

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
February 26, 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; Nathaniel Dye, Ken Alper, Shannon Crossley, Dan Hickok, Andrew Campbell, Travis Arndt

Commissioners absent: Michael LeVine

Staff present: Jill Maclean, CDD Director; Beth McKibben, Senior Planner; Brenwynne Grigg, Administrative Officer; Marjorie Hamburger, Administrative Assistant II; Chelsea Wallace, Administrative Assistant I; Teri Camery, Senior Planner; Allison Eddins, Planner II; Laurel Bruggeman, Planner I; Jane Mores, Assistant Municipal Attorney; Dan Bleidorn, Lands Deputy Manager; Alex Pierce, Parks and Recreation Projects Manager; Dan Jager, Fire Marshall

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

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

At the request of Chairman Haight, the order of USE2017 0019 was changed with SMP2018 0002 so that USE2017 0019 proceeded it on the agenda.

III. APPROVAL OF MINUTES - None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. **ITEMS FOR RECONSIDERATION** - None

VI. **CONSENT AGENDA**

CSP2019 0001: A Consistency Review for a parking easement at Chicken Yard Park for 626 Fifth Street
Applicant: City & Borough of Juneau
Location: Chicken Yard Park, 635 Sixth Street

Staff Recommendation

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval.

MOTION: *by Mr. Voelckers, to adopt CSP2019 0001 on the Consent Agenda.*

The motion passed with no objection.

VII. **UNFINISHED BUSINESS** - None

VIII. **REGULAR AGENDA**

At the suggestion of Chairman Haight, the order of items USE2017 0019 and SMP2018 0002 was reversed.

Mr. Dye said he may have a possible conflict as he manages the Senate Building which is located down the street from this property. He said he has no financial interest in the property but there is a restaurant located within the building.

Neither the public or the Commission voiced any objection to Mr. Dye remaining on the panel for this item.

Mr. Campbell said he needs to recuse himself from consideration of this item because he has current business dealings with the applicant.

Mr. Campbell was recused from consideration of this item.

Ms. Crossley noted that her firm has been involved with this project with some renderings. She said the account has been closed.

Neither the public or the Commission voiced any objection to Ms. Crossley remaining on the panel for this item.

Mr. Hickok said his daughter has worked for the Crepe Escape for the past few years, which has an involvement with a party connected to this item.

Neither the public or the Commission voiced any objection over Mr. Hickok remaining on the panel.

Mr. Alper said his family owns the Silverbow Inn about two blocks from the subject property. They have a tenant in the building who is in the food business, said Mr. Alper. He said he felt he could fairly judge this matter.

Neither the public or the Commission voiced any objection over Mr. Alper remaining on the panel.

CSP2018 0018: A City Project to lease of Guna-ka-deit Park to Deckhand Dave's for the development of two to three food vendor spaces

Applicant: City & Borough of Juneau

Location: 139 S. Franklin Street

Staff Recommendation

Staff recommends that the Planning Commission forward the proposal to the Assembly, with a recommendation of approval, to lease the subject lot to Sustainable Seafood, LLC. The proposed lease will be for a term of one year, and all other terms and conditions will be negotiated, including renewal periods. Other permits may be required if the lease is approved.

Ms. Eddins told the Commission this lot is owned by the City. There is no City water or sewer at this location, situated on Franklin Street, across from the Hearthside Bookstore. This lot is located in the downtown historic district, so standards and guidelines for the historic district would apply, said Ms. Eddins. The City acquired this lot from the Gastineau hotel, said Ms. Eddins. It has been vacant since 2016, when the Gastineau hotel was demolished, she said.

The City would ultimately like to sell this lot along with four other lots owned by a private party, said Ms. Eddins. The Parks and Recreation Advisory Committee recommended to the Lands Committee that this lot currently remain under the ownership of the City, said Ms. Eddins.

Deckhand Dave would like to lease this lot for his summer food concession business, said Ms. Eddins. The Historic Resources Advisory Committee has met and recommends the lease of this property to Deckhand Dave, said Ms. Eddins. The Committee feels it will help bring more tourists into the core downtown area, she said. The Parks and Recreation Department has noted that the consumption of alcohol is forbidden on park property. In order for Deckhand Dave to sell alcohol, it would take Assembly action to remove the prohibition for the sale of alcohol for this park, she added.

The CBJ Engineering Department has noted that when it worked on a project in the area, that the soil was contaminated and it leached contaminants into the ground, said Ms. Eddins. If

utilities were to be installed, they would have to deal with the soil issue and work with the Department of Environmental Conservation to remedy that situation, she said.

CBJ has requested that if the business were located in this area, that the garbage would have to be monitored and that the porta potties which Deckhand Dave said he would install, be closed down at night.

Ms. Eddins said the staff has received two emails with concerns that some of the customers would be using restrooms of adjoining businesses. The porta potties should remedy that concern, said Ms. Eddins. There was also an email expressing concern that the odor of smoke and other smells would waft into neighboring businesses, said Ms. Eddins. There was also some concern expressed over the cleanliness of the site and about the appearance of the temporary structures erected there for the food business. There had also been concern expressed about City involvement and competing with other seasonal businesses, said Ms. Eddins.

The City and the Parks and Recreation Department lease land throughout town for food vendor space, said Ms. Eddins. The public would like to see more year-round businesses in the core downtown area, said Ms. Eddins. This is just a lease for one year, she noted, adding that other permits may be required.

Commission Comments and Questions

Mr. Hickok asked if there was definitely contaminated soil in this area or if there is just the possibility that there may be contaminated soil.

Ms. Eddins said the soil has been tested and that the CBJ Engineering Department hauled off tons of contaminated soil. It is listed as a contaminated site on the DEC website, she said. DEC is confident the situation can be handled, she said, but it will need to meet DEC requirements and there is no question that there is contaminated soil, she said.

Mr. Voelckers asked for clarification on what action was required from the Commission on this item this evening.

Ms. Eddins said what is proposed would not trigger the need for a Conditional Use Permit. The staff is not recommending any conditions on the proposed land lease, she said.

Mr. Dye asked if there would be any further public process regarding this proposal.

Ms. Maclean said there would be further action required at the Assembly level. If approved at the Assembly level, there may be further need for the item to come back to The Planning Commission, said Ms. Maclean. She said that is difficult to ascertain at this time. As a seasonal use, it could fall under Open Air Food Vendors in the Table of Permissible Uses (TPU), she said.

Mr. Arndt said there were concerns with exhaust and the venting, cleanliness and as an animal attractant. He said many of these businesses are currently operating on the Archipelago lot. He

asked if there have been concerns or complaints voiced over the food vendors operating on the Archipelago lot.

Ms. Eddins said she was not aware that any complaints have been received of this nature for food vendors operating on the Archipelago lot.

Mr. Voelckers said this was a difficult decision to make at this time with so many unknown variables. He said he had trouble understanding how a seasonal tent was going to be able to comply with historic district guidelines.

The archipelago property is not in the historic district, said Ms. Eddins. The historic district only extends 40 feet on the property, she said. Some of the design standards that would apply have to do with the materials that are used, she said. The signs have to have a matte finish, for example, she said. They would be required to have screening, she said, for the porta potties which would not be historic, adding that for a seasonal business the requirements would be pretty basic.

It would probably be a canvas tent, said Ms. Eddins, in answer to another question posed by Mr. Voelckers.

Mr. Dye asked if there have been complaints about any vendors in the historic district.

Ms. Eddins said there has been one complaint about the smell from a food vendor operation wafting into nearby businesses.

Mr. Alper asked if the CBJ is aware of what the fair market value for the property is so that it can obtain a fair lease rate for the property.

Mr. Bleidorn told the Commission that the lease rate will be at the fair market value as determined by a lease service.

Mr. Alper asked for an update on the status of the Gastineau Apartments located near this site. He said it would be important to him that this is just a year to year lease, so the City's options would remain open for what it did with the lot in the future.

Mr. Bleidorn said the intent is to keep the lot available so that the City's options would remain open in the future.

Ms. Crossley said if the applicant installed utilities that would be a large outlay for a one-year commitment from the City.

Mr. Bleidorn said they have been clear with the applicant as to the nature and length of time of the agreement.

Ms. Eddins clarified that installation of utilities was not required of the applicant. This was his decision, she added.

Public Testimony

Dave McCasland, Owner of Deckhand Dave's, said he has had all of the engineering done for water, sewer and electric.

