

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
June 25, 2019

I. ROLL CALL

Paul Voelckers, Acting 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 7:00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Shannon Crossley, Dan Hickok, Travis Arndt

Commissioners absent: Ken Alper; Andrew Campbell; Ben Haight, Chairman

Staff present: Jill Maclean, CDD Director; Jane Mores, Municipal Attorney; Tim Felstead, Planner II; Amy Liu, Planner I

Assembly members: Wade Bryson, Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Ms. Maclean requested that the Commission remove USE2019 0015, the Conditional Use Permit for the Valley Transit Center, from the agenda and only hear the associated CSP so that the process can move through the Planning Commission and then through the Assembly. It was her suggestion that the USE permit may be heard once the CSP completed that process.

Mr. Voelckers agreed that this made sense and, seeing no objection, adopted the agenda with the removal of USE2019 0015.

III. APPROVAL OF MINUTES

A. May 28, 2019 DRAFT Minutes – Planning Commission Regular Meeting

MOTION: *by Mr. Dye to approve the May 28, 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

Patricia Young spoke saying that she is concerned with providing better housing for seniors in the community, especially those who are outdoor-type people and interested in gardening. She is interested in finding people who would like to start a new corporation because she would like to get out of HUD housing and is looking for direction to achieve her goals.

Mr. Voelckers suggested Ms. Young get in touch with the housing officer with the City. He requested that Mr. Felstead give Ms. Young contact information and invited Ms. Young to return if these leads were not helpful.

V. ITEMS FOR RECONSIDERATION - none

VI. CONSENT AGENDA

CSP2019 0005: *Several members of the public in the audience requested that CSP2019 0005 be pulled from the Consent Agenda and have a full hearing on the case.*

AME2019 0006: An amendment to Article XII Alternative Development Overlay District (CBJ 49.70.1210), extending the sunset date for downtown Juneau ADOD from August 1, 2019 to August 1, 2020
Applicant: City & Borough of Juneau
Location: Downtown Juneau

Mr. Dye asked if staff felt that one year would be enough time to complete the rezone of downtown. Ms. Maclean replied that was the intent and expectation.

Staff Recommendation

Staff recommends that the Planning Commission make a recommendation to the Assembly to **extend** the downtown Juneau ADOD from August 1, 2019, to August 1, 2020.

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and recommend to the Assembly the approval of AME2019 0006.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

****CASE REMOVED FROM AGENDA****

~~**USE2019 0015:** A Conditional Use Permit to build a Valley Transit Center with associated Park & Ride facilities
Applicant: City & Borough of Juneau, Engineering Department
Location: Mendenhall Mall~~

CSP2019 0005: A review of a State project to install two flashing beacon signs at the intersection of Back Loop Road and Mendenhall Loop Road
Applicant: State of Alaska
Location: Intersection of Back Loop Road and Mendenhall Loop Road

Staff Recommendation

Staff recommends that the Planning Commission find CSP2019 0005 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580 and **APPROVE** CSP2019 0005 to construct two flashing beacon signs at the intersection of Back Loop Road and Mendenhall Loop Road.

Staff Presentation

Ms. Maclean asked the Chair if the Commission would like a full or condensed presentation by the planner. Mr. Voelckers took the question to the public in attendance. They replied that they understood the proposal and were already prepared to comment.

Ms. Liu gave a condensed presentation regarding the proposal of two new traffic features at the intersection of Back Loop Road and Mendenhall Loop Road. The presentation included:

- Project Description
- Project Background
- Agency Review and Public Comment
- Conformity with Adopted Plans
- Findings and Recommendation

Applicant Presentation

David Epstein, Engineering Manager from the Alaska Department of Transportation (DOT) said that he was glad to answer any questions.

Mr. Voelckers clarified his understanding that the why behind this project was due to incidents of people driving through the stop sign and t-boning on the opposite side of Mendenhall Loop Road. The lights are intended to make people more aware of the upcoming intersection, and DOT has determined that the beacons are the best solution. Mr. Epstein replied that the flashing lights would not help in the situation of a driver who might be incapacitated or impaired to a state of loss of consciousness; however, someone mildly impaired or inattentive is the target driver for these improvements to the intersection.

Mr. Arndt asked if the lights would have shields to protect the sides so that the light would be directed only onto the travel way. Mr. Epstein replied that they will be like a school zone light and would be shielded by visors.

Mr. Hickok asked if DOT had worked with Capital City Transit about moving the bus stops back

further away from the stop sign and if that might relieve congestion. Mr. Epstein said this issue was not brought up to him. Mr. Hickok commented that the bus stops seemed too close to the stop sign, in his opinion.

