a marijuana cultivation facility in an Industrial zoning district
Applicant:	Green Elephant LLC
Location:	8420 Airport Blvd

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings in the attached staff report for USE2019-0023 and approve the requested Conditional Use Permit for a marijuana cultivation facility in an Industrial zoning district.

MOTION: *by Mr. LeVine to adopt USE2019 0023 and approve it with Directors analysis and findings.*

The motion passed with no objection.

USE2019 0024:	Conditional Use Permit for coffee stand with drive through service
Applicant:	Heritage Coffee Roasting Co.
Location:	5545 Glacier Highway

Ms. Crossley declared she has a potential conflict of interest as her husband is employed by the contractor working on the project. She was allowed to step down.

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 coffee stand with drive through service located at 5545 Glacier Highway.

The approval is subject to the following conditions:

1. CBJ-approved signage shall be posted for the accessible parking space prior to the issuance of a Certificate of Occupancy.
2. Wheel stops or striping shall be placed in the parking lot to define the location of parking spaces prior to the issuance of a Certificate of Occupancy.
3. All pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan shall be applied to the parking and circulation area as shown on the site plan prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a building permit for the placement of the proposed structure, the applicant shall submit a revised site plan showing the required minimum vegetative

cover.

5. Prior to the issuance of a building permit for the placement of the proposed structure, the applicant shall submit a revised parking plan showing the parking for all uses on the subject parcel.

MOTION: *by Mr. LeVine to adopt USE2019 0024 and approve it with Directors analysis and findings.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS – Moved down the agenda to follow Other Business

VIII. REGULAR AGENDA

CSP2019 0012:	Planning Commission Recommendations for FY 2021-2026 Capital Improvement Program
Applicant:	City & Borough of Juneau
Location:	Borough-wide

Mr. Felstead, CDD Planner II, presented the prepared recommendations for the FY2021-2026 Capital Improvement Program.

Ms. Crossley declared a possible conflict because Mr. Felstead is her first cousin. She was allowed to remain.

DISCUSSION:

Mr. Voelckers recommended the following edits:

- Changing "…we very much appreciates…" to "we very much *appreciate*" in the third paragraph of the first page
- Changing the last sentence in the third paragraph of the first page from "…initiatives such as heat pump initiatives, and upgrades to Capital Avenue." to "…initiatives such as *residential heat pump adoption*, and upgrades to Capital Avenue."
- Changing the last sentence in the third paragraph of the second page from "…Comprehensive Plan as expressed through areas plans." to "…Comprehensive Plan, *with details as identified* through area plans."

Mr. LeVine agreed with the first and third recommendations and suggested amending the second to read:

- "…initiatives such as *encouraging* residential heat pump adoption, and upgrades to Capital Avenue."

Mr. Voelckers suggested adding verbiage to the third page, Section B, under Community Vitality to read, "*Provide funding for planning and design to identify potential street grid and pedestrian routes including seawalk."* Mr. Alper suggested adding "*Auke Bay"* somewhere in the statement.

Mr. Dye suggested adding verbiage to Item 2 at the top of the third page to include future street plans. Mr. LeVine suggested adding the word 'roads' to satisfy that.

MOTION: *by Mr. LeVine to adopt CSP2019 0012 with edits as agreed upon by the Commission.*

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT -None

X. OTHER BUSINESS

A. Revisions/updates to the Planning Commission's Rules of Order

The Commission reviewed the Final Draft of the proposed Rules of Order page by page and suggested the following edits:

- Mr. LeVine pointed out *Rule 2. E. Time of Adjournment* and commented that this was a good compromise and resolution to a debate they had held before.

- Mr. Voelckers noted *Rule 6. Committees* and suggested adding verbiage regarding public comment in committee meetings. He suggested adding the following sentence to the end of 6. B. Committee Chair, "*At the discretion of the Chair, meetings may include public participation on an agenda item. This process will follow rule 10. A. on public testimony*." Mr. Dye asked if there is a notice difference between a meeting that accepts with public testimony versus a working committee. Ms. Wright and Ms. Maclean clarified that so long as the committee meeting is posted with at least 48 hours' notice it can include public testimony. After discussion, Mr. LeVine suggested adding the sentence "*Public Testimony shall be allowed at committee meetings only with permission of the Chair*" at the end of 6B.

- Mr. Haight suggested moving *Item 5 IV Brief Review of the Rules for Public Participation* to immediately before or after *Item 5 VII Consent Agenda*. Mr. LeVine explained it was

at Item IV because it appears before *5 V Public Participation* on Non-Agenda Items. This item was left unchanged.

- Mr. LeVine said that there had been discussion regarding removing the Subdivision Review Committee from the Standing Committees listed at Rule 6C Item 1 and suggested they make a motion before the end of the meeting asking Ms. Wright to draft an ordinance removing the committee.

- Mr. Arndt noticed *Rule 10A2 Time Limit for Public Testimony* states the time limit can be changed by the Chair and then states the time limit may be changed by the Commission and asked if this means the Chair needs a majority vote or that the Commission can overrule the Chair or one could overrule the other. Ms. Crossley suggested adding an 'also' to read *"…The time limit may also be changed by a majority of the Commission. …"*

  Mr. LeVine suggested adding verbiage to state the Chair cannot overrule the Commission.

