

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 12, 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 7:00 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Ken Alper, Shannon Crossley, Dan Hickok, Andrew Campbell, Travis Arndt

Commissioners absent:

Staff present: Jill Maclean, CDD Director, Alix Pierce, Planning Manager, Laurel Bruggeman, Planner I; Amy Liu, Planner I

Assembly members: Wade Bryson

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

III. APPROVAL OF MINUTES- None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION- None

VI. CONSENT AGENDA

CSP2018 0020: A consistency review for the installation of a traffic signal at the intersection of Stephen Richards Memorial Drive & Riverside Drive

Applicant: Kinney Engineering LLC

Location: Stephen Richards Memorial Drive and Riverside Drive Intersection

Staff Recommendation

Staff recommends that the Planning Commission adopt the above analysis and findings, and **APPROVE** the replacement of the all-way stop traffic control with a traffic signal at the intersection of Stephen Richards Memorial Drive and Riverside Drive and the installation of new curb ramps and street lighting.

USE2019 0001: A Conditional Use Permit for a temporary asphalt plant for an airport project

Applicant: SECON

Location: Maplesden Way & Yandukin Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a temporary asphalt plant at Maplesden Way and Yandukin Way for airport project.

The approval is subject to the following conditions:

1. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
2. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped or if a major spill occurs.
3. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or Alaska Department of Transportation.
4. Prior to the issuance of a building permit, the applicant shall provide the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of adjacent waters.

USE2019 0004: A Conditional Use Permit for a brewery and tasting room

Applicant: Forbidden Peak Brewery, LLC

Location: 11798 Glacier Highway

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 brewery and tasting room with office spaces.

The approval is subject to the following conditions:

1. Prior to issuance of the final Certificate of Occupancy (CO), all required parking lot striping (or wheel stops installed) shall be in a place that complies with dimensions as per 49.40, Parking and Traffic. This shall be reviewed during the building permit process.

2. Prior to the issuance of a CO, the required 4,356 square feet of live vegetative cover shall be installed or bonded for. This shall be reviewed during the building permit process.
3. In accordance with CBJ 49.40.220, the applicant shall submit a parking plan, signed and stamped by a professional architect or engineer, to be reviewed during the building permit process.

MOTION: *by Mr. LeVine, to accept staff's findings, analysis and recommendations and approve items CSP2018 0020, USE2019 0001 and USE2019 0004 on the consent agenda.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

Mr. Arndt recused himself from participating in USE2019 0002. He said he lives across the street from the applicant, and while he thought he could be fair and unbiased, he felt it would be best if he stepped down.

Mr. LeVine said he does not believe that Mr. Arndt has a conflict, but that if it made him most comfortable to recuse himself that he would support that.

USE2019 0002: A Conditional Use Permit to allow the use of a fifth wheel trailer as a dwelling

Applicant: Brent Bitterman

Location: 20012 Cohen Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a fifth wheel on an individual lot as an ordinary single-family residence.

The approval is subject to the following conditions:

1. The applicant shall receive a building permit for the placement of the fifth wheel on the subject parcel.
2. The applicant shall receive ADEC approval to construct and operate the required septic system prior to the issuance of a temporary certificate of occupancy and/or a certificate of occupancy from CDD.
3. The applicant shall connect to city water prior to the issuance of a temporary certificate of occupancy and/or a certificate of occupancy by CDD.

4. Using the subject parcel for general storage inside or outside of enclosed structures will require a separate Conditional Use Permit issued by the Planning Commission (CBJ 49.25.300, Use 10.220).

Ms. Bruggeman told the Commission that this is a request for a Conditional Use Permit (CUP) to allow a fifth wheel trailer on an individual lot zoned D1 as a residence. The area has public water and private sewer, she said. The fifth wheel trailer meets the current definition of mobile homes, and mobile homes can be kept on individual lots with a CUP, she said.

Parking and traffic are not an issue, and a Traffic Impact Analysis (TIA) is not required, said Ms. Bruggeman. Neighborhood harmony is a concern by some neighbors, but some neighbors who had submitted comments initially against the CUP have retracted those comments, said Ms. Bruggeman. There is a large garage on the property that was permitted and built in 1983, she said.

The site plan indicates that the fifth wheel would be situated adjacent to the existing garage, she said. While the applicant had discussed some interest in storing business equipment on the property, that is not being reviewed under this CUP said Ms. Bruggeman.

This proposal is in conformance with the 2013 Comprehensive Plan and with the Housing Action Plan, said Ms. Bruggeman.

The application is complete, the proposed use is in conformance with the Table of Permissible Uses, it complies with the other requirements of the chapter, it will not materially endanger the public health or safety, it will not substantially decrease the value of or be out of harmony with property in the neighboring area, it is in general conformity with the land use plan and with the Coastal Management program.

Commission Comments and Questions

Mr. Hickok asked why residents had retracted their initial negative response to the proposal.

Ms. Bruggeman said from what she understands the applicant spoke with these residents and they no longer had objections to the project.

Mr. Alper asked if there was any indication of the intent of the applicant to eventually construct a home on the property, or if this was a long-term solution.