Public Comments

Pat Tynan lives at 8351 River Place, a cul-de-sac off Dredge Lake Avenue. Ms. Tynan said that the intersection of Back Loop and Mendenhall Loop is extremely busy at this time of year. There are city buses at the bus stop as well as tour buses turning from Auke Lake towards the glacier, traffic is backed up behind them trying to turn right towards Super Bear, and cars can be backed up all the way to Mendenhall River School. During rush hour, there are cars turning left off Mendenhall Loop Road onto Back Loop. She said that without a 3-way stop or a traffic signal to manage the flow, the traffic is a mess. When a city bus turns left off Mendenhall Loop Road and stops at the bus stop, drivers coming out of the Dredge Lake area have an obstructed view of the road making it dangerous to try to pull out. There is no crosswalk at the intersection, but people getting off the buses need to cross to get to the bike/walking path towards the Glacier. Many tourists are using public transit at this time of year to get to the glacier. She said that she felt the best options have not been considered for the problems and that flashing beacons are not the solution. She suggested that if someone were to stand at the intersection around 4:30 pm on a sunny day, they would see the traffic patterns including bus riders, pedestrians, bike riders, and bicycle tour groups. Exiting from Dredge Lake Road is often impossible. She pleaded with the Commission to take a closer look at the intersection.

Mr. Dye asked if he understood correctly that Ms. Tynan did not object to the flashing beacons, but wanted to see more done to address the situation. Ms. Tynan replied that she was not in support of spending money on the flashing beacons because it was a band-aid to much larger problems.

Raydene Garrison said she had lived on Eyelet Court for 38 years. She said she has seen many changes to the neighborhood. It has become denser in terms of housing which has increased the traffic, and the tourist traffic has increased. There are no crosswalks, she stated, on either the Mendenhall Loop Road or the Back Loop Road. The situation is extra dangerous in the winter, she said, because people wear dark clothing. She said that she agrees that flashing lights are addressing a minor issue in a much bigger problem. There are stop signs that people ignore. Many people headed towards the glacier on Mendenhall Loop Road pass on the right side in the bike lane when traffic is stopped waiting to turn left onto the Back Loop. She said the neighborhood was told previously that this intersection did not have enough traffic to warrant consideration or analysis. This did not make sense to her. A stop light, a roundabout, or something is needed at this intersection, and she said she expects the situation to worsen if nothing is done.

Bruce Garrison lives at 4453 Eyelet Court. He said he was concerned about pedestrians. Traffic has increased exponentially. He confirmed that he also has observed many people not stopping at the stop sign. A problem at the intersection is that drivers treat it as 3 lanes by using the bike

lane as a passing lane. He said that he anticipates even more problems. Another issue is that tour buses are slowing down on the Loop Road so that other tour buses on the Back Loop Road can make the left turn towards the glacier, he said. DOT has not investigated this intersection, and the first notice he received that something was proposed was the notice of the Planning Commission hearing. He said that he is not opposed to the flashing lights and thought they could work to fix one issue but with a few years, DOT will have to rebuild the intersection.

Mr. Voelckers asked if the intersection in question is the closest point to get off a bus if someone wanted to walk to the glacier. Mr. Garrison said it was the closest bus stop to Threadneedle, Grant Street, and the glacier; all people getting off the bus have to cross in that area, including bicyclists. There have been accidents in the area of people being struck by vehicles.

Applicant Response

Mr. Epstein said that there are two issues. One is to give advance notice to drivers of the stop sign. The other issue he heard about at this meeting was increased traffic, a concern that he has also heard about from tour bus drivers. Periodically DOT does informal assessments of un-signalized intersections to see how they compare with traffic signal warrants. An analysis of traffic at this intersection, done a few years ago, exceeded a warrant for a traffic signal. In fiscal year 2020, he is asking for funding for a traffic signal needs study at this intersection. This type of study is very formal and needs to be done before any changes are proposed to the intersection. The study may conclude that a signal is needed or may conclude that another type of treatment is needed.

Mr. Voelckers asked if this intersection has had an analysis to calculate a level of service. Mr. Epstein said the principle thing DOT looks at for un-signalized intersections is how they compare to the traffic signal warrants and the amounts of delay, which is level of service. He said he could not tell the Commission off the top of his head how many seconds of delay was reached at this intersection back when DOT looked at the traffic signal warrant, but he could find out that information if requested.

Mr. Dye asked if installing the flashing beacons would jeopardize the likelihood of this intersection receiving federal funding or having the studies done to analyze what further treatments this intersection may need. Mr. Epstein said no.

Ms. Crossley asked if there would need to be further study in order to put in a 3-way stop rather than making the one stop sign more accessible. Mr. Epstein said yes.

Mr. Hickok said that regarding the delay process, it seemed that the main concern is about safety of the pedestrians and about pulling in and out. He did not hear comments from the public about the delay. Mr. Epstein said that a traffic signal needs study and if the study results in a recommendation to install a traffic signal or a roundabout, this issue would be addressed. If it does not produce that recommendation, more analysis will need to be done. There are warrants

for crosswalks, also, he said. Mr. Hickok asked why the state believes the flashing lights are a necessary solution instead of adding turn lanes or widening the road or some other solution. Mr. Epstein said that the lights are meant to address the issue of people running through the intersection.

