

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
May 14, 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; Nathaniel Dye, Ken Alper, Shannon Crossley, Dan Hickok, (telephonic) Andrew Campbell

Commissioners absent: Paul Voelckers, Michael LeVine, Travis Arndt

Staff present: Jill Maclean, CDD Director; Beth McKibben, CDD Senior Planner; Tim Felstead, Planner II; Amy Liu, Planner I; Robert Palmer, CBJ Attorney; Jane Mores, Assistant Municipal Attorney

Assembly members: Wade Bryson, Assembly Liaison to the Planning Commission

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

III. APPROVAL OF MINUTES

A. April 9, 2019 DRAFT Minutes – Planning Commission Regular Meeting

MOTION: *by Mr. Dye, to approve the Planning Commission April 9, 2019, Regular Meeting minutes, with any minor alterations by staff or committee member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA - None

VII. UNFINISHED BUSINESS

A. Title 53 Lease Review Process Presentation - continued (Updated Ordinance re: Planning Commission Review of CBJ Land Conveyances)

Mr. Palmer reported that the Assembly had authorized Assembly member Loren Jones to work on code amendments related to Planning Commission review of CBJ land conveyances. Upon presentation to the planning Commission on April 23, 2019, Mr. Palmer said he understands there are two primary questions:

1. What is the origin of the Planning Commission reviewing CBJ Land conveyances?
2. What type of CBJ land conveyances would the Planning Commission still review after enactment of this ordinance?

The Land Alaska case had gone all the way up to the Alaska State Supreme Court, said Mr. Palmer. At issue was whether the Planning Commission should review the Conditional Use Permit application first, or whether it was to review the lease application first.

The Court did ultimately approve the Planning Commission's decision to review the Conditional Use Application first. However, there were strong indications that there was enough opportunity to improve the process, said Mr. Palmer. This is one of the ways to improve this process, said Mr. Palmer: to separate the Planning Commission from its regulatory role and its review role.

The Planning Commission is not needed any more to review land conveyances and land acquisitions, said Mr. Palmer. The Lands Committee has taken over this role today, he said. Although those roles have changed, Title 53 still tasks the Planning Commission with reviewing CBJ land conveyances, said Mr. Palmer.

In answer to a question posed by Mr. Alper, Mr. Palmer said in Version 2 the Commission would still evaluate land sales and exchanges. It would be up to the Assembly to decide if it needed both Commission and Lands Committee reviews.

The Commission can make comments on this ordinance prior to its return to the Assembly for final review.

Mr. Campbell spoke in favor of this and said he thinks that Version 2 makes a lot of sense.

Mr. Dye said the recommendation does not specifically state this is to be in conformance with the Comprehensive Plan. Mr. Dye asked why Planning Commissioners serving on the Lands Committee cannot vote.

This would be something that could be changed, said Mr. Palmer.

The Commission agreed to forward this item to the Assembly for approval.

VIII. REGULAR AGENDA

AME2019 0004: Amend the Comprehensive Plan Map G to designate lots 8479, 8477, and 8476 Thunder Mountain Road as Medium Density Residential
Applicant: Wright Services Inc.
Location: 8479, 8477, and 8479 Thunder Mountain Road

Staff Recommendation

Staff recommends that the Planning Commission recommend that the Assembly approve the Comprehensive Plan land use map designation amendment for 8479, 8477, and 8476 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.

On Mar 26, 2019, the Planning Commission recommended that the Assembly approve AME2019 0002 to rezone 41,985 square feet and to amend Comprehensive Plan Map G to designate 8479, 8477, 8476 Thunder Mountain road as Medium Density Residential and to change those same lots from D5 to D18, said Ms. Liu.

The Assembly may revise the Comprehensive Plan to reflect changing values and needs, said Ms. Liu. These lots are currently characterized by Urban Low Density Residential and the recommendation is to accept a map change to Medium Density Residential, said Ms. Liu.