The intent of the applicant is to eventually construct a home, said Ms. Bruggeman. While mobile homes can be used as temporary residence with a building permit, the applicant is not at the stage for a building permit, but the staff is requiring a CUP since this will be used longer than a temporary residence.

In answer to another question by Mr. Alper, Ms. Bruggeman said the applicant is in the process of purchasing this property from its current owners, and that they are fine with this proposal.

Mr. Alper asked if the storage of commercial equipment on a residential lot fits within the Table of Permissible Uses.

Ms. Bruggeman answered in the affirmative.

Mr. Hickok asked if the applicant would have to apply for a CUP every 12 months.

Ms. Bruggeman said they would not need to apply for a permit every 12 months.

Applicant

Mr. Bitterman said he would answer any questions the Commission may have.

Mr. Alper asked if Mr. Bitterman was in the process of purchasing the property.

Mr. Bitterman answered in the affirmative.

Mr. Alper asked if Mr. Bitterman planned on building a home on the property.

Mr. Bitterman said he did plan to build a home on the property in the future.

Mr. Alper asked if he would come back to the Commission for a CUP for the storage of equipment.

Mr. Bitterman said the neighbors were not in favor of equipment storage. He said he has two vehicles and two large boats stored off the property, and a backhoe stored within the garage.

Mr. Dye asked if the applicant had a timeline set for home construction.

Mr. Bitterman said he hoped to begin construction next year, but that he could not say for sure. He gave the Cohen home association a timeline of five years, he said. He said he has to apply for a building permit just to put the fifth wheel in place.

Ms. Crossley asked if the five-year time frame was for the completion of the house or the beginning of construction of the house.

Mr. Bitterman said he thought the home would be completed in five years.

Mr. Voelckers asked if the Commission had the authority to impose a time limit on the condition.

Ms. Mores said the permit does not need to be tied to the construction of a home. There is a separate provision which can be tied to the construction of a home, she said.

Mr. LeVine asked if the fifth wheel could be retained on the property after the construction of a home.

Ms. Maclean said once the home is constructed, it is part of the building permit that the fifth wheel would have to be removed before the issuance of the certificate of occupancy. It could be retained on the property if it was not used as a dwelling unit, she said.

Mr. Alper asked if the proposed septic system is typical for this area, and if this septic system would be adequate to remain in place for the home once it was constructed.

Any areas not on City sewer have to go through the Department of Environmental Conservation (DEC) for the permit, said Ms. Maclean. Once the home was built, it would once again have to meet the requirements of the DEC, she said.

Mr. Voelckers asked again if the Commission has the authority to add a timeline on the length of the permit if it felt the need.

Ms. Mores said since there is a provision that the permit could be given without a timeline that it was a grey area.

Chairman Haight asked if the proposed addition to the garage was for the fifth wheel or for some other reason.

Mr. Bitterman said the site map was used by the DEC for the septic system for the previous owners. That permit has expired. He said he is in the process of obtaining a new septic permit, and that site map will not be used.

Public Comment

Area resident Gary Miller said he was initially opposed to the installation of a fifth wheel trailer on the lot on Cohen Drive. He said after speaking with Mr. Bitterman, he no longer opposed the plan. He now supports the temporary placement of the trailer on the lot, he said. He said several residents have started out their residence on Cohen Drive by living in a trailer or garage while they constructed their homes. He said there are some subsequent red flags upon learning that the applicant does not own the lot, and that Arizona is listed as his home. Because of this information, he said it appeared to him that the construction of a residence on the lot was not going to happen in the near future. He said a five-year limit would make him satisfied. The residents do not want a trailer park built in their area, said Mr. Miller. He said this could be the start of it.

Cohen Drive resident Ricky Erickson said that he agrees with the comments of Mr. Miller. He had a trailer on his property when he built his home, but there were limitations, said Mr. Erickson. The trailer had to be off the property within a two-year period, he said. He said he would not want a trailer left on the property any longer than two years. He said he felt the applicant should have to reapply for a permit every two years.

Cohen resident Doris Kirchoffer said she has lived in the area for over 40 years, and that she feels the same as the neighbors that spoke before her. Her home is her biggest asset, and she needs it to be protected, she said. She said she does feel that property values will be affected by a permanent trailer in the neighborhood. She said she supports having a time limit on the time the trailer can remain on the property.

Applicant/Commission Comments and Questions

Mr. Alper said he was “fascinated” by the multiple letters of opposition that were then retracted. He said he would like the applicant to explain how he reassured the neighbors about his fifth wheel trailer.

Mr. Bitterman said he was clearer with the neighbors about his intent. His first letter was vague, so the neighbors were not clear about his intent, he said. He is installing a water line that will be adequate for a home, not a trailer, he said.

Mr. Hickok asked if the fifth wheel trailer was on site.

Mr. Bitterman said he stored it on the property over the winter, but that it is no longer on the property.

Mr. Voelckers asked if the sewer plan will be suitable for a home.

Mr. Bitterman said there may be two separate sewer systems because of the topography of the land.