Commission Comments and Questions

Mr. Voelckers asked Mr. McCasland how he envisioned the operation of his business at this site.

Mr. McCasland said it is a small space. He envisioned two or three vendors in this area. He said he is also communicating with Gastineau Apartments which may provide more space for more food trucks.

Mr. Hickok asked if there would be other sources of power other than a generator. Mr. McCasland said he usually uses propane for his cooking needs.

Mr. Alper asked who currently owns the Gastineau apartments.

Mr. McCasland said the apartments are still under existing ownership. He said they owe the City money. A new hotel may be put on that site in the future, he said.

Mr. Alper asked if the project is contingent upon obtaining a beer and wine license.

Mr. McCasland said he is counting on the waiver for the beer and wine license.

Mr. Alper asked if the waiver was granted for a beer and wine license if it could then be revoked at some time in the future should the land revert back to a park.

Mr. Dye asked Mr. McCasland if he foresaw any difficulty in adhering to historic district standards on this site.

Mr. McCasland said he has some concerns. He added he was sure they could work it out. For example, he said, having to build a structure instead of a tent would cost more money.

Mr. Voelckers asked what Mr. McCasland's plan was for after-hours security for the site.

The site will be well-lit with cameras he can monitor from his phone, said Mr. McCasland. There will be a fence surrounding the site but that would not make it totally vagrant-proof, said Mr. McCasland.

Ms. Eddins said the design standards and guidelines do not have information about temporary structures. They will need to work with the applicant in terms of compliance, she said.

Chairman Haight said he felt adhering to the historic guidelines may be more under the auspices of the Historic Committee rather than the Planning Commission.

The Planning Commission could recommend a condition tonight that any temporary structure would have to meet the design standards and guidelines for new construction.

Mr. Dye asked Mr. McCasland if he had any concerns about the odor of cooking food in the area and how that may affect neighboring businesses.

Mr. McCasland said there are restaurants in town whose cooking vents go to the outside of their buildings. He said just because the food is being prepared in a food truck it is still a vent coming out of a structure.

Ms. Mores said the owners of the Gastineau apartments are making payments on a judgment. The next payment due is \$300,000, she said. That payment is due in August. If they default on their payment then the City can foreclose on the property, she added.

Mr. Voelckers spoke against recommending the lease of the site. He said food carts are interesting and they create a vitality in a neighborhood. He said he feels this is the wrong place for a food cart. He noted that the CBJ Streets Department is not recommending this. He said requiring a seasonal operation to comply with historic district guidelines did not seem too easy to enact. It seemed antithetical to the historic district guidelines, he added. He said he was also troubled that the sale of alcohol would be necessary to make this work, and that trash handling was a concern. He said this made it difficult to make the highest and best use of the property.

Mr. Alper asked if Mr. McCasland would still have access to the Archipelago lot or if it was shut down for the summer.

Mr. McCasland said none of the food vendors can do business there this summer.

Ms. Crossley asked Mr. McCasland if he would eventually like to go back to the Archipelago lot should it again be open for food vendors.

He said he would be amenable to that, but at this point he did not know what the future holds for that property.

Ms. Crossley said she understood Mr. Voelckers' views, but that she saw this as a temporary situation.

As a temporary situation, Mr. Hickok said he would be in favor of the site being leased to Deckhand Dave.

Mr. Dye said he is not in favor of a positive recommendation to the Assembly of this project. He said he felt it was important for the long-term vitality of the town that the property remain free to help revitalize downtown Juneau. He also voiced concern about the security and appearance of the proposal.

Mr. Arndt said he shared concerns of the other Commission members, but that security at the Archipelago property has not been an issue to date, and that he did not think that moving it would increase security risks. He agreed that bringing the site into historical compliance would be difficult to achieve.

MOTION: *by Mr. Alpers, to recommend to the Assembly that it proceed with negotiations with Deckhand Dave for a year-long lease for the lot.*

Roll Call Vote:

Yeas: Alper, Arndt, Crossley, Hickok, and Haight

Nays: Dye, Voelckers

The motion passed.

USE2017 0019: Renewal of a Conditional Use Permit for an existing sand and gravel extraction operation
Applicant: West Glacier Development LLC
Location: 5580 Montana Creek Road

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow continuation of an existing sand and gravel operation. The approval is subject to the following conditions:

Hours of Operation and Permit Expiration

- 1) Hours of operation shall be 6:00 am to 7:00 pm Monday through Saturday.
- 2) All blasting operations shall be conducted during daylight hours of operation.
- 3) No blasting operations shall be conducted on Saturdays or Sundays or on official Federal or State holidays.
- 4) Hours of operation for blasting activities shall be 8:00 am to 7:00 pm Monday through Friday.
- 5) The extraction permit shall expire ten years from the date of Planning Commission approval.

Site Restoration

- 6) Seed mixes utilized for revegetation in restoration efforts shall be free from non-native, noxious weeds.
- 7) All aspects of the restoration plan submitted with USE2017 0019 shall remain a permit requirement and must be completed prior to issuance of any Temporary Certificate of Occupancy for structures on the subject lot.
- 8) The applicant shall submit and maintain a performance bond in an amount no less than \$127,275 for restoration/reclamation of the site, as required by CBJ 49.65.240. If the applicant/owner fails to complete site restoration within a period of eighteen months after the earliest of: the completion of the permitted extraction project, the closure of the gravel pit, or the expiration of the permit, the CBJ may begin enforcement action including use of the proceeds of the bond to effect site restoration. The applicant/

owner may reduce the bond amount by providing evidence that site restoration has been completed during the operation of the pit within the period of the permit.

Blasting

- 9) Explosives shall not be stored on site, except that which is immediately necessary for the next blast.
- 10) The development shall not generate sound levels which exceed 65 dBa at the property line during the day or 55 dBa at night, per CBJ§49.15.330(g) (11).
- 11) All blasting will be managed according to CBJ Standard Specifications for Civil Engineering Projects and Subdivision Improvements, December 2003, Section 12090, Blasting Controls and associated erratum. These controls assure a qualified Blast Control Specialist, according to detailed procedures and requirements, conducts blasting.
- 12) Blasting operations shall be conducted by an Alaska Department of Labor certified powder-man and all operations shall conform to MSHA, ATF, and OSHA standards, as applicable, and all other applicable standards.
- 13) All blasting operations shall be conducted during the daylight hours of operation.
- 14) Warning signs with the time and date of the blast shall be posted 24 hours prior to blasting on either side of the pit on Montana Creek Road.
- 15) 24 hour notice shall be provided to the Juneau Flight Service Station and the Police and Fire Departments.
- 16) Public Service Announcements shall be broadcast on local radio 24 hours prior to blasting.
- 17) Three air horn blasts shall be made 5 minutes prior to blasting.
- 18) No Blasting operations shall be permitted on Saturdays and Sunday or official Federal and State holidays.

Drainage

- 19) The applicant shall provide the CBJ Community Development Department and the CBJ Engineering and Public Works Department with a copy of the Annual Report by March 1 each year, two weeks after the annual report deadline of February 15. The applicant must comply with the ADEC-approved SWPPP and all ADEC reporting requirements.

Required Conditions, per CBJ§49.65.235:

- 1) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.
- 2) If the bank of any extraction area within the permit area is above the high-water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the commission may prescribe. If the extraction

operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to the water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

Ms. Camery said the applicant requests a Conditional Use Permit for the continuation of an existing sand and gravel operation at 5580 Montana Creek Road. This area has been permitted three times previously. Pit operations include sand, gravel, and rock extraction; blasting and rock crushing. Pit operations also include disposal of stumps and other organic materials from off-site development to the evacuation areas, she said.

The site is zoned D3, with D1 zoning and Rural Reserve to the north, D5 residential zoning to the south and east, and D3 zoning to the west, with Mr.Coogan's gravel pit.

The applicant estimates 50 round trips per day during peak periods, said Ms. Camery, with zero trips per day during slow months. This threshold does not require a Traffic Impact Analysis (TIA), she said.

Drainage is a major issue, and an engineer developed a revised drainage plan to address code requirements regarding impacts to the adjacent property and Skater's Cabin Road with water quality concerns, said Ms. Camery. The CBJ Engineering Department has accepted that analysis, said Ms. Camery, which addresses Forest Service concerns. There are no current water quality violations at this time from the development, said Ms. Camery. The applicant is to provide an annual report by March 1, of each year under proposed conditions. A restoration plan has been submitted, said Ms. Camery.