One of three criteria must be meant, said Ms., Liu:

1. The original decision was made in error
2. Changing conditions
3. The proposed change is consistent with other applicable policies in the Comprehensive Plan

For many years the land has been acting more consistent with D18 zoning such as the mobile home park that it serves, said Ms. Liu. This land is inconsistent with the designations it currently bears as Low Density Residential, she said.

Mr. Dye asked if the correct abutter notice was sent out.

Ms. Liu said that it was.

MOTION: *by Mr. Dye, to accept staff's findings, analysis and recommendations and to recommend AME2019 0004 to the Assembly to the change of lots 8479, 8477 and 8476 from Low Density to Medium Density Residential and to amend the Comprehensive Land Plan Map Designation G to reflect these changes.*

Mr. Alper reiterated the comments on this issue at the last meeting. He said he finds if there are no changes in this information that he finds no problem with this action.

(There was no public comment)

AME2018 0014: A request to rezone 28 acres from D5 to D18 near Vista Drive
Applicant: JLC Properties
Location: Near Vista Drive

Mr. Campbell said he does business with Mr. Hannah but does not feel conflicted.

No objection by Commission members or public to Mr. Campbell remaining on the panel.

Staff Recommendation

Based upon the findings and conclusions stated above, staff recommends the Planning Commission concur with the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for a rezone of the subject parcel from D-5 to D-18.

Ms. McKibben told the Commission that this land is designated Medium Density Residential and has been since 2008. If the property was rezoned to D18 it has the area to go from 140 units per acre to over 500 units per acre, but the vertical topography of the land inhibits this development somewhat, she said. The property is located above the Volunteers of America condominiums on Vista Drive, she said, on Douglas, near Lawson Creek. The entire area would be zoned D18 from its current D5 zoning, she said.

Mr. Alper asked if undevelopable areas could be developed elsewhere on the lot. Ms. McKibben said they may. She said this land is within the urban service boundary, which encourages maximum densities. The requested rezone is supported by the Housing Action Plan and would be consistent with its policies. She said the neighborhood meeting was well attended. At the meeting, the public expressed concerns about traffic from Vista Drive onto Douglas and the negative effects on the roundabout on Douglas Highway. Concerns at the meeting were also expressed about the effects the development may have on the wildlife and on the sewer capacity to serve such a large development.

The land is described as Medium Density Residential on the Comprehensive Land Use Map, said Ms. McKibben. This request was submitted in July, to meet the requirements of Title 49. The rezone must be an expansion of an existing zoning district and it is, she said. It also fulfills the requirement of being more than two acres in size. Also meeting the requirements, no similar request has been made within the previous 12 months, said Ms. McKibben.

Mr. Dye asked what the acreage was of the contiguous tail of D18 land.

Ms. McKibben said she did not know.

Ms. McKibben listed examples of activities that can take place within a D18 zoning district with a Conditional Use Permit.

Mr. Alper asked if the lot crossed the creek. Would a clustered development be able to take place on one side of the creek, he asked.

Ms. McKibben answered in the affirmative. Areas of the property that cannot be developed may be clustered on the property that can be developed, said Ms. McKibben.

Mr. Dye asked if a D18 development could take place even though a portion of the lot was zoned D5.

Ms. McKibben said she would have to look into that.

The 2016 Housing Action Plan supports this proposed rezone from D5 to D18, said Ms. McKibben.

Other impacts raised as a concern by the public include further impacts to wildlife, impacts to Vista Drive and to Douglas Highway, with the potential of extending traffic onto David Street or John Street, traffic impacts at the Douglas Highway and the Douglas Bridge, concerns about road capacity and hillside development, slope stability and drainage, and impacts to Gastineau Elementary School. There were also many concerns about considering a rezone request without a specific development plan. Ms. McKibben said when a rezone request is considered, it is evaluated with all the potential development that might occur within that zone. There is no mechanism by which the rezone can be limited to only a specific development.