Mr. Arndt asked what brought this problem up instead of a full study. Mr. Epstein said there was a vehicle that ran through the intersection a few years ago and hit a home. There was another instance where a driver was having a medical issue and also ended up on a homeowner's property.

Mr. Voelckers summarized that the Commission heard four issues associated with the intersection:

- Drivers running through the stop sign
- Proximity of the buses
- Lack of crosswalks
- Through-put of the traffic

He said it seemed to him that two of the four things need a specific warrant to analyze them. He asked if all the warrants would be requested simultaneously to determine the range of improvements that would be justified at the intersection. Mr. Epstein said that a needs study will look at pedestrian activity, traffic volume, and crash history. It is comprehensive. Mr. Voelckers said did that mean that a crosswalk could not be done because it was perhaps not requested specifically in a warrant. Mr. Epstein said that he was not saying that. That would take its own data set which would be done in a needs study or could be done sooner.

Mr. Voelckers asked if bus stops are DOT managed or located by the city. Mr. Epstein said it is a joint conversation between the two. Does that require a warrant to revisit where they are located, asked Mr. Voelckers? No, said Mr. Epstein, but that requires a conversation with the right-of-way people. Mr. Voelckers asked if a conversation about that one piece could be started sooner.

Ms. Maclean reminded the Commission that they could add conditions for the Assembly to consider including working with DOT to endorse or support their application for funding of a study of the intersection and/or revisiting the bus stop locations. Mr. Dye asked if the only review of this proposal will be done by the Planning Commission and, therefore, such recommendations as suggested by Ms. Maclean would be passed on to the Assembly. Ms. Maclean said yes.

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and approve recommendation to the Assembly of CSP2019 0005 and that the Commission recommend that the Assembly support DOT's request for funding for a study of the intersection at issue.*

Mr. Dye requested a point of order. He said that that he believed Mr. Levine's motion was incorrect. The Commission was not making a recommendation to the Assembly regarding the CSP case but was instead approving the CSP with the inclusion of a recommendation to the Assembly in the motion. However, the CSP stood alone for Planning Commission review.

Mr. Voelckers clarified for Mr. Levine that the Commission would be recommending to the DOT that they work the municipality.

Mr. Levine said that Mr. Dye was correct, and he misspoke. He restated his motion:

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and approve CSP2019 0005, and that the Commission note support for funding for a study of the intersection at issue.*

Mr. Hickok spoke against the motion. He said he did not feel that the flashing lights were what the corner needs. He said he had driven the route from Auke Bay to Floyd Dryden School via Back Loop Road every school day over a nine-year period and therefore is very aware of this spot. He did not think that flashing lights would help the situation. There are other ideas that are not being discussed such as turn lanes, moving bus stops away from the stop signs, and/or installing a stop light that could increase the safety of the intersection.

Mr. Arndt spoke in favor of the motion. He said there are four big issues to be looked at and this item can take care of the easiest and least expensive issue, and it is the one that there is currently funding for. He was in favor of solving one of the problems while DOT works to get funding to analyze and solve the other three problems.

Mr. Dye spoke in favor for same reasons as Mr. Arndt addressed. He added that hearing from the applicant that this project moving forward would not jeopardize future funding or this intersection receiving more attention, eased his concern that this would be just a quick fix for a bigger problem. He said he is encouraged by the fact that the public has shared their concerns and that DOT is in the room and has heard the concerns also. It is his hope that with the Commission's recommendation, this will move forward as timely as DOT is able to move.

Ms. Crossley spoke against the motion. She said that although this is the least cost, she was looking at a land action review application for \$68,000 for the flashing lights. She said she thought there are many other issues at the intersection that need to be looked at. She did not see the flashing light as helping the situation.

Role Call:

Yays: Levine, Dye, Arndt, Voelckers

Nays: Hickok, Crossley

The motion failed.

Mr. Dye gave notice of reconsideration at the next meeting.

Mr. Voelckers clarified that Mr. Dye's notice did not require any action by the Commission at this meeting. It will be on the agenda at the next meeting to decide if the case should be reopened.

Ms. Mores clarified the procedure. There would need to be a motion made at the Commission's next meeting to reopen discussion.

CSP2019 0008: A City Project Review to build a Valley Transit Center with associated Park & Ride facilities
Applicant: City & Borough of Juneau, Engineering Department
Location: Mendenhall Mall

Mr. Arndt said he had a possible conflict. He is working with the owners of the property on several other projects and has looked at proposals for the lot but is not involved with the transit center proposal at all.

Mr. Voelckers said he has worked with the people who own the Mendenhall Mall property on other, unrelated projects.

Commissioners said they had no problem with Mr. Arndt and Mr. Voelckers' participation.

Ms. Crossley disclosed that Mr. Felstead is her first cousin.