Ms. Camery reviewed the above conditions for the Commission.

Fish and Game noted that Dolly Varden trout and salmon have established themselves in the settling pond. Ms. Camery noted they plan on trapping the fish and establishing them elsewhere.

Commission Comments and Questions

Mr. Dye noted that condition 9, and other previous slides, are not matching the conditions as outlined in the staff report (and as listed above).

Ms. Camery took note of this comment.

The area has an established use as a gravel pit, noted Ms. Camery, dating back 50 years. Because of this history, property values are not expected to be significantly affected, she noted. CDD did not receive any comments from the CBJ Assessor's office, she said.

The Forest Service submitted comments as an adjacent property owner, said Ms. Camery. The Forest Service commented on concerns about damage to Skater's Cabin Road, water velocity

off the pit, icing on Skater's Cabin Road and water quality impacts to Mendenhall Lake, and the "rotten egg smell". The water velocity and the ice have been addressed with the revised drainage plan, and water quality has been addressed with the ADEC (Alaska Department of Environmental Conservation) permits, said Ms. Camery. She said there is no good answer for the origin of the periodic odor emanating from the pit.

Comments received from the neighborhood property owner and others at the neighborhood meeting did mention the odor from the pit, said Ms. Camery. She said the general consensus on the odor is that it is periodic and naturally occurring, said Ms. Camery.

The area is designated Urban Low Density Residential in the Comprehensive Land Plan Map, said Ms. Camery. It states that commercial development shall be of a scale consistent with a single-family development as regulated by the TPU, said Ms. Camery.

The area is noted as a gravel resource, said Ms. Camery, and is in line with land use plans in the CBJ, she said, with a Conditional Use Permit.

The staff finds that the application is complete, that it is an appropriate use according to the Table of Permissible Uses, and that as proposed it will comply with the other requirements of the chapter, said Ms. Camery. It is not found that the development will materially endanger the public health or safety, or that it would substantially decrease the value of or be out of harmony with property in the neighboring area, and that it is in general conformity with the Comprehensive Plan, the Thoroughfare Plan or other officially adopted plans, she said.

Commission Comments and Questions

Mr. Alper said at the last Commission meeting they approved a gravel pit in Lemon Creek. In that instance, he said, gravel was self-replenishing by washing down the stream each year. He said this is not the same situation, and that eventually the development would run out of gravel. He asked Ms. Camery if she had a sense of when this site would run out of material. She said the applicant could answer that question, and also the question about any future plans for the site when it can no longer be used as a gravel pit.

Mr. Voelckers asked if Ms. Camery could provide more information about the Forest Service concerns about water and drainage patterns, and on the DEC concerns. He asked what the term "self-monitored" entailed.

Ms. Camery said that CDD shared the plans with the Forest Service and the Forest Service did not believe that the first version alleviated their concerns. CDD sent the revised plan to the Forest Service and have not heard anything from the Forest Service about the revised plans, she said. Mr. Voelckers asked how long the Forest Service had to respond to the revised plans. The Forest Service received the final plan in the fall, said Ms. Camery.

Mr. Voelckers said this put the Commission in an awkward position without the knowledge of the input from an involved agency.

Ms. Camery said the CBJ Engineering Department believes that the revised drainage plan addressed the problem. She reviewed the information in the staff report, and told Mr. Voelckers that the applicant did not comply with annual inspections in the past, which is why there is the condition that the annual report be provided yearly on a certain date. It is the applicant which conducts the inspections, said Ms. Camery. The applicant presents a record of those inspections to ADEC, said Ms. Camery. She said that ADEC performs a site inspection every five years.

Ms. Maclean clarified for Mr. Voelckers the information from the staff report which is that the Forest Service is commenting as an adjacent property owner, not as an agency.

Mr. Dye said he did not notice a time listed for the length of the permit.

Ms. Camery said it should be for ten years. It is condition number five, she said.

Mr. Dye asked if the decibel level listed in the condition is the decibel level listed in code.

Ms. Camery confirmed that it was.

He asked if they should not list the relevant code rather than the decibel level.

Ms. Mores said there could be a conflict in code if the code changed in the decibel level. She added, however, that it is very helpful to have the actual numbers within the permit.

Mr. Arndt said in condition 10 that and it stipulates that the development shall not exceed certain decibel limits. He asked if this actually referred to the development, or just the blasting operation.

Ms. Camery said it is her understanding this applies to the entire development, not just the blasting.

Mr. Alper said it appeared to him that the amount required in the bond is very small compared to the value of the property.

Ms. Camery said an itemized list is included in the staff report which outlines how the numbers were reached for the bond.

Mr. Voelckers said he did not find any discussion in the staff report about how the disposition and monitoring of the organic matter delivered to the site is handled.

Ms. Camery said she felt the answer to that question would lie with ADEC.

Mr. Voelckers said it seemed to him this left the potential for uncertainty as to what types of items are placed on the site.

Applicant

Mr. Jim Sidney said he is the owner of the property in question. He said he submitted his

application 19 months ago. He said he has been working this site since 2007. He said he has been as compliant as he knew how to be regarding monitoring from ADEC. He said he did request a Sunday operation where stumps and organic material could be brought to the pit. Crushing operations would not be held on Sundays, he said. This would be helpful for home owners who worked during the week, he said.

Commission Comments and Questions

Mr. Dye asked for more information about why Mr. Sidney wanted to be open on Sundays to receive organic materials. He repeated that he wanted to be open on Sundays to receive organic materials from the public.

Mr. Voelckers asked how Mr. Sidney how he controls what is dropped off at the pit, and that it is suitable organic and not harmful material. Mr. Sidney said he monitors what is dumped there and that he matches it carefully to the loads delivered. If material is delivered which does not meet the requirements they have to come and pick it up, he said.

Mr. Voelckers asked if DEC participates in monitoring this activity.

They have a regulatory interest, said Mr. Sidney. They do not want any pollutants in the water discharge, he said.

Mr. Hickok asked if the smell was from rotting stumps. He asked Mr. Sidney if he burns the stumps periodically.

Mr. Sidney said he does not burn the stumps. He said the smell is similar to what is emitted periodically from any water body in the Juneau area.

Mr. Voelckers asked what role the development wanted to play in snow removal.

Mr. Sidney said several years ago the City asked him for a bid for snow removal storage. He said he has a purchase order from the City for snow to be delivered to his site.

Mr. Voelckers asked Mr. Sidney he felt this should be addressed in the conditions.

Mr. Sidney said he included it in his proposal. He said the snow is not a gravel operation and that this permit is for the gravel operation.

Mr. Dye asked Mr. Sidney if he could outline the operations of his business that are loud and those that do not produce much noise.

The crushing operation during the day can be loud, said Mr. Sidney.

Mr. Campbell asked if the previous permit allowed for Sunday delivery of organic material to the site.

Mr. Sidney said it did not, but that the previous permit applied to operation of the crusher, only.

Mr. Campbell asked if the conditions in this permit would prevent him from accepting Sunday delivery operations of organic material.

Mr. Sidney said he did not believe so. He just wanted to be open about his plan, he said.

Mr. Arndt asked if the existing times in the permit could be applied to the weekends excluding any crushing activity.

Mr. Sidney said he felt that would be a good plan.

Mr. Dye asked if the crushing hours were tied to the blasting hours if that would be a problem.

Mr. Sidney said that would not be a problem.

Discussion

Mr. Campbell said this facility accepting organic debris from the public is a unique situation in Juneau which is very beneficial to both public and private projects. Without this service there would be a serious problem in the community, said Mr. Campbell.

Mr. Arndt said he supported the comments of Mr. Campbell, and added that this is a valuable service to the community.

Ms. Maclean clarified that this permit is for the gravel operation only and does not include snow storage. They would need a Conditional Use Permit for that, she said.

Mr. Dye asked if they could include snow storage in permit.

Ms. Maclean said they could not as it was not advertised as part of the permit renewal.

Mr. Voelckers said if the import of organic fill would be allowed under this permit process.

Ms. Maclean said that would be included in this permit process.

MOTION: *by Mr. Dye, to accept staff's findings, analysis and evaluation and approve USE2017 0019 with the following changes to the conditions: that condition one be from 6 a.m. – 9 p.m. Monday – Friday and 9 a.m. – 7 p.m. on Saturday and Sunday, and that condition four read that "blasting activities as well as crushing, screening and power generation activities be limited to Monday – Friday, 7 a.m. – 8 pm.", and that condition ten be moved to condition six, reworded so that, "the development shall not generate sound levels on the property which exceeds CBJ 49.15.330 g11," removing the specific decibel number in case the code ever changes.*

Mr. Voelckers asked if he could add a friendly amendment for condition 19 adding a sentence stating that, "This report shall be prepared and sealed by a registered environmental engineering firm, certifying compliance with DEC requirements on effluent."

