

Agenda  
**Planning Commission**  
***Regular Meeting***  
CITY AND BOROUGH OF JUNEAU  
*Ben Haight, Chairman*  
April 23, 2019

**I. ROLL CALL**

Paul Voelckers, Vice 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, (telephonically), Ken Alper, Shannon Crossley,  
Dan Hickok, Andrew Campbell, Travis Arndt

**Commissioners absent:** Chairman Ben Haight, Nathaniel Dye

**Staff present:** Jill Maclean, CDD Director; Laurel Bruggeman, Planner I;  
Jane Mores, Assistant Municipal Attorney;  
Dan Bleidorn, Deputy Land Manager

**Assembly members:** Loren Jones,  
Wade Bryson, Assembly Liaison to the Planning Commission

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

**III. APPROVAL OF MINUTES**

**A. March 26, 2019 DRAFT Minutes – Planning Commission Regular Meeting**

**MOTION:** *by Mr. LeVine, to approve the Planning Commission March 26, 2019, regular meeting minutes with any small changes by staff or Commission member.*

***The motion passed with no objection.***

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

**V. ITEMS FOR RECONSIDERATION - None**

**VI. CONSENT AGENDA**

**USE2019 0007:** A Conditional Use Permit for an accessory apartment on an undersized lot.

**Applicant:** Jake & Bridget Lapenter

**Location:** 319 W. Eleventh Street

*Mr. LeVine said he lives around the corner from the subject lot, but that he has no financial interest in this property, and that he felt he could make an impartial decision.*

***There was no objection from Commission members or the public to Mr. LeVine remaining on the panel.***

**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 on a substandard lot in the D5 zoning district.

Mr. Alper asked if this item was before the Planning Commission because the home was on an undersized lot.

He was told by the staff that the reason this item is before the Commission is because it is on an under sized lot, and therefore a Conditional Use Permit was necessary

**USE2019 0008:** A Conditional Use Permit to allow a portion of an additional story on top of an existing below grade structure.

**Applicant:** Edward Coffland

**Location:** 5980 Thane Road

**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 and heating of a portion of an additional story on top of an existing below grade structure.

**MOTION:** *by Mr. LeVine, to accept staff's findings, analysis and recommendations, and approve USE2019 0007 and USE2019 0008.*

***The motion passed with no objection.***

**VII. UNFINISHED BUSINESS - None**

**VIII. REGULAR AGENDA - None**

**IX. BOARD OF ADJUSTMENT - None**

**X. OTHER BUSINESS**

- A. CSP2019 0003:** A review of a request to amend a lease for a wireless communications site

**Staff Recommendation**

Lands staff requests that the Planning Commission provide comments on these proposed amendments as required by 53.09.260(b).

Ms. Maclean said this item has been passed through the Commission and approved by the Assembly in the past. The applicant already has a lease. The applicant is asking for an expansion of its land by 144 square feet.

Ms. Maclean said this item is before the Commission for its comments on the proposed land increase.

***The Commission had no comments.***

**XI. STAFF REPORTS**

- A. Title 53 Lease Review Process Presentation**

Possible amendments to Title 53, the lease review process –

Mr. Jones told the Commission that he spoke with the Assembly about three months ago about the role of the Planning Commission in reviewing leases. He said often under Code a lease applicant contacts the City staff and states they want to lease property. This request generally goes to the Lands office and then is reviewed by the Lands Committee, said Mr. Jones. It then goes to the Assembly, which authorizes the City Manager to review the lease request. It then goes back to the Lands office and then to the Assembly for approval, said Mr. Jones.

Under the current code, the Planning Commission is also part of this process, said Mr. Jones. He said about a month ago he was at a Planning Commission meeting, and the Commission was given a lengthy presentation by the staff on Deckhand Dave's lease. This is an example of an item that would bypass the Planning Commission in the future, said Mr. Jones.

This proposed amendment to Title 53 basically replaces "Lands Committee" everywhere that it currently references "Planning Commission", said Mr. Jones. This would remove Planning Commission review of any and all leases, said Mr. Jones. If an item required a Conditional Use Permit, it would go before the Commission, said Mr. Jones. The purchase of land would not be affected, said Mr. Jones.

Mr. Jones said he is making this suggestion because by the time the applicant gets to the Lands

staff, Lands Committee, and Assembly, back to the staff, Lands Committee and Assembly, that there would be sufficient enough opportunity for public comment.

Mr. Jones has been working on this with the City Attorney, and was told he should bring this item up before Docks and Harbors and the Planning Commission.

He said, for example, the item the Commission dealt with earlier in the meeting for an increase in land for a cell phone tower provider, would not be coming before the Commission should the ordinance be amended.

Mr. Alper said it appears this also applies to land acquisition and disposal.

That is not the intent, said Mr. Jones. It would apply to leases only within Title 53.

Mr. Voelckers asked why easements would be in a different category than a lease.

Mr. Jones said he would address this with the attorney.

Ms. Mores said it appears that the draft ordinance would affect land acquisitions and land disposal as well.