Staff 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:

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

Planner Presentation

Mr. Felstead gave the presentation regarding the proposal develop a currently vacant piece of land at the Mendenhall Mall site, which is currently one large lot. Mendenhall Mall Road is a private road running through the site. CBJ is working with the new owners of the mall to buy the subject property with a view to subdividing and building the proposed transit center.

Mr. Felstead said that the proposed subdivision would meet the land use code requirements for access, however since Mendenhall Mall Road is private, there is a recommendation that Capital

Transit have an easement agreement that gives the buses and users of the park and ride access onto that road.

Mr. Felstead discussed the vicinity of the site and its relationship to roads, residences, commercial activity and businesses in the area. Capital Transit expects that this site will improve routing and will reduce “missed” transfers as compared to the current transfer location behind Nugget Mall. The CBJ assessor has stated that there will be no negative impact on the surrounding area. One neighbor on James Blvd stated a concern about pedestrian traffic through an area that already has a high volume of pedestrian traffic.

Mr. Felstead presented a slide discussing elements of the site design. One important part of the project is having a break room and restroom facilities for the bus drivers, which they do not have at the Nugget Mall site. Other improvements include bike lockers and possibly a public restroom. Another important part is the development of a park and ride site to make it easier for the public to take a bus downtown, which will help with downtown parking issues. Electric vehicle (EV) stalls will be included in the plan. Based on the trip generation manual, a Traffic Impact Analysis is not required. The design is at 35%, so there are a number of required features such as lighting that are not yet shown on the design but will be required when the building permit comes in for review. The conditions were reflected in the recommendations for the USE case that was pulled from agenda. Staff is recommending that those conditions be attached to the CSP review to ensure they are addressed at some point in the project design.

Mr. Felstead said that the proposal has been reviewed against a number of relevant adopted plans and has been found to be in conformity. Mr. Felstead asked if the Commission wanted a review of the recommended conditions accompanying staff’s recommendation of approval.

Mr. Voelckers stated that only some of the recommendations remained applicable due to the postponement of the Conditional Use Permit (USE) case. Mr. Felstead said that if the USE case were being heard along with the CSP, the conditions in the USE case, which reflect code requirements not shown on the submitted plans, would be binding to the project – adding them to the CSP would not be necessary. However, since the USE case is no longer being heard tonight, to insure that the project is in consistency with Title 49 based on the plans submitted, the USE conditions will be moved into the CSP recommendation that will be forwarded to the Assembly for their action.

Mr. Voelckers asked if detailed questions regarding technical aspects should be held for the applicant’s presentation. Mr. Felstead said he was reviewing the comportment with plans and giving a broad overview but representatives of CBJ Engineering and Public Works and Capital Transit were in the room to answer questions.

Mr. Hickok asked if there would be a charge for parking in the park and ride. Mr. Felstead deferred to Capital Transit on that question.

Mr. Levine asked Mr. Felstead to explain again why the USE case recommended conditions should be moved into the recommendation for the CSP case. Mr. Felstead said that if the CSP permit is approved, adding the conditions that were recommended in the pulled USE permit would highlight that the project will need to meet those conditions in order to obtain a building permit. The USE permit review looked at the project as if it were a private development, the CSP recommendations are recommendations to the Assembly as to how the project could be further enhanced to meet the goals and policies in CBJ plans – this is effectively above the minimum Land Use Code requirements. He said that because no action was being taken on the USE permit at this meeting, staff have moved those conditions into the CSP to ensure that the applicant was aware of the code requirements and could address them as plans developed. CSP recommendations from the Planning Commission to the Assembly are typically non-binding unless they are code requirements.

Mr. Levine said that he did not understand why some conditions were put on the USE permit and some were put on the CSP. He wondered if there was some wisdom in forgoing the USE permit recommendations at this point in case the design changes before the USE permit comes back before the Commission for approval. Ms. Maclean said that when staff thought the two cases would be heard at this meeting, it seemed “cleaner” to keep the conditions specific to each permit with each case. However, now that the CSP is being heard without the USE case and will move on to Assembly, staff thought it best to take the point of view of “if it had a USE permit” and put both the USE and the CSP conditions on the CSP recommendation to make the Assembly aware of the purview and the types of conditions that they will look at as this project moves forward through the purchase process. However, the Planning Commission has the authority to keep only the CSP conditions and not include the USE conditions, if they so decide.

Mr. Voelckers said that he agreed with Mr. Levine that some of the specificity of the USE conditions might not be appropriate at this broad level, such as bolting down the bike rack.

Mr. Arndt asked if it is intended that land be subdivided and purchased by the city or will it be leased by the city. Mr. Felstead said that the intention is for the land to be subdivided and purchased by the city. The purchase will be the city’s match to Federal Transit Administration funding for the project.