Mr. Voelckers said the current condition is rather imprecise and that the applicant self-reporting did not provide much monitoring.

Mr. Dye said he would not accept this as a friendly amendment to his motion. Mr. Dye said he did not feel the Commission should duplicate the requirements of ADEC. He said he would default to their expertise.

Mr. Voelckers said the intent was not to complicate the permit conditions but that it appears that there has been some impression about what is even required. There has been a pattern of benign noncompliance, said Mr. Voelckers. It would comply with the standards of the industry to ascertain that the effluent itself has been tested, said Mr. Voelckers.

Mr. Campbell said he can personally testify that this applicant is very rigid with their standards for accepting materials at the site, and that they have very high standards for compliance. He added that he was not in favor adding the costs of an environmental engineer to their business. The consequences of failing to follow the law are extremely severe, said Mr. Campbell.

Roll Call Vote on the Amendment:

Yeas: Crossley, Alper, Voelckers

Nays: Hickok, Campbell, Arndt, Haight, Dye

The amendment failed.

Speaking in favor of the main motion, Mr. Campbell said he felt that adding the Sunday operations to the business would be a large benefit to small operations and private development in Juneau. A lot of these activities take place on the weekends, said Mr. Campbell, when people have the time to devote to pursue their own projects.

Roll Call Vote on the Main Motion:

Yeas: Alper, Arndt, Campbell, Crossley, Haight, Hickok, Voelckers, Dye

Nays: None

The motion passed by unanimous vote.

SMP2018 0002:	A Phased Major Subdivision to include 12 single-family lots and 1 large tract
Applicant:	William C. Heumann
Location:	4506 Hillcrest Avenue

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the preliminary plat for Phase 1 of the Richland Manor Subdivision. This approval would allow the applicant to submit the final plat application. We further recommend that the approval be subject to the following conditions:

1. Prior to final plat approval, the following changes shall be made to the preliminary plat:
 - a. Complete all 22 requested plat changes listed in the MEMO dated January 31, 2019, from CBJ Engineering & Public Works.
 - b. On sheet one (1), label Laurie Lane
 - c. On sheet two (2), label the western lot line with bearing and distances described.
 - d. On sheet one (1), show all 5 lots on the south side of Coogan Drive, created Plat 2009-18.
 - e. Through the review process, Blocks A and B have gotten switched. Plat Notes 9 & 10 do not match the plat when referencing the bungalow lots and panhandle lots. Change the plat graphic to match the plat notes or vice versa.
 - f. Prior to final plat recording, remove setbacks, wetlands, drainage, and contours from plat graphic and legend.
 - g. On all pages, use a dashed font to label the original TRACT B.
 - h. Add the following Plat Note: "Further Subdivision of Tract B-1, Richland Manor 2 Subdivision shall require City & Borough of Juneau Preliminary Platting Requirements indicating adequate access for all lots created in Phase 1, Richland Manor Subdivision 2, and all future Phases."
2. The developer shall utilize Best Management Practices to treat or reduce any harmful particulates that may arise from the development.
3. The developer shall use Best Management Practices for storm water runoff to prevent sediment run-off from construction activities into neighboring waterbodies.
4. The average daily trips generated by Phase 1, Richland Manor 2 Subdivision, and all future phases will be included in the ADT's generated by any future development of Tract B1.
5. A Hillside Development Permit may be required if triggered by CBJ 49.70.210(a)(1-5).
6. Sidewalks on both sides of the street are required for Phase 1.
7. All future phases of development may require wetlands delineation.
8. For each pair of panhandle lots sharing a driveway, the applicant must provide a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners. The applicant shall also create a plat note referencing the easements.
9. The applicant shall pave, or bond for, the portion of the driveway in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater, for all panhandle lots created with this subdivision.
10. The applicant shall construct, or bond for, street lights at each intersection in this subdivision with spacing between lights not to exceed 250 feet.
11. Prior to construction plan approval, the applicant shall submit a lighting plan meeting applicable CBJ standards.
12. A driveway and parking plan that shows the feasibility of off-street parking shall be submitted and approved by the Director prior to recording the plat.
13. The applicant shall install a residential sprinkler system that meets Capital City Fire &

Rescue requirements in each dwelling unit within this subdivision.

14. The sketch plat shall be amended to show a future connection to Hooter Lane from Hillcrest Avenue.
15. The applicant must submit a drainage plan showing how drainage will flow from the subdivision to Glacier Highway; this drainage plan must be approved by the CBJ Engineering & Public Works Department. This drainage plan must be signed and stamped by an Alaskan licensed engineer in accordance with CBJ 49.35.510.
16. Prior to approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to CDD for review by the Director of Engineering & Public Works for compliance with 49.35.140.
17. Prior to final plat approval, an engineer's estimate for the installation of public utilities and improvements must be submitted to CDD and reviewed and approved by CDD and CBJ Engineering & Public Works.
18. Prior to final plat approval, the applicant must construct, and/or bond for, all required public utilities and improvements.

Ms. Bruggeman stated the applicant is seeking approval for a thirteen-lot phased subdivision with 12 single family lots and one tract for future development. The parcel is currently 30.67 acres and zoned D15 with a future comprehensive plan land use designation of medium density residential for five to 20 units per acre, said Ms. Bruggeman.

This is the purpose of the subdivision section of code, stated Ms. Bruggeman. Ms. Bruggeman stated she would highlight a few key points, establishing a process that facilitates fair and predicable division of land; encouraging efficient and cost effective provision of public services; reducing congestion; establishing procedures for subdividing land to accommodate a variety of housing types. She stated this was not in her staff report.

Ms. Bruggeman stated she wanted to go over the major subdivision process.

Ms. Bruggeman said this is a vicinity map of the parcel. To the south is the Mountainside Estates existing subdivision and to the northwest are the Tamarack Trails condominiums. She stated that we had received the most comments from these neighbors and she wanted to highlight them on the map.

Ms. Bruggeman stated the parcel is currently zoned D15. The neighboring zoning is D5, D18, General Commercial, Industrial, Rural Reserve (RR). The purpose of D5 is primarily single family and duplex at five units per acre, she said. The purpose of D15 is multifamily residential development at a density of 15 units per acre, Ms. Bruggeman said.

Ms. Bruggeman discussed the history of the subject parcel; the mountainside estates subdivision, and the tamarack trails condominiums. She stated that the Mountainside Estates subdivision and Vanderbilt Hill Subdivision had approximately 156 lots.

Ms. Bruggeman said that at this point the Planning Commission would be approving a 13 lot subdivision; creating 12 lots for single-family homes with a mixture of bungalow lots, panhandle, and standard D15 lots. The remaining large tract would be for phased, future development, she said.

Ms. Bruggeman said the sketch plat allows the department to gauge what the developer wants to do in the future so that the infrastructure that is being constructed in phase one could accommodate future phases. Ms. Bruggeman said that as the sketch plat is currently laid out, it shown 293 potential dwelling units. The entire parcel, unsubdivided, could support up to 460 dwelling units, but this does not take into account roads, wetlands, etc., said Ms. Bruggeman. Because this is a potentially phased development, we are doing a major subdivision review, stated Ms. Bruggeman. The thirteen lots could qualify for a minor subdivision review within the department, but because of phasing, a major subdivision review is required said Ms. Bruggeman.

Mr. Voelckers asked to clarify the definition of infrastructure.

Ms. Bruggeman clarified that would include utility lines, streets, sidewalks, street lights.

Ms. Maclean further clarified stating that the intent was to do an analysis for the infrastructure, so if the applicant proceeded and built out the streets for Phase One, the analysis would ensure that when CBJ adopts those roads, they would not need to go back and resize any of the utilities or infrastructure for future development. This removed the burden from CBJ she stated.

Ms. Bruggeman said she wanted to highlight the minimum lot sizes and setbacks because D15 and D5 zoning districts abut each other. Ms. Bruggeman clarified that when two subdivisions abut each other, the one with the largest setback would apply.