Discussion

Mr. Campbell said he is in favor of the permit and feels the applicant has performed all of the necessary steps for the permit.

Mr. Hickok said he supports Mr. Campbell’s statement, and that he does not think the applicant needs a time limit.

MOTION: *by Mr. LeVine, that they approve USE2019 0002 and approve staff’s findings, analysis and recommendations, with one change which is to strike condition four.*

Speaking in favor of his motion, Mr. LeVine said he felt that condition four should be removed

because it seems unnecessary and duplicative of information the Commission already possesses. They already know that storage would require a separate CUP, said Mr. LeVine. Mr. LeVine said he understands that this fifth wheel residence is intended to be temporary, but that he does not think the Commission is within its rights to put a time limit on it. Mr. LeVine said he is sensitive to the feelings of the neighborhood. If they do not want to allow the permanent use of a trailer within a residential area such as this then they need to change the rules, he said.

Mr. Dye said he feels exactly as Mr. LeVine, and that he is in favor of the motion.

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

XI. STAFF REPORTS

Ms. Maclean said she will not be present at the next meeting as she has to attend training. She said the next agenda should not be too large, and should be similar in scope to this evening's meeting. There will be a Blueprint Downtown meeting scheduled for April 3, 2019.

The Comprehensive Plan update is in the budget for \$150,000 and will be moving to the Assembly, she said. Zoning for downtown Douglas will be taking place late this summer or this fall, she said. They should be reviewing nonconforming lots this spring, followed by common walls and accessory apartments and urban agriculture and nonconforming apartments, said Ms. Maclean. They should perhaps schedule a Title 49 meeting. The Rules committee meets on March 14, 2019, she said.

Ms. Maclean said she needs the Commission members to be committed to checking their Planning Commission email at least every other day. The staff also needs responses to the emails, so they know they have been read, she said.

Mr. Campbell said he has trouble getting his email to work. Other Commission members said they have gone to the MIS staff and that they had their emails set up.

XII. COMMITTEE REPORTS

Mr. Dye said that he will not be present at the Downtown Blueprint meeting. They need to work on scheduling for the Title 49 committee meeting, he said. He said he and the staff feel that day time meetings for Title 49 are the most appropriate, since it seems the best for having the staff present at the meeting during the day hours.

Mr. Campbell said he has no problem with Title 49 meetings during the day now, but that it would be a problem for him over the summer due to the busy construction season.

Ms. Maclean said that meetings at night for the staff are often difficult as it runs into overtime for some of the staff who are not on salary. The week nights fill up very quickly for the staff already, she said, so days are best if possible.

Chairman Haight said they should add one more person to the Title 49 committee so that it could continue to meet over the summer. He appointed Mr. Arndt to the Title 49 committee.

Mr. Hickok asked if there was an Auke Bay subcommittee meeting scheduled aside from the one scheduled for March 13, 2019.

Ms. Maclean said they were going to see how the neighborhood meeting went on March 13, 2019, with maybe one more neighborhood meeting prior to another subcommittee meeting. They did have about 40 people attend the Auke Bay neighborhood meeting in January, said Ms. Maclean, and it was much more supportive of the zoning work presented by the staff.

Mr. Hickok said they have a Wetlands Review Board meeting scheduled for March 18, 2019.

In answer to a question posed by Mr. Voelckers, Ms. Maclean said they plan on having a total of five neighborhood meetings for Auke Bay by June. She said they plan to stick to one major topic per meeting.

Mr. Voelckers asked if there was a completion date in mind for the ad hoc Auke Bay committee.

Ms. Maclean said it can start meeting again soon, as they garner information from the neighborhood meetings, and that it would probably be fall before it comes before the Planning Commission.

Mr. LeVine said they have finalized the order dismissing the Harris homes appeal. Mr. Harris has appealed that to the Assembly, he said.

Mr. LeVine said he thinks he can fill in for Mr. Dye at the Blueprint Downtown meeting April 3, 2019.

Ms. Crossley said she can attend that meeting.

Mr. Campbell said he attended the Public Works and Facilities meeting. He said it was an informative meeting, during which they discussed stub streets and cul-de-sacs. He said they also discussed the LEED requirement for the airport north terminal and cruise ship shore power

connection. There was also discussion about some residents on Meander Way who are trying to move forward with bank stabilization.

XIII. LIAISON REPORTS

Mr. Bryson reported that at the regular Assembly meeting on March 4, 2019, it voted to disband the Affordable Housing committee. They had a Human Resource committee meeting on March 4, said Mr. Bryson. They are working on increasing the number of applications they receive for boards and commissions, said Mr., Bryson. There are 31 boards and commissions that serve the City, said Mr. Bryson. They are getting very few applications for the smaller and lesser known boards, he said. They currently have an 11 percent vacancy rate, said Mr. Bryson. They had a special Public Works and Facilities meeting on March 11, 2019, which was a presentation for the potential new JAHC facility. One of the designs connected the new JAHC with Centennial Hall, said Mr. Bryson. On March 4, 2019, they dealt with two appeals and they have assigned hearing officers for those appeals, said Mr. Bryson.

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 8:00 p.m.