Mr. Felstead addressed Mr. Levine’s questions and said that looking at USE and CSP permits together, anything required under the land use code in terms of design standards are included as part of the USE permit. CSP conditions are things that CBJ might want to consider in addition to what is required in the land use code, for example, recycling receptacles are not required in the land use code but have been identified as something CBJ has said CBJ facilities should include.

Applicant Presentation

Lori Sowa from CBJ Engineering and Public Works is the project manager for the transit center. She noted that the project is in the early stage of design. In response to a question asked by Mr. Hickok, she said there is no intention at this time to charge for parking at the park and ride.

Mr. Voelckers asked Ms. Sowa to walk the Commissioners through the flow diagram of how the bus loop would work. Ms. Sowa showed the flow using the slide from Mr. Felstead's presentation and noted that bus riders would always exit the bus directly onto a sidewalk. She also indicated the one-way circulation path of the park and ride area. There will be an 8-foot wide multi-use path for bicycles and pedestrians that will connect to sidewalks already in place.

Mr. Voelckers asked for elaboration regarding how the buses and transfers will work. Ms. Sowa said that Capital Transit has been looking at updated timetabling and one intention is not have exact time transfers so that the wait would be a maximum of 5 minutes between buses at this location.

Mr. Arndt asked if would be two-way traffic by the EV charging stalls. Yes, said Ms. Sowa.

Mr. Dye asked if three EV stalls would be enough. Ms. Sowa said that it is early in the design stage so they are not sure if that is the right number. In addition, the intention is to have enough conduit to add more stations later. Mr. Dye asked if there is concern regarding people not using the bus who would use the charging stalls. Ms. Sowa said it could be benefit to the community to have them even if users are not riding the bus; however, the management of the park and ride is not fully fleshed out.

Mr. Hickok asked if there were any concerns about parking overflow and wondered if mall tenants would complain about parking from the transit center users. Ms. Sowa said that if the lot is successful and there is more demand than spaces, there has been conversation about a joint use parking agreement with mall parking. Surrounding business also want to expand the parking so they have been looking at where the lot lines will be and accommodating desired uses of the surrounding businesses.

Mr. Arndt commented that people using the EV stalls and taking the bus to work could occupy the stall for the full day. Ms. Sowa said that this could be managed by determining the number of Level 1 versus Level 2 charging stations. Whether users would be charged for the power use is yet to be determined at this point.

Mr. Voelckers said it was his understanding that there is hesitancy about promising warm space and public-use restrooms, in reaction to the downtown transit center's issues with vagrancy and vandalism. However, it was his opinion that done correctly, a transit could be a source of community pride and a point of visibility. He said his hope is that the center will be more ambitious in terms of what it would do for public amenity. Mr. Felstead clarified that if the Commission wanted to make a recommendation along these lines, it would be appropriate to do that at the CSP stage, not the USE permit stage.

Mr. Dye had a question about the recommendation of recycling containers and wondered how they would be situated on the lot. Mr. Felstead clarified that what are proposed are waste receptacles, not pick-up stations.

Mr. Arndt said that he agreed a covered structure is a good thing. Ms. Sowa said that the intent is to have covered structures but not necessarily an enclosed building to be used as a waiting area. The intention is to have short waiting times for transfers.

Mr. Voelckers said that another population group is people from out the road coming half way into town and using the park and ride. These people may have longer wait times to catch their bus.

Public Comment

Garrett Schoenberger spoke on behalf of Alaska Legacy Partners, the new owners of the Mendenhall Business Park. He said they have been discussing the transit center with the city for quite a while and feel that this is an important piece of the puzzle on the 27-acre site. They are very particular about what should be developed on one of the few vacant parcels on the site. There has been much discussion with immediate neighbors and tenants in the park. He noted that Heritage Coffee is getting ready to build a new 2-story building to replace their modular structure. After much discussion and feedback, Legacy Partners views the transit center as an improvement with lighting, landscaping, pedestrian access, and a sense of security. It is their goal for the park to make it overall more safe and modern. Therefore, they are in full support of the project.

Mr. Voelckers asked if there would there be a provision to make the crosswalk across the mall road safer. Mr. Schoenberger indicated that there is an existing bus stop and crosswalk. They have not looked fully at what might need to be in place to make the crosswalk safe. However, it is their ultimate goal to create commerce so it will be important to make sure people can get across the road safely and patronize businesses on both sides of the road.

Ms. Crossley asked about a pedestrian right-of-way along the top of the graphic that was mentioned by the planners and wondered if Legacy Partners would look to extend to create a pedestrian artery. Mr. Schoenberger said yes, new development is contagious. The transit center would be a jump-start to new pedestrian access routes, and they would hope to link access to any new development in the area.

Mr. Levine said that the comments made by Mr. Voelckers and Mr. Arndt about the desire to have the transit center be something the community could be proud of is an issue worth noting at this stage. There may be some issues noted in the USE permit that might be worth noting at this point, but he said he was not convinced that they rise to the level of conditions that ought to be put on the recommendation for the CSP. Therefore, he said he was not sure how best to address the issue. He said that the reason staff has recommended continuing the conditions from the USE permit onto the CSP is in order to note to the Assembly that the Planning Commission has certain expectations as plans develop and permitting moves forward.