Ms. Bruggeman said that access to the parcel would be through Hillcrest Avenue, Mountainside Drive, and Robbie Road, which all feed through Craig Street. She stated that Hooter Lane currently contains the driveway for the Tamarack Trails Condominiums, which was allowed with an allowable-use permit in the 1990's. When Craig street was designed and constructed in the 1980's, it was a requirement that it be constructed to the level of a collector, she said. . At this phase, the 12 dwellings currently proposed do not trigger the need for a secondary access, said Ms. Bruggeman. Residential fire sprinklers are required for each unit, Ms. Bruggeman said.

A Traffic Impact Analysis for the 12 homes at about 114 average daily trips does not trigger the need for a Traffic Impact Analysis, said Ms. Bruggeman. More homes in the future could trigger

a Traffic Impact Analysis, said Ms. Bruggeman. Ms. Bruggeman stated that all phases of will count towards the average daily trips for the entire development.

The developer has asked for a right-of-way reduction in width from 60 feet to 50 feet, said Ms. Bruggeman. Staff finds that all of the required conditions can be reasonably met, so we are recommending approval of the reduced right-of-way width, Ms. Bruggeman said. The Engineering Department has determined that this would be adequate for the infrastructure for future phases, said Ms. Bruggeman.

The staff has recommended sidewalks on both sides of the street, so that they would not have to be upgraded when future development occurred, said Ms. Bruggeman. Streetlights would be required at all intersections, with a maximum of 250 feet between lights, Ms. Bruggeman said.

Ms. Bruggeman said that CBJ Engineering & Public Works has reviewed the Drainage for the parcel and does not find it adequate.. An engineered drainage plan is not required for the preliminary plat, she said. An engineered drainage plan would be required once the preliminary plat is approved.

This parcel was not included in the Wetlands Management Plan, said Ms. Bruggeman. The developer discovered there were wetlands on the parcel, so they got a wetlands Delineation, she said. The developer has stated they want to fill and build on as much of the uplands as possible, she explained that this was one reason for the request in right-of-way width reduction. This proposal was before the Wetlands Review Board when it met last week, said Ms. Bruggeman. They moved for approval with the condition that the applicant use control measures or stormwater best management practices to cause run-off from the development to infiltrate the ground on-site.

Ms. Bruggeman stated that the parcel contained many slopes. She said that at this time, the applicant has not triggered a hillside development permit, but once they begin disturbing the slopes, it may be required.

The staff has had two pre-application conferences with the developer, said Ms. Bruggeman. Ms. Bruggeman stated that she and Ms. Boyce attended a neighborhood meeting with the Mountainside Estates Neighborhood Association in November of 2018 to primarily discuss the major subdivision process. A meeting was CBJ hosted meeting conducted with the Mountainside neighborhood last month in which over 70 people attended. Two public notice signs were posted, one in the Hooter Lane right-of-way, and one on-site at the end of Hillcrest Avenue, she said. The CDD has received 59 public comments, citing concerns about high density development, secondary access, loss of water pressure, neighborhood harmony and property values being disrupted and drainage issues, said Ms. Bruggeman.

Ms. Bruggeman stated that many neighbors referenced a Notice of Decision for SUB1996-18. She said that it was a preliminary plat approval for a five lot subdivision and a lot line adjustment. Ms. Bruggeman said that it was no longer valid, but it was referenced in the comments because it placed conditions on a subdivision of the parcel. She said that because it has expired and the subdivision was never recorded, those conditions are no longer valid. Ms. Bruggeman said that the subdivision code in 1997 is very different than what we have today. She said that in 2015 there was a major update, so we do review subdivision differently. A major difference is that major subdivisions used to follow the conditional use permit process, but now they follow a two-step process, Ms. Bruggeman said.

This development is consistent with the Comprehensive Plan, and the future land use for the area of Medium Density Residential for five to 20 units per acre, said Ms. Bruggeman. Ms. Bruggeman stated that there was a future potential road alignment also identified in the Comprehensive Plan. It is not a unique situation to have zones D5 and D15 meet each other, she said. This development would be consistent with the Housing Action Plan, Juneau Economic Development Plan, and the Juneau Non-Motorized Transportation Plan, as long as sidewalks were provided within the development, she said. Ms. Bruggeman said that the Lemon Creek Area Plan is not applicable to the review for this parcel because it was specifically left out of the plan boundary.

Ms. Maclean said that extensive outreach was done, but that this area is not considered part of the Lemon Creek area. Mountainside Estates does not consider itself part of the Lemon Creek area, she added.

In the findings (A) 1 on page 17 an engineering memo is incorrectly mentioned that there are 30 plat changes and the memo date was incorrectly referenced. That number should be 22 plat changes listed in the memo dated January 31, 2019, said Ms. Bruggeman. Number 1 (a) on page 19 repeats the same error, she said.

Ms. Bruggeman Stated that staff found, with conditions, the preliminary plat can comply with 49.15.411, preliminary platting requirements. Staff finds that applicable subdivision standards for development can be reasonably met within condition, she said. Ms. Bruggeman said that staff also finds the subdivision will provide building sites suitable for the zoning district. Ms. Bruggeman said that the streets are continuation of existing streets, so naming is not applicable. She said that the Director of Engineering & Public Works has reviewed the application and believes that the subdivision can be constructed to meet standards with conditions.

Ms. Bruggeman stated there were 18 conditions that were recommended.

Commission Comments and Questions

Mr. Campbell asked why this subdivision request did not go through the Subdivision Review Committee.

Ms. Maclean explained that minor subdivisions of 13 lots or less do not require Commission review. More than 13 lots would be required to go before the Planning Commission, she said. This item is before the Commission because it will eventually have more than 13 lots, since it is a phased (major) subdivision, said Ms. Maclean. There were no disagreements to be discussed at a committee level, she said, which is why it did not go through the Subdivision Review Committee.

Mr. Voelckers asked about the extent of the water drainage issues.

Ms. Bruggeman said that the Engineering Department recommended that the applicant either obtain an easement or that they submit a revised plan. She said the Engineering Department felt they could also use area along Hooter Lane for a drainage easement.

Ms. Maclean added that this is a two-step process, and once it is approved, then the applicant can go ahead and has to meet more stringent construction standards for the next step.

Mr. Campbell asked if there were specific suggestions coming from the Wetlands Review Board regarding drainage. He asked if the recommended where on the site the infiltration would occur.

Ms. Bruggeman said they do not yet have the minutes from that meeting, but that she does recall the Wetlands Review Board did not want to see the drainage coming down through a ditch and emptying into the wetlands. She said the only thing she specifically remembered was that it should infiltrate the ground on the site.

Mr. Dye asked if the condition mandating sidewalks on both sides of the street would apply to all future phases of the subdivision as well.

That is for this phase, but could be for future phases as well, said Ms. Bruggeman.

Mr. Dye asked if sidewalks were being required on both sides of the Hillcrest extension because of the cumulative effects of the future potential phasing. He asked if Hillcrest currently has sidewalks.

Ms. Bruggeman said that Craig Street has sidewalks on one side, Hillcrest Avenue has no sidewalks, and Mountainside drive has sidewalks on one side.

Mr. Voelckers asked why the reduced 50-foot right-of-way was allowed instead of 60 feet. He asked if any of the adjoining streets allow on-street parking.

Ms. Bruggeman said the streets in Mountainside Estates do have 60-foot rights-of-way. She said she was not sure if on-street parking was allowed.

Ms. Maclean said the size of the right-of-way does is not what you see paved. She said that with a 50 foot right of way, it would not appear any different in the pavement..

Mr. Arndt asked where the school buses picked up the children; up the hill or on the main street below.

Ms. Bruggeman said she was not sure.

Ms. Crossley clarified that the Commission is just reviewing the request for the 12 single family lots and one large tract this evening, not the entire phased subdivision.

Ms. Bruggeman said this is correct, but that staff does recommend they do show a connection to Hooter Lane as it will potentially be needed in the future for when more dwellings are constructed.

Mr. Voelckers asked for clarification on what the Commission is to review regarding the immediate subdivision request, and how they are to view the future dwellings in the future phases.

Ms. Maclean said one thing that would apply to the entire tract is its compliance with the Comprehensive Plan, and any other relevant plans. Future phases would also have to comply with the zoning and any adopted plans, she added. The purpose of the sketch plat is to assure the City that future development can take place responsibly and that it meets the code, she said. At this point for the 12 lots proposed, the existing access is adequate, said Ms. Maclean. The applicant is not required to present engineer reports or construction drawings for the future phases at this point, she said. Ms. Maclean said that the intent is that Phase One, and its infrastructure, is sized appropriately, so that if CBJ were to adopt these roads before future phases are developed, we wouldn't have the burden to go back and resize that infrastructure.