- Mr. Arndt noted members of the public used to have to state their name and address but the address requirement is not included in the new version of *Rule 10A4 Identification. Ms.* Maclean said what was removed was "address or region of the borough in which they live" and it may have been inadvertently dropped. Mr. LeVine suggested going back to the phrase "their place of residence" after 'unless otherwise allowed by the Chair'.

- Mr. Arndt asked for clarification of the 8- and 6-days requirements at Rule 10B1. Ms. Maclean answered that the information is posted online 8 days before a meeting but it may take a couple of days to print out and deliver the packets to the Commissioners.

- Mr. Voelckers asked about the phrase "prejudice of any late material" at Rule 10B. It was discussed that this is legalese and may not be clear to a layman. In the end, it was decided that it would be left unchanged and could be brought up under advisement at the next meeting of the governance committee.

MOTION: *by Mr. LeVine to adopt the Planning Commission Draft Rules of Order with edits as agreed upon by the Commission.*

The motion passed with no objection.

MOTION: *by Mr. LeVine to ask Law to draft an ordinance eliminating the Subdivision Review Committee.*

The motion passed with no objection.

B. Proposed Meeting Dates for 2020 Planning Commission Meetings

Ms. Maclean introduced the proposed meeting dates as listed in the packet adding there is a Special meeting scheduled on January 8. The February 11 meeting may need to be rescheduled as the State APA Conference is February 9 – 11 and there are already three Commissioners scheduled to attend. September 8 is the day after Labor Day, November 24 is Thanksgiving week, and December 22 is Christmas week.

Mr. LeVine asked why there is a need for a third meeting in January. Ms. Maclean explained there is a legal time limitation on a CSP that must be heard by the Commission as well as the Assembly by a certain date. Additionally, the new Commission members will be sworn in at that meeting.

Ms. Maclean suggested with three meetings in January, cancelling the February 11 meeting would be an option.

The 2020 Planning Commission meeting dates are as follows January 8 (Wednesday) Special Meeting; January 14 COW (including new Commissioner training) and Regular Meeting; January 28;February 25; March 10; March 24; April 14; April 28; May 12; May 26; June 9; June 23; July 14; July 28; August 11; August 25; September 22; October 13; October 27; November 10; and December 8.

XI. UNFINISHED BUSINESS

APL2019 0007:	Daugherty v. CDD: Proposed Decision – The proposed decision of an appeal of the Director's decision, regarding VDM2019 0004, and dated July 9, 2019 was served to parties on December 3, 2019
Applicant:	Lisa Daugherty
Location:	9223 North Douglas Highway

MOTION: *by Mr. LeVine to approve the proposed decision on APL2019 0007 with analysis and findings including an added sentence recognizing that two objections were received and considered.*

Roll Call Vote:
AYE: Mr. Haight, Mr. LeVine, Mr. Dye, Mr. Alper, Mr. Arndt, Mr. Eiler
NAY: None
Excused: Ms. Crossley, Mr. Voelckers

XII. STAFF REPORTS

Ms. Maclean reported the Title 49 Committee will be meeting Thursday December 12 at 12 noon. There is a Wetlands Review Board scheduled for January 16th. The Blue Print Committee will be meeting on Thursday, December 12 at 6 o'clock. The Assembly Committee of the Whole heard the nonconforming ordinance last night and has passed it without any changes to the full Assembly for public hearing on January 13th.

Mr. Voelckers asked if there was anything new on Auke Bay. Ms. Maclean explained that due to other priorities and timing issues they have moved the Auke Bay plan out toward Spring before it will be brought back before the Commission. Mr. Voelckers expressed concern that momentum has been lost regarding the Auke Bay plan and allowing it to slip now will add to the work load of the Commission. Ms. Maclean agreed but explained that with the recent staffing changes and the appeals and now with the Assembly moving into Budget this has fallen behind.

XIII. COMMITTEE REPORTS –

Mr. Arndt gave an update on the Public Facilities meeting held yesterday. The Airport was looking to do a no bid change order to add special procurement of the demolition of the snow shed and chemical building. It did not move forward to the Assembly. The Committee decided to send it back to be rebid instead. There was also some discussion regarding the Centennial Hall remodel and the amount of work they are hoping to do looks like about $7 million dollars.

Ms. Maclean reported the Lands committee met yesterday and passed the CSP for the streets right of way vacation on Willow drive to the Assembly. They also reviewed the State CSP process to remain mindful of the 90-day clock.

At the Committee of the Whole meeting this week, discussions included the nonconforming ordinance, problem properties ordinance, the Archipelago lot, and the City Museum.

XIV. LIAISON REPORTS – None

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS –

Mr. Voelckers spoke to Mr. Haight's leaving the Commission. Mr. Haight has been the Chair for nearly four years. Mr. Voelckers noted commission achievements during his tenure and thanked Mr. Haight for his work. Mr. Levine also thanked Mr. Haight for his guidance and direction as Chair. Mr. Arndt said he appreciated Mr. Haight's demeanor towards the public audience, applicants, etc.

Mr. Haight appreciated the kind words and spoke to his time on the commission and offered parting words of wisdom:

Remember when making decisions:

- We ensure health, welfare and safety for our community, friends, neighbors and our visitors.
- Listen to everyone and make full consideration of what they say.
- Maintain decorum and kindness toward staff, public and each other.
- Find those moments, when appropriate, to find humor and enjoy what you are doing.
- It has been a pleasure doing what we do while serving the community.

XVII. <u>EXECUTIVE SESSION</u>-None

XVIII. <u>ADJOURNMENT</u> – 8:23