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and recommend that the Assembly approve CSP2019 0008 with the conditions noted therein and further note that the Planning Commission recommends that the Assembly take note of the four*

conditions staff has recommended for approval of the USE permit and the desire to have the transit center be designed in such a way that it accounts for growing commerce and the needs of the community.

Mr. Voelckers asked if the last sentence could be equated with the third bullet under the project review recommendation. The point about the future growth of the community would be the generalized third bullet and the four previous conditional use recommendations would inform the CSP. Mr. Levine said he would accept this as a friendly amendment, and he restated the motion:

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and recommend that the Assembly approve CSP2019 0008 with the two conditions as recommended and two changes:*

- *The phrase "it is recommended that" under Condition 2 should be stricken because it is redundant of the earlier phrase "it is further recommended that".*
- *A recommendation 3 is added that the design of the transit center take into account growing commerce and the needs of the community, and that the Planning Commission further recommends that the Assembly take note of the four conditions staff recommended in its analysis of the Conditional Use Permit as the Assembly considers the CSP.*

Discussion

Mr. Dye spoke in favor of the motion. He said that while the wording might be a little vague, he hoped that the record of this conversation would help support the recommendations regarding such issues as EV charging stations, adequate shelter for the weather, and so forth.

Mr. Levine added that Mr. Dye had captured what he intended and it was worth recognizing Mr. Schoenberger's support of the motion and the fact that the Planning Commission fully supports and expects that this development will support the needs of the community. When the Engineering Department brings the USE permit back before the Commission, there will not be a surprise regarding the topics of conversation and concern.

The motion passed with no objection.

USE2019 0014:	A Conditional Use Permit for an accessory apartment on a substandard-sized lot
Applicant:	Northern Lights Development
Location:	Glacier Bear Boulevard

Mr. Arndt disclosed that he occasionally sells construction materials to this contractor. There were no concerns with his participation in the hearing.

Ms. Crossley disclosed that Mr. Felstead is her first cousin.

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 an accessory apartment of up to 600 square feet net floor area on a substandard lot in the Montana Creek West Planned Unit Development in a D3 zoning district.

The approval is subject to the following conditions:

1. Prior to issuance of building permit, the square footage of the accessory apartment, which shall not exceed 600 square feet in net floor area, shall be written on the floor plan.
2. Prior to issuance of a building permit, the construction plans shall demonstrate the necessary compliance with the flood hazard area construction requirements in CBJ 49.70.400. A LOMA for the construction site would satisfy this condition.
3. Prior to issuance of a building permit, 1,385 square feet of vegetative cover (at a minimum) shall be provided and shown on a site plan reviewed and approved by CDD staff.

Mr. Felstead noted that this case would have been on the Consent Agenda but for a member of the public who submitted a comment stating that they felt this was too small to have a house and an accessory apartment. However, with no member of the public present who wished to testify, he asked the Commissioners if they had specific things they would like him to address from the staff report.

Mr. Voelckers asked for an abbreviated presentation with the focus of addressing the neighbor's concern.

Mr. Felstead said that the parcel is zoned D3 and is part of the Montana Creek West Subdivision. The whole Planned Unit Development (PUD) developed area of Phases 1 and 2 are laid out like a D5 subdivision in terms of dimensional standards – the typical lot sizes are more similar though a little smaller than the D5 minimum. In D3, the minimum lot size is 12,000 square feet and in D5 7,000 square feet. This lot is only 75 square feet less than what would be required in a standard D5 subdivision. This lot can meet requirements that go along with accessory apartments including connection to public sewer, parking accommodation of 3 vehicles for the home and apartment, and the building that would house both the apartment and the single-family dwelling does not exceed lot coverage requirements; it meets all the requirements for a 600 square foot accessory apartment except for lot size.

Mr. Voelckers asked if there are precedents for accessory apartments in the development. Mr. Felstead said not that he is aware of on the lots that have been developed thus far. One plat note talks about only one dwelling per lot. In the review, after staff examined the record of the Montana Creek West PUD, to determine where the note came from it was determined that the note was due to a need to control the number of dwellings so as not to exceed the allowed

density for the entire PUD site. The lot size governs density for single-family zoning. If a lot meets the minimum lot size for permissible uses then it is allowed a primary dwelling with an apartment as an accessory use. Accessory apartments do not count towards density for the PUD.

Mr. Arndt asked if the development were a normal D5 zoning area would this apartment be acceptable. No, said Mr. Felstead, because the lot is substandard in size and would need to come to the Commission for review. Mr. Arndt restated to say if it met the D5 requirements of 7,000 square feet, would an accessory apartment be allowed in D5. Mr. Felstead said yes, in D5 zoning, however this lot is actually zoned D3 due to an amount of land set aside as part of the PUD process. Mr. Arndt said that the one public comment received said the lot was too small for an accessory apartment, so if the lot were full size for a D5 zoning district, would it be allowed? Mr. Felstead said in that hypothetical situation, it would be reviewed through the building permit process and would not come before the Commission.