Ms. Mores commented that there is sort of disfavor for phasing and for the approval of phased developments. There must be some level of assurance provided by the developer that future phases will be in compliance, said Ms. Mores.

Mr. Voelckers said future roads projected for the new subdivision seem to transverse very steep gradients.

Ms. Maclean said the idea is not necessarily that this would be the exact road layout in the future. It is more to give an idea of the density and of the roads necessary to support that density.

Mr. Voelckers said that the sketch plat shows an extension of Robbie road that runs straight to the far end of the property. He said there was no cul-de-sac or extension and asked if this would work for looped emergency access.

Ms. Maclean clarified that the extension of Robbie came from the Comprehensive Plan.

Ms. Bruggeman said that the concerns of fire turn around at the end of Robbie could be alleviated with a hammer-head turn around or a temporary cul-de-sac. She said that it would depend on the street construction at that phase.

Mr. Alper clarified with CBJ Fire Marshall Dan Jager that 100 or more lots would necessitate either sprinkling or a secondary egress. A secondary egress with 200 or more dwellings would be mandatory, said Mr. Alper.

Mr. Jager confirmed.

If there was a secondary egress, Mr. Alper asked if the 12 units proposed would still need to be sprinkled.

Mr. Jager said with a secondary egress the homes would not need to be sprinkled.

Mr. Voelckers asked at what point Mr. Jager would reach the decision that a secondary egress was necessary for the development.

Mr. Jager said that they follow Appendix D of the Fire Code. Mr. Jager said that 30 is the maximum number of single-family homes that can be provided before secondary access is required. If every single home is sprinkled, that requirement does not have to be met, he said. A secondary access or sprinklers for every home are also required after the 100-home mark, he said. Beyond 200 homes, a secondary access is required whether homes are sprinkled or not, said Mr. Jager. He said that this subdivision has a different name and plat, but since this development is using Mountainside Estates as its access, they are looking at the total of both subdivisions, he said. He said it was his guess that after the 100th home was built in Mountainside Estates, that a secondary access should have been constructed. Therefore, even though they are just adding 12 homes, they must meet the current code requirement, said Mr. Jager. The applicant has been aware of this throughout the process, said Mr. Jager. He said that if this gets to 201 homes, regardless of if everything is sprinkled or not, a second access would be required.

Ms. Crossley said she grew up in Mountainside Estates, and wanted to know how many fires there have been in that neighborhood.

Mr. Jager said he can recall three house fire calls in the 14 years he has resided in Juneau. They also have to consider medical calls, he said, and they have had a number of medical calls to Mountainside Estates.

Mr. Voelckers asked Mr. Jager for his comments on the gradient of the site. He asked Mr. Jager if he was comfortable that a comfortable loop access could be provided with that gradient.

The maximum gradient allowed is ten percent, said Mr. Jager, with the exception that the fire chief can authorize a steeper grade. They in the past have authorized gradients up to 14 percent, he said, which is a steep grade for SUV's. They cannot at this time answer what decision would be made with the next phase of the subdivision, not having any of the facts about that at this time, said Mr. Jager.

Mr. Dye said there could potentially be 293 dwelling units in this subdivision. Secondary access is triggered regardless at 200, he said. There is currently no future secondary access route for the next phases of the subdivision, he said.

Ms. Bruggeman said it was her recommendation that they show connection to a secondary access on the sketch plat.

Mr. Dye said it is his understanding that the loop indicated does not actually qualify as secondary access.

Ms. Bruggeman said the loop would feed down to Craig Street.

Mr. Dye said the issue is that the loop would not actually qualify as a secondary access since Craig Street is the single access for the entire development.

Mr. Jager clarified that the secondary access has to be separate from the first access. Making a loop back onto Craig Street does not qualify, he added.

Mr. Dye asked the staff about the feasibility of the sketch plat meeting the test of a secondary access.

Ms. Maclean said she felt it did, since Hooter Lane is a CBJ platted right-of-way. The development would also have frontage on Hooter Lane, she said.

This is not the final sketch plat, said Ms. Bruggeman. The applicant would have to submit a new sketch plat showing Hooter Lane connecting to that loop, she explained.

Ms. Crossley asked what would trigger a third access.

Mr. Jager said according to the fire code there is no third access requirement.

Ms. Maclean said the fire code triggers a secondary access, and so does Title 49, which is triggered by the average daily trips. That would probably trigger the need for a secondary access before the fire code, she added.

Applicant

Applicant Bill Heumann told the Commission that he has built about 55 homes in Mountainside Estates over the years. He said subsequently he is very familiar with the neighborhood. They purchased the property last summer, and were aware of the concerns of the neighborhood, he said. They had a neighborhood meeting prior to the formal CBJ neighborhood meeting, he said. They continue to meet and talk with neighbors, said Mr. Heumann. They initially had a proposal with a drive coming up through Hooter Lane to the property. Due to a change in code a few years ago he was not aware of, they had to redesign their access to the property, he said.

Mr. Heumann said to the best of his knowledge, they comply with every element in Title 49. He said they are constructing bungalow homes because they are 1,000 square feet, he said. He said that he built many zero-lot-line homes in mountainside estates that measure 1000 square feet, so bungalows are similar to these types of homes. People would rather live in a bungalow rather than zero lot line housing, he said. They are trying to provide a variety of different housing within the zone which is allowed, he said. He said the impacts will take place over time, and will not be instantaneous.

Mr. Heumann said they feel comfortable they can complete the loop with the grades that exist in Mountainside. Hooter access will be needed some time in the future, said Mr. Heumann. If they are unable to build it in the future they will come to a screeching halt, he said. They are also dealing with uncertain economic times, said Mr. Heumann.

The sewer line is currently their main dilemma, said Mr. Heumann. They will have to build a pioneer road to put the sewer lines in, said Mr. Heumann. That is a big step towards the development of Hooter Lane, he said. They believe they can build a road up Hooter Lane with a 12 percent grade. They have had many discussions with City officials about Hooter Lane, said Mr. Heumann.

Mr. Heumann stated that there has been a lot of discussion about construction traffic. He said they estimate that to construct Hooter lane, 300 truckloads in and out to complete the project would equal about one truck an hour, eight hours a day for five or six weeks. He said that is not a significant amount of impact.

Michael Heumann discussed the drainage issues. He said they are having discussions with hydrologists and looking for solutions to drain the run-off on-site. He said ultimately they will need to drain down Hooter lane. He said for this phase they will have a lot of options.

Michael Heumann discussed property values in the existing Mountainside Estates neighborhood. He said he thought that because their subdivision would be new construction, they could be a nicer and more expensive neighborhood than the existing mountainside estates.

Mr. Voelckers asked if they were planning on constructing 12 units as stipulated or 14 units as displayed in the plans.

Mr. Heumann said they made an error. They will ultimately construct 14 units as the road continues, he said.

Mr. Voelckers asked if there was any portion reserved for greenspace in future phases, specifically where the drainage easement is shown on the plat.

Michael Heumann said that the drainage easement was meant to preserve an existing drainage channel, not for greenspace.

Mr. Dye asked if out of the 18 conditions recommended by staff if they had concerns with any of the conditions.

Michael Heumann said the only small concern he had was that agencies wanted to see open, permeable surfaces for water drainage.

Mr. Heumann said that he had no concerns. He said the only thing they were asking for was the reduced right-of-way-width.

Michael Heumann added that with or without the reduction in right-of-way width, the development will have all the same utilities, sidewalks, etc.

Public Comment

Resident Kay Gray told the Commission that she has already had damage to her property from the Mountainside Estates development. She said she has had to spend tens of thousands of dollars to correct the drainage as well as other measures to protect her property.

Ms. Crossley asked Ms. Gray for the age of her home.

Ms. Gray said she has lived in her home since 1968. She said she lives at the base of Mountainside Estates.

Resident Dawn Wolfe said the neighborhood is not opposed to the proposed development. They would prefer that subdivision is separate from Mountainside Estates, without use of their roads for access. One of their roads could be used for emergency access, only, with a gate across the road, she said. They also like the idea of a green belt or a buffer zone between the subdivisions, she said.

Ms. Crossley asked why Ms. Wolfe felt the proposed development is not harmonious with the Mountainside Estates neighborhood.