Mr. Jones said most of the direction comes through the Lands Committee.

Mr. LeVine said if the intent is not to remove Commission review of land acquisitions and leases, that this should be placed before the attorney for revision.

In answer to a question by Me. LeVine, Mr. Jones said the purpose of this ordinance amendment is to remove an extraneous step from the process.

Mr. Jones said it bothered him that after the lease was negotiated, that the item came before the Planning Commission and that the Commission placed new conditions on a lease that had already been negotiated.

Ms. Mores clarified that Lands is not a separate department. It is under the Manager's office, she said.

Mr. Voelckers said most of the work performed by the Planning Commission is regulatory, but that there are other important functions performed by the Commission.

Mr. Hickok said he agreed with the process. Any time red tape can be cut, that is a good thing, he said. Mr. Hickok said he did not understand that the lease which had been before the Commission for review had already been negotiated.

Mr. Arndt said he likes the idea of amending the ordinance. He asked what would happen if the Assembly approved a lease and it turned out that a Conditional Use Permit was necessary.

Ms. Crossley asked why the Planning Commission has been part of this process in the past.

Ms. Mores said she does not know the history of the regulations.

Mr. Campbell said he supported the amendment streamlining the process. He said if intervention by the Planning Commission in this process is unnecessary, then it should be eliminated. He said it appears that it is also a waste of staff time.

Ms. Maclean said the lease they are speaking of was viewed by the Commission under "Other Business". It was put under "Other Business" because the Commission had already reviewed it. It states in Title 53 the Commission is supposed to comment on the item, said Ms. Maclean. She said it would still be important for the staff to review certain items, which could then be forwarded to the Lands Committee.

#### *Director's Report*

Ms. Maclean reported that the dockless vehicle moratorium was also approved at the April 22, 2019, Assembly meeting. The staff has until February, 2020, to work on that ordinance. The Blueprint Steering Committee has a public meeting April 25, at 6:00 p.m. at the downtown fire station. The Auke Bay neighborhood meeting will be meeting again in early May. A Title 49 Committee meeting has not yet been set. The staff will be meeting with staff and business people in town in early May for input on the draft ordinance. The CDD will be closed on May 14, 2019, for another training.

Mr. Voelckers asked if there was new information on the Harris appeal.

Ms. Mores said they had a prehearing conference and set deadlines. The appellants have waived oral arguments so the issue will be settled by briefs only. The goal is to have this back to the Assembly by September, (2019), said Ms. Mores.

## **XII. COMMITTEE REPORTS**

### *Auke Bay*

Ms. Crossley reported that at the recent Auke Bay meeting, it was discussed that there may be several zoning changes. They also discussed the overlay district having two different zones instead of one zone.

Ms. Maclean said there is a proposal to bring back more of a grid street system in Auke Bay to provide more water views. There was concern voiced by the residents over snow removal for

sidewalks and the road.

#### *Title 49 Committee*

Mr. Campbell said at the Title 49 meeting held on April 11, 2019, that they discussed the rezoning of the flats and overlay areas.

Mr. Arndt said he felt the second Title 49 meeting in April was a good continuation of the first meeting for the month. They discussed how the current zoning of the flats was not zoned correctly in the first place. They discussed different methods for zoning.

#### *Liaison Report*

Mr. LeVine said the Rules Committee is working on an iteration which should come before the Committee of the Whole in the near future.

### **XIII. LIAISON REPORT**

Mr. Bryson reported that the Assembly has had finance meetings for the past few weeks. They had presentations from the airport and from Docks and Harbors on April 10, 2019. On April 17, 2019, they had presentations from Travel Juneau and JDEC (Juneau Economic Development Council). They also saw presentations on water and wastewater rates. The Utility Board recommended a four percent increase which would allow \$5 five million per year for wastewater improvements. The City Manager also proposed a two percent increase to help keep the water and wastewater rates inflation proof. That provided \$4 million a year for water and sewer upgrades. They expect to replace \$75 million worth of water and wastewater infrastructure every decade. The Juneau School District and Joint Facilities Committees met on April 17, 2019. They met to discuss child care in the school district. There are currently 13 classes in the school district that are for children in grades preschool through kindergarten. It was discussed that day care for children ages newborn to three years was not appropriate for the school district. On April 19, 2019, the Childcare Special Committee met and finalized their report. Their recommendations will be sent to the Assembly. There was also a kick-off party of the Juneau Park Foundation. The foundation was raising funds for a new cabin. At the regular Assembly meeting held April 22, 2019, ordinances were passed for trail funding and airport design. The City is now responsible for maintenance of the Brotherhood Bridge parking area. The Assembly also passed an ordinance finalizing stub streets. The Director of Parks and Recreation took the Assembly to view some of the Parks and Recreation facilities. Mr. Bryson said at the end of May or the beginning of June, he will be organizing a raft trip down the Mendenhall River for Planning Commission members, so they could view the area from the water perspective.

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

### **XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None**

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

*The meeting was adjourned at 7:54 p.m.*