Ms. Crossley asked how many properties have been developed in the PUD. Mr. Felstead indicated on the map which ones had been developed. Ms. Crossley said that to clarify, this property is not in the middle of a developed neighborhood; the adjacent vacant lots could, potentially, be developed in the future with accessory apartments. Mr. Felstead said that was correct, with Commission approval.

Applicant Comments

Troy Mayer is a developer and contractor. He said that many people are looking for houses with apartments, and it is difficult to find land to suit that desire that is not already developed. People are interested in apartments for their family members of just additional income to allow them to own a larger house. He said he talked with the Bicknells who gave him permission to buy two lots in this subdivision, the lot in question and the one next door. He also built a house last year on Timberwolf in the same subdivision. He said he is trying to develop homes in this area with apartments in response to interest from the community.

Mr. Arndt asked if with the apartment would the home look similar to other homes in the area or be out of character. Mr. Mayer said that it blends in. There would be another set of stairs indicating that there is an apartment above the garage, but that would be the only thing out of character.

Questions for Staff

Mr. Dye asked to clarify if the plat note Mr. Felstead mentioned was interpreted as concerns density, how the calculation for the fire marshal is done differently. He recalled the fire marshal saying that once a single-access neighborhood reached 151 dwelling units, fire sprinklers would be required and accessory apartments were included in that density count. Ms. Maclean said that the two counts are distinct and different. For Title 49, accessory apartments do not count towards density; they are just accessory to a single-family home. However, for the number of dwelling units, the fire marshal may count those in the number of units in a subdivision.

Mr. Voelckers asked the director if the language in Title 49 for these accessory apartments speaks to PUDs as a category. Ms. Maclean said that this PUD predated the accessory apartment ordinance, which may explain why the language was different. If a PUD proposal came in for review today, she said they would address accessory apartments. In her recollection, the revisions being worked on for accessory apartments do not include language specifying types of subdivisions; it would just be another use of the property. Mr. Felstead pointed out that this is not a typical PUD. Because it has a city street and city utilities, it behaves much more like a subdivision. It went through the PUD process so it could take advantage of the fact that they had to set some land aside for non-development because it was wetlands. That set aside was a requirement of a rezone ordinance for this area. If the property had been upgraded to D5 the way the developer wanted, they would have done a very similar subdivision just more properties.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations, and approve USE2019 0014.*

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT- none

X. OTHER BUSINESS

XI. STAFF REPORTS

Ms. Maclean remind the Planning Commissioners that they should not discuss CSP2019 0005 because it is up for reconsideration. It cannot be discussed outside of the Commission level.

She reminded Commissioners that an email was sent out about a Title 49 meeting date change and asked for responses regarding the preferred date.

The Blueprint Downtown Steering Committee meets at 6 pm on Thursday, June 27.

The Ad Hoc Auke Bay Implementation Committee is meeting Thursday, June 27, at noon. The neighborhood meetings have been completed. In total there were seven, and they were well attended with between 20-50 members of the public, she said.

The Thunder Mountain rezone and Comprehensive Plan land map amendments were approved by the Assembly on June 24. The Lands Committee discussed the rezone for North Douglas that was sent to them. One other item that came up at the Lands Committee was looking at a public park parcel in a subdivision and there is interest from a neighbor in purchasing some of that property. Ms. Maclean said they are looking into the process for how that could or would happen.

At the July 9 Planning Commission meeting, the Pederson Hill subdivision and the Capital City Fire & Rescue sleep-off center will be on the agenda.

XII. COMMITTEE REPORTS

Mr. Voelckers said he was involved in the final public Auke Bay meeting, and did not hear anything different but there was tension over density and adjoining neighborhoods. There was much conversation regarding how a bonus process would work. It seemed to him that some people were frightened by the idea of what developers might be able to do, but the conversation evolved into discussion of how to have a win-win situation with things like street alignments and parking reductions. He said it seemed that things are progressing but there still is serious knitting to do. Ms. Crossley asked if any developers interested in the Auke Bay area attended the neighborhood meetings. Ms. Maclean said that there have been a few who have attended one or a couple of meetings including Mr. Howell, Mr. Harris, Ms. Schmidt, and Mr. Duran. There may have been others, she said, but she had not be in attendance at them all.

XIII. LIAISON REPORTS

Mr. Bryson gave a report. He said that the Assembly's Committee of the Whole moved the Willoughby District renaming, nuisance property, on-site consumption, and Eaglecrest projects. At the Public Works & Facilities Committee, they have been reviewing Centennial Hall update information.