Ms. Wolfe said in Mountainside Estates they have larger lots and bigger homes. Their neighborhood would then feed into a neighborhood with smaller homes and smaller lots, she said. The proposed development would not have the same feel or character of Mountainside Estates, she said.

Ms. Crossley said smaller homes and smaller lots are what a person her age desires.

This could easily be a separate neighborhood, said Ms. Wolfe.

Traffic is also a concern of the Mountainside neighborhood, said Ms. Wolfe. There is only one street going into the neighborhood, she added.

A number of the smaller zero lot line homes already exist within Mountainside Estates, said Ms. Crossley.

It is the volume of people and traffic in the neighborhood, said Ms. Wolfe. The children have to walk down the hill to the bus stop, she said. They are also concerned about crime with the added residences, she said.

The Commission approved a motion to extend the meeting until 11:30.

Mr. Hickok asked the staff if there are any remaining empty lots in Mountainside Estates.

Ms. Bruggeman said she believes there is one empty lot in the neighborhood which is a park lot.

Resident Nathan Coffee said the proposed development should be developed as a cohesive whole for the entire neighborhood. He said the applicant has vague information about future phases of the development. The applicant has no other viable plan other than access through the site through the Mountainside neighborhood, he said. He also expressed concern about the

incomplete storm drainage system. No mitigation strategy has been proposed for the wetlands on the site, he said.

Landry Dillingham told the Commission that he was concerned over additional traffic in the neighborhood. He said children play on the streets and that extra traffic would be unsafe. He said he worried about the road being corroded with the extra traffic. He said there is only one entrance and one exit to the site.

Robert Trousil told the Commission that the owners of the property have every right to develop it. He said the proposed development needs a separate access. He said no construction should be allowed on the Mountainside Estates road system. Also, he said an appropriate greenbelt or buffer should be established between the two subdivisions.

Resident Michelle Elfers told the Commission that she felt the preliminary plat was not ready for approval because the proposal does not meet adopted codes. She said she felt the proposed development is incompatible with uses for the area. According to code there should be buffers between differing land uses or zoning districts, said Ms. Elfers. This is often accomplished by separating roads, she said. Bungalow housing does not have design standards, she said.

Sheila Box said the road in Mountainside Estates cannot support additional traffic from a new development. All of the children in Mountainside Estates have to walk down the hill to catch the bus, as the roads are too steep for the busses, she said. She said the roads in Mountainside Estates are already substandard, and that additional burden should not be placed upon them.

Julie Staley told the Commission that she has lived in the neighborhood for 27 years. She said she is not opposed to the development as long as it respects the harmony of the Mountainside neighborhood. She said she is concerned about property values due to the increased traffic moving through the D5 neighborhood to a D15 neighborhood.

Dane Lenaker said that he is the same age as Ms. Crossley. He said they moved into the neighborhood recently, and that they chose the area because of the low street noise and traffic. He said they were dismayed to hear about the proposed development because of the increased traffic and noise, and potential danger to their child. He requested that an alternative access be used by the developer.

Mr. Dye asked Mr. Lenaker if he had an issue with just 47 more units being constructed in the proposed development and using existing access.

Mr. Lenaker said he had concern with the development being approved without considering the maximum 293 units.

Mr. Dye said they have already learned that 293 units cannot be built without a secondary access. He said he was asking about an additional 47 units.

Ms. Crossley asked if Mr. Lenaker was aware when he bought his home that the roads could be extended.

Mr. Lenaker said he was aware that development had been attempted in the past and was shot down.

Thane Road resident Bill Corbus told the Commission that he supports the proposed development. He said housing is a big problem in the community, and one of the problems is a lack of land to build homes on. He said he felt this development would help address this problem. He said he admired that the developer had the courage to proceed with construction during these trying financial times.

Resident Steve Iha told the Commission that he would address the water issue. Mountainside Estates has already had a water issue, he said. Before pumps were installed, they had very poor water pressure. It is still not good, he said. The pumps are designed to maintain pressure at the bottom, but that it drops significantly further up the hill. He said 12 units would not significantly affect the water pressure, but that more units than that could seriously affect their water.

Mr. Hickok asked if perhaps it was old pipes that affected the water pressure.

Mr. Iha said that the problem was not with old pipes.

Mr. Rutecki told the Commission that he would like to see the character of the neighborhood retained as it is. He said he thinks people are aware that they were not buying a home on a cul-de-sac but that is the nature of the whole neighborhood. The Planning Commission in 1997 did agree to keep the character of the neighborhood, he said. Title 95 (49) has changed things, he said, incentivizing developers and making it easier for them to build. Mr. Rutecki said he suggested a compromise which was to build the proposed units and make them a cul-de-sac with a separate entrance to the D15 zone.

The Commission approved extending its ending time to midnight.

Brian Duncan told the Commission that he is the president of the Tamarack Trails Condominium Association. The condominiums consist of 32 units, he said. If Hooter Lane is developed, they would be the most impacted residents, he said. It would decrease their property values, and noise levels would increase, he said. The character of that neighborhood would change forever, he said.

Matt Pegues told the Commission that this project has been going at a very fast speed. They heard about this project in November, he said. At the January meeting held by CDD, the plans had changed to almost 300 units, with a mixture of single family and multifamily dwellings. They were given four calendar days to submit their response in writing, he said. The residents had six days to respond to plans submitted by the developer near the end of February, he said.

Don Ingledue said that he lives on Glacier Highway, adjacent to Hooter Lane. He said he wanted to clarify that Hooter Lane is not 60 feet wide as shown on the plat. In 1986 the Commission granted a variance to a building that was set into the right-of-way by ten feet, he said. He said it is a very steep grade that is going to cause problems.

Mr. Alper asked if he had to give up property for the construction of that street.

Mr. Ingledue said Hooter Lane was created between a former developer and Mr. Ingledue's father.

Marty Phelan told the Commission his neighbors have expressed most of his concerns already. He said the amount of traffic fed through the Mountainside Estates roads will negatively affect the neighborhood. They would go from quiet streets to major thoroughfares, he said.

Greg Roth said that he has concerns about the density of the traffic and the possible increase in crime resulting from being connected to a large subdivision. This is supposed to be a major subdivision. To come in as a minor subdivision does not make sense to him, he said. His concern is that the development will be moved incrementally along over the years until Mountainside Estates is not what it used to be.

Ms. Crossley asked if there has not been construction going on over the years.

Mr. Roth said that yes, construction for a D5 zone has been taking place. The proposed development will eventually triple the size of Mountainside, he said. In answer to another question by Ms. Crossley, he said that water and traffic are also concerns.

Ms. Maclean said she wanted to clarify for the public that this is a major subdivision, going through the major subdivision process. The findings by the director and staff are exactly the same for a minor subdivision as for a major subdivision, she added, except that a major subdivision goes before the Commission.

Wayne Coogan said he is on the Affordable Housing Commission but is speaking on his own behalf. He said if a person travels to a big city such as Detroit, they would see things that are taking place in Juneau now; empty box stores and offices. These are the precursors to dramatic drops in the values of residential property, he said. Over the past years the City has spent a lot of money in an attempt to spur housing development, said Mr. Coogan. According to the

Housing Action Plan, The City needs several thousand housing units built, said Mr. Coogan. He said the City is investing \$5 million in the development of Pederson Hill subdivision.

Mary Hakala said they built their own home 22 years ago, and that it was one of the last homes in the area to be built. The existing level of traffic is dangerous. The hill is very steep, she said. One winter day she was sliding in her vehicle at the bottom of the hill, and the only thing between her and the school children waiting for a bus was eight inches of snow.

Bob Janes said he and his neighbors are left with homes and a way of life with an uncertain future, due to this proposed development. Approving this small subdivision is opening the door to a major subdivision, he said. He asked the Commission to make its decision based upon all of the facts.

Applicant

Mr. Heumann said the property has been zoned D15 for many years. He said that there have been no efforts to get the zoning changed. The traffic study in their packets indicates the existing roads can handle 400 more dwellings in the area, said Mr. Heumann. The City Assessor indicated to him that none of her data indicates that property values would fall due to the proposed development. The law does not allow for separate roads, said Mr. Heumann. The last thing they want to do is come in and “trash” a neighborhood, said Mr. Heumann.

Commission Comments and Questions

Mr. Campbell asked about the number of daily trips which could trigger the need for a second access.

The Commission approved continuing the meeting until 12:10 a.m.