They received comments from Streets and Fleets, the Department of Transportation and Public Facilities, and the Alaska Department of Fish and Game, said Ms. McKibben. City water and sewer are available and the city water capacity is sufficient for the development. The sewer line should be more than adequate for most of the potential development, said Ms. McKibben.

CBJ Streets comments noted that an extension of Vista Drive would require a turnaround unless it turned into John Street or David Street. They would prefer a second street access to provide more options for residents to reach Douglas Highway, said Ms. McKibben.

AKDOT indicated that if a Traffic Impact Analysis indicated mitigation is required, mitigation could include a turn lane, to a roundabout or a signalized intersection, said Ms. McKibben. AKDOT is required to evaluate a roundabout before signal lights or an intersection. Fire access requirements would have to be considered once there was an actual development plan, said Ms. McKibben.

ADF&G commented that the future high-density development would likely increase negative impacts with wildlife such as deer and bear and the fish in the anadromous fish stream in the area, said Ms. McKibben.

The area has significant slopes making much of it too steep to be developed, said Ms. McKibben.

The Commission can approve the rezone request, it can deny the rezone request or it could recommend a different zoning district other than the one proposed by the applicant, said Ms. McKibben. It could also modify the boundaries of the area as long as they were in accordance with the Comprehensive Plan.

Commission Comments and Questions

Mr. Alper asked what the development was near Vista Drive.

Ms. McKibben said it is the Volunteers of America development. Volunteers of America has 75 units, said Ms. McKibben. The water line was extended from Johns Street to the Volunteers of America, said Ms. McKibben.

Applicant

Mr. Hanna said this is just the first step of a very lengthy process. Projects take a lot work and they cannot announce what the project is prior to the rezone, said Mr. Hannah. Mr. Hannah said he has heard many complaints about the traffic. He said he drove to Vista Drive at 7:00 in the morning to observe the traffic. He said he did not observe a problem, with average wait times of 17 seconds. Mr. Hanna said he only observed cars waiting for more than a few seconds. Juneau needs more land, said Mr. Hanna. The utilities are there, the roads are there, and it should provide good housing for residents. His hope is to develop small homes on small lots.

Commission Comments and Questions

Mr. Dye asked Mr. Hanna if he knew how many of the acres were already zoned D18.

Mr. Hanna said he guessed that 20 acres were zoned D5.

Mr. Alper asked Mr. Hanna how long he has owned the lot.

Mr. Hanna said it has been for a few years. He said they have constructed an access road that goes all the way through John Street. It already meets the grades for the City, he said. The drainage has already been taken care of, he said.

Ms. Crossley asked if Mr. Hanna felt the neighbor's concerns were addressed adequately after the neighborhood meeting.

Mr. Hanna said he is not sure that he has a good read on that. He has talked to a few of the residents, and he feels that they better understand the process, now. He said he thinks they understand now that the applicant has to come back before the Commission with an actual permit application, before many of their questions can be addressed.

Mr. Dye asked Mr. Hanna if he knows the history of the zoning changes to the property over the years.

Mr. Hanna said he does not know the complete history.

Public Comment

Judy Cavanagh said she lives in the area. She said her biggest concern is over the drainage in the area. They do not want to see the drainage affected in the future, she said.

Mr. Campbell asked if they have noticed any problems with the water line as it was installed.

She said they experienced no problems with that.

Pat Davidson said she is a resident on John Street. She said her questions relate to capacity. She said she is still concerned about the roads, about putting 500 more units up the hill. She said she does not think the traffic issue is resolved. She added she thinks this will also create problems with the busses.

Mr. Hanna said the highway is much closer to the development that has been indicated. They have already provided emergency access for the area for fire access, said Mr. Hanna. Drainage has been much better since they built the access roads, he said.

In answer to a question, Mr. Hanna said any developer wants to develop to the highest capacity. He said he does not know what their development will look like until they actually begin the process. He said he would like to develop small, single family dwellings. The D18 zoning gives them the most options, he said.