The regular Assembly passed the park master plan and the budget. The mill rate will stay the same. The JVC Home Show very successful in the new location at the Nugget Mall. There was better attendance, better vendor appreciation, and they anticipate doing the event again next year at that location. The Assembly along with some members of the Planning Commission floated down the Mendenhall River and saw erosion issues and erosion mitigation projects. At the Finance Committee, they moved forward the ability to do airport bonds; the city does not sell bonds until the money is needed for the project, which he felt, was a prudent approach. The Human Resources Committee appointed a new member to the Eaglecrest Board and most of the discussion with candidates was about summer activities. The regular Assembly meeting on June 24 they approved the name change from Willoughby District to Aak'w Kwaan Village District, approved the airport bonds, the Thunder Mountain rezone, and the crisis center at Bartlett. There are two hearings on appeals coming up: Mountainside versus the Planning Commission on September 9 and the terraces at Lawson Creek scheduled for July 11.

Mr. Dye asked about on-site marijuana consumption and how that is progressing. He wondered how it relates to the marijuana committee that was formed by the Assembly and was eventually kicked to the Planning Commission. The vast majority of how marijuana business is regulated is held in Title 49. He recalled that during the public process, the possibility of onsite consumption was never discussed nor how to address the Land Use Code regarding where

these facilities could be sited. He said it will be interesting to see if the Assembly has an appetite to direct the Planning Commission or Community Development Department to restart a public process on marijuana permitting through the Land Use Code for onsite consumption. He said that next year is the first year that Conditional Use Permits initially granted for marijuana use will be subject to review and renewal due to the five-year sunset date. At the time when language was put in code, the attitude was to be conservative and loosen or tighten, as it proved appropriate. He said that now might be the time for a larger conversation in the community about what changes to Title 49 might be necessary. Mr. Bryson said the Assembly is perplexed at this topic, and it does need more discussion. He said a comment that had him thinking was what if we only had liquor stores but not bars in our community, what would that be like. The point is to keep marijuana off the streets, he said, and so those against marijuana should be in favor of on-site consumption because this takes it off the street. He said he has advocated for on-site consumption for the health and safety of the community out on the street.

Ms. Crossley said she would like to get a gauge on where onsite consumption is going. Will there be any cross contamination of on-site smoking and drinking, she asked. Mr. Bryson said no, Law has been going through the rules because now it is prohibited to smoke a cigarette inside, so how would they be able to prohibit cigarettes but not marijuana. Even with a proper HVAC system to cope with smoking, the next topic to be dealt with is smoking in a private establishment like the Elks. There needs to be more discussion and debate about all of this, he said.

Mr. Dye said that the state regulates very strictly so he is not concerned with that but is concerned from the hierarchy of the Land Use Code and where the city decides it is appropriate for retail space. There are legal spots to use marijuana currently like any hotel that allows smoking. He said he is frustrated with the argument about the bars, because there also is much alcohol consumption on the street.

Mr. Levine said he agreed with Mr. Dye that the recommendation the Planning Commission made about where to allow the sale of marijuana might be different from a recommendation about where to allow consumption. He said there might be value in a conversation at the Planning Commission level about where consumption is allowed. He said he is a veteran of the argument that Waterfront Commercial was not an appropriate location for marijuana sales because there was no legal way for cruise ship passengers to consume it there. This is something the Commission has grappled with in the past.

Mr. Bryson said he would recommend to the Assembly to put this issue back in front of the Planning Commission.

Mr. Voelckers asked about the airport expansion LEED question. Mr. Bryson said they are not attempting to do the LEED certification. Mr. Voelckers said the Commission passed approval

and recommended that the Assembly maintain the requirement for LEED certification, but the airport resisted. It was the Assembly's decision about whether to let them out of that requirement or not. Mr. Bryson said the Assembly let them out of the requirement. The airport is trying to do some of the criteria to be sustainable and taking into consideration the LEED certification requirements but do not anticipate satisfying all qualifications.

Mr. Arndt thanked Mr. Bryson for organizing the rafting trip on the Mendenhall River and said that it gave him an important perspective.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers said that he was troubled over the relationship between DOT and the highway system and the interface with the Borough and the Planning Commission, whose job it is to insure public safety at intersections. He made a request to the Director to organize a strategic conversation with DOT about risk assessment, how priorities are established, and allow the City to have some role in DOT's decision-making and planning.

Ms. Crossley said that she agreed. She was concerned that a roundabout is going in at a spot that just put in an expensive 4-way light. It was concerning to her that they did not hear an A to F rating on the Back Loop intersection when they have heard these ratings for other intersections along Mendenhall Loop Road. She would like more transparency from DOT. An idea goes a long way before the Planning Commission is asked to weigh in.

Mr. Hickok asked if the roundabouts would go before the Assembly. Mr. Bryson said he believed not.

XVI. EXECUTIVE SESSION - none

XVII. ADJOURNMENT

The meeting adjourned at 9:07 pm.