Ms. Maclean said that Title 49 determines if the average daily trips are less than 250 per day, a Traffic Impact Analysis is not required. Average daily trips between 250 – 500 trips per day are at the Director’s discretion, as far as if another Traffic Impact Analysis is required. Beyond 500 average daily trips, a Traffic Impact analysis is required, she said.

Mr. Campbell asked if there is a threshold which requires a second access.

Ms. Bruggeman said in Title 49 there is not a specific code section which states that a second access is required. A development cannot impact a street past a level of service, she said. Ms. Bruggeman said that if a traffic impact analysis was performed and mitigation was required, a secondary access could be an option.

Mr. Campbell clarified that there is no average daily trips count that triggers a secondary access.

Ms. Maclean said that was correct. She said that she anticipates that a traffic impact analysis would be required with the next phase and that it would show that a second access would be needed.

Mr. Campbell said with 157 units already in the mountainside estates subdivision, with 9.52 average daily trips per dwelling, if they were not already well beyond the daily trips which would trigger a traffic impact analysis He asked if those houses counted towards the average daily trip requirement for a traffic impact analysis.

Ms. Bruggeman said they are only looking at the new lots created.

Mr. Campbell asked why the existing dwellings were not included in the traffic analysis. He said the fire department took those dwellings into consideration.

Ms. Bruggeman said it was her original understanding the existing homes in Mountainside Estates would not be included in the fire count.

Mr. Jager said if this was a subdivision considered on its own, it would be reviewed differently. However, he said, they have to take into account that this access goes through an existing subdivision. He said yes, they are looking at what exists for the fire code.

Mr. Dye asked if a dwelling unit with an accessory apartment would be considered as one or two dwelling units.

Mr. Jager said that would be considered as two dwelling units.

Mr. Dye asked if someone in mountainside estates wanted to add an accessory apartment, and because they are over the 100 unit threshold, would they have to fire sprinkle that apartment?

Mr. Jager said for consistency, yes, however, if it is a single family home with an accessory apartment, it does not fall under my authority for regulation and enforcement. He said his authority extends to subdivisions such as the one before them or dwellings that are a triplex or bigger. He said that everything over 100 units in mountainside estates should have sprinklers or a second access under today's standards.

Mr. Dye clarified that even every dwelling unit over 100 would require a sprinkler by fire code, but that fire code precludes Mr. Jager from enforcing it.

Mr. Jager said they cannot retroactively require any further rules over the homes already built, said Mr. Jager. He said that he has no authority over the residential building code or the building code itself, unless it is a triplex or larger, or a subdivision.

Mr. Campbell asked if he was correct in understanding that the proposed subdivision would reach the ADT threshold before it crossed the threshold of dwelling units.

Ms. Maclean said that is what she said, and that she thinks she misunderstood Mr. Jager's comments that Mountainside was included in his counts.

Mr. Campbell said that his feeling based upon the testimony and staff reports is that the fire department took the correct approach on this issue. To consider this issue without its impact on the adjoining neighborhood is the wrong way to go. He said he strongly supports development, and that he realizes there is a housing crisis, but that he does not support development at any cost. Mr. Campbell said he is leaning towards the requirement that an additional access be constructed to alleviate the serious traffic impact on the neighborhood.

Ms. Crossley said there is far more density up Mountainside than where this development is being proposed. The increase in traffic would only be experienced on Craig Street and Hillcrest, she said. She said it is like Hillcrest saying they do not want the traffic they have been experiencing for the past 20 years. That is only considering the 12 units currently proposed, she said. Ms. Crossley said she does not feel the roads are adequate for the existing homes on Mountainside.

Mr. Voelckers said he did not feel ready to do this item appropriate justice at this hour. He said he felt it warranted more discussion.

MOTION: *by Mr. Voelckers, to continue this application and schedule it at the next available opportunity.*

Ms. Crossley asked if the item would once again be open for public comment.

Chairman Haight said public comment is closed.

Mr. Dye said he felt they were relatively close to reach a decision. He said he felt they could come to a resolution fairly quickly.

Mr. Campbell said he agreed with Mr. Voelckers.

Mr. Hickok said he agreed with Mr. Dye.

Both Ms. Crossley and Mr. Alper said they agreed with Mr. Dye.

Roll Call Vote: *(On the motion to continue the meeting at a later date).*

Yeas: Voelckers, Campbell, Haight

Nays: Hickok, Dye, Crossley, Arndt, Alper

The motion failed.

The motion by Mr. Dye to continue the meeting to 12:20 was approved with no objection.

MOTION: *by Mr. Dye, to approve SMP2018 0002, with staff's findings, analysis and recommendations.*

Speaking in favor of his motion, Mr. Dye said they have heard a lot of concerns from the public tonight regarding traffic and buffering the adjacent and different zones. Mr. Dye said he feels that D15 is a buffer zone from the D18 zone further down Glacier Highway. He said he did not think the current 12 units proposed would further hinder the traffic in the neighborhood. A secondary access when implemented would provide a benefit to Mountainside Estate residents as well, he said.

Mr. Alper asked how much condition 14 regarding Hooter Lane could be enforced. For example, said Mr. Alper, could any further approval of more units be predicated on the second access being resolved.

Ms. Maclean said the Commission has the discretion to keep number 14 as it is or to strengthen that condition by requiring a second egress before the next phase of construction could be approved. She suggested that Hooter Lane not be specified if there was the potential the egress could be located somewhere else.

MOTION: *by Mr. Alper, to amend the main motion and amend condition 14 to state that an application for a permit for further construction over the 12 units currently proposed that second egress be a condition of any second or additional phases.*

Ms. Bruggeman asked what would occur if the next phase did not reach the fire threshold requiring a secondary egress.

Mr. Alper said that would be the reason for the condition. If it met the fire threshold necessitating a permit then the motion would not be necessary. Mr. Alper said he felt it was important to resolve the egress issue sooner rather than later.

Ms. Maclean suggested leaving number 14 as it was and making Mr. Alper's condition a separate condition.

Mr. Alper withdrew his motion to allow Mr. Dye's amendment to be the main motion, to add a 19th condition that requires a plat note for any future subdivision that results increasing

density, or development of dwelling units, a secondary access will be provided, other than Craig Street.

MOTION: *by Mr. Dye, to approve SMP2018 0002, with staff's findings, analysis and recommendations with a 19th condition that requires a plat note for any future subdivision that results increasing density, or development of dwelling units, a secondary access will be provided, other than Craig Street.*

Speaking against the motion, Mr. Voelckers said the applicant has up to 180 days to improve a few things on their application and come back for approval. This is an instance where the Planning Commission has to look deeply at an issue, and do its job, said Mr. Voelckers. He said there is a lot to consider when having to also consider the phasing and what this means long term. He said he felt they should direct that they receive a preliminary plat from the applicant that answers these questions.

Mr. Arndt spoke against the amendment. He said this is late in the process for the applicant, and that he may have made a different application request had he known this condition would be applied.

Ms. Bruggeman said condition one (h) stated that, "Further Subdivision of Tract B-1, Richland Manor 2 Subdivision shall require City & Borough of Juneau Preliminary Platting Requirements indicating adequate access for all lots created in Phase 1, Richland Manor Subdivision 2, and all future Phases." This was her intent, speaking to the access issue, she said. She said that this may need to be changed.

Ms. Maclean clarified that the motion on the table was in conflict with condition one (h). She said that one is clearly stating that a second access is required for the second phase and that the other requires adequate access defined by code.

Mr. Alper asked if Mr. Voelckers wanted the secondary access issued resolved at this phase.

Mr. Voelckers clarified that his opposition was to the entire motion to approve, including the addition of condition 19.

Roll Call Vote: *(on amendment to the main motion) to add a condition 19 that requires a plat note for any future subdivision that results in increasing density or development of dwelling units that a secondary access will be provided by a means other than Craig Street.*

Yeas: Alper, Crossley, Dye,

Nays: Arndt, Campbell, Haight, Hickok, Voelckers

The amendment to the main motion failed.

The Commission agreed to continue the meeting to 12:25 a.m.

MAIN MOTION: *by Mr. Dye, to approve SMP2018 0002, with staff's findings, analysis and recommendations with the 18 conditions found in the staff report.*

Roll Call Vote:

Yeas: Hickok, Dye, Crossley, Arndt, Alper

Nays: Voelckers, Haight, Campbell

The motion passed.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS - None

XII. COMMITTEE REPORTS - None

XIII. LIAISON REPORTS - None

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 12:20 a.m.