In answer to an earlier question posed by Mr. Dye, Ms. Maclean said she thinks that the D18 would remain on the D18 portion, and the D5 would remain on the D5 portion. She said they will follow up with further information as it becomes available.

Mr. Alper asked how common it is to have one property with two zones upon it.

Ms. Maclean said there are a fair number of those types of lots.

Mr. Alper said this rezone only makes sense if it has some sort of connectivity. He said that in a rezone, there is no place to put a condition. He asked if they could put something on the record regarding this rezone.

Ms. Maclean repeated they can build how they desire once given the new zone. They would still have to go through the permitting process.

Mr. Alper asked for the zoning of the Forest Edge Condominium area.

He was told that area is zoned D18.

MOTION: *by Mr. Dye, to approve for passage to the Assembly AME2018 0014 accepting staff's findings, analysis, and recommendations.*

In support of his motion, Mr. Dye said he finds the land conforms to the MDR Comprehensive Plan designation. The public's concerns will be addressed during the permitting process in terms of access, fire requirements and other concerns.

Speaking in favor of the motion, Mr. Campbell said this fits the D18 zoning and that the concerns heard through public comments will be addressed through the permitting processing.

Chairman Haight said he appreciated the applicant already thinking and acting on the access issue, as well as supporting secondary access for the surrounding neighborhoods.

Mr. Hickok said he agreed with the comments made by the previous Commission members.

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

A. Director's Report: Zoning upgrade for twelve transitional zone lots

Ms. Crossley noted that she is the first cousin to Mr. Felstead, but that she feels she can act in a fair manner on the Commission.

Neither the public nor the Commission voiced any concern with Ms. Crossley remaining on the panel.

Mr. Felstead said CDD are requesting that the Commission consider upzoning 12 properties along Auke Lake from D1 to D3. The lots in question are currently served by sewer and water, said Mr. Felstead.

Mr. Campbell said he had questions about the sewer capacity being up to the task of serving the three additional lots.

Mr. Felstead said the sewer was a forced pressure-type of sewer each of the lots has its own pump. He did not think there should be any concern about smaller lots being up-zoned within the current system.

For the zoning upgrade, Ms. Mores said there would have to be a feasibility report performed by a City engineer.

The Commission expressed no problems moving forward with this small, transitional rezone.

Director Report

Ms. Maclean reported they will be meeting with realtors, brokers and surveyors on the code over the next few months. They will be reporting back to the Commission after those meetings have occurred.

Mr. Felstead is back and working on urban agriculture.

The last planned meeting for the Auke Bay neighborhood meeting is May 29, 2019.

They will be filling a senior planner position left vacant by Ms. Boyce.

There will be a Committee of the Whole meeting for June 11 to go over rules which have been revamped.

Nine properties along the Mendenhall River have been working with an engineer on bank stabilization work.

XII. COMMITTEE REPORTS

A public meeting was held on Downtown Blueprint at 6:00 at the fire hall on Thursday. Mr. Dye gave a presentation.

XIII. LIAISON REPORTS

Mr. Bryson reported that on April 24, the Finance Committee discussed the mill rate, which has

gone down one tenth of one percent. The Assembly finalized \$377 million of its budget. On April 29, 2019, they heard a new presentation about a new city hall, senior housing and tax abatement as well as a presentation about a sleep off center. On April 30, 2019, there was a presentation about the sleep off center and the Public Works and Facilities committee gave a presentation about the Centennial Hall remodel. The HR committee is working on board and commission recruitment strategy. There are still problems filling some of these commissions and they are working on trying to increase citizen involvement in these commissions. The number of junked vehicles has arisen dramatically. They are now disposing of 700 vehicles a year. A tentative date of June 9, 2019, has been set for a float trip down the river between 9 a.m. and 10 a.m.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Hannah said there is concern about the sewer on Fritz Cove Road for those transitional lots.

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. EXECUTIVE SESSION

XVII. ADJOURNMENT

The meeting was adjourned at 8:57 p.m.