

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
November 27, 2018

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 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Percy Frisby, Andrew Campbell, Dan Miller, Carl Greene

Commissioners absent: Dan Hickok

Staff present: Jill Maclean, CDD Director; Beth McKibben, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner II; Laurel Bruggeman, Planner I; Robert Palmer, City Attorney; Jane Mores, Assistant City Attorney

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

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Mr. Voelckers requested that the presentation by the Assembly Liaison to the Planning Commission be brought back to the beginning of the agenda rather than the end.

The Commission voiced no objection.

III. APPROVAL OF MINUTES

A. October 23, 2018 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the Planning Commission October 23, 2018, regular meeting minutes with any minor corrections by commission member or staff.*

The motion passed with no objection.

IV. LIAISON REPORT

Mr. Bryson reported that at the Assembly Committee of the Whole meeting held on November 19, the Assembly discussed the Archipelago project and the Sherwood Lane rezone. Those two items were introduced at last the November 26, (2018) Assembly meeting, and will be open for public comment at the next regular Assembly meeting. The Archipelago project had mixed reviews from the Assembly. They wanted more information. The Assembly did not recommend the Sherwood Lane rezone. That was an eight to one vote, said Mr. Bryson. Having been present at the Planning Commission meeting when this item was discussed, Mr. Bryson said he was the one in favor of the project. Mr. Bryson said he attended the Birch Lane public meeting for the next phase of the Birch Lane repave project. It was a great presentation, and most neighbors feel very comfortable with this project, he reported.

Commission Comments and Questions

Mr. Levine asked what concerns were expressed by the Assembly about the Archipelago project.

Mr. Bryson stated that he felt the main concern of the Assembly was that it wanted to ascertain that the private component of this project is not receiving a “sweetheart deal”. It wants to make sure that all parties are paying the fair market value and that the City is not giving up any interest unnecessarily. There were also some concerns expressed by Assembly members that as the community grows the infrastructure for tourism, that this development takes place responsibly, stated Mr. Bryson. He said the City Manager is very confident that appropriate progress is being made.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

VI. ITEMS FOR RECONSIDERATION – None

VII. CONSENT AGENDA

SMF2018 0001: A subdivision of one (1) lot into five (5) lots within a Planned Unit Development

Applicant: Douglas Island Development LLC

Location: 1011 Teufelshund Way

Staff Recommendation

Since the plat is generally consistent with the Preliminary Plat and the conditions of approval

have been met, staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the requested Final Plat. We further recommend that the approval be subject to the following conditions:

1. *The homeowners' association documents shall be recorded with the approved final plat*
2. *Prior to the final plat recording, certification from the CBJ Treasurer is required that all real property taxes and special assessments levied against the property for the year of recording have been paid.*

CSP2018 0013: A City Project to pave and make drainage, water, and sewer improvements along Birch Lane between Mendenhall Boulevard and Dogwood Lane

Applicant: City & Borough of Juneau, Engineering and Public Works

Location: Birch Lane between Mendenhall Blvd and Dogwood Lane

Staff Recommendation

Staff recommends that the Planning Commission find CSP2018 0013 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580, and **approve** CSP2018 0013 to repave and make drainage improvements on Birch Lane between Mendenhall Boulevard and Dogwood Lane with the following two advisory conditions in order to provide consistency with adopted plans and for the benefit of the applicant and the project contractor:

1. *Per CBJ 42.20.095(b) Construction of buildings and projects.* It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment before 7:00 a.m. or after 10:00 p.m. Monday through Friday or before 9:00 a.m. or after 10:00 p.m. Saturday and Sunday unless a permit is first obtained from the Building Official. Such a permit shall be issued by the Building Official only upon a determination that operation during those hours is necessary and will not result in unreasonable disturbance to surrounding residents.
2. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshal and Chief of Police. Failure to provide such notice may result in suspension of any CBJ-issued permits for such work and is punishable by a fine as an unlawful street closure under CBJ 72.17.010.

MOTION: *by Mr. LeVine to accept SMF2018 0001 and CSP2018 0013 on the consent agenda.*

The motion passed with no objection.

VIII. UNFINISHED BUSINESS

Mr. Voelckers recused himself from USE2018 0016 due to a conflict.

Mr. Levine said that even though he was absent at the initial presentation of this item, that he has studied it thoroughly and feels fully confident that he can responsibly discuss this issue.

The Commission voiced no objection to Mr. LeVine's participation on this item.

USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development.

Applicant: The Jetty

Location: 11798 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32 unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

MOTION: *by Mr. Campbell, to open up item USE2018 0016 back up for discussion.*

During the roll call vote, all eight Commission members present at the meeting approved opening up this item for discussion. Six affirmative votes were required.

Ms. Maclean noted that since the last public hearing on this item, that the staff has received new information. She suggested that the Planning Commission consider continuing the public

hearing to a January Planning Commission meeting so the staff has time to review the supplemental information which has been submitted. She said the staff could create a supplemental staff report and also put out a public notice to the abutters so they would also have the opportunity to comment on the new materials received after the hearing closed.

Mr. LeVine said this makes sense to him, but that he wondered if this delay would negatively affect the applicant.

Ms. Maclean said she mentioned January because it is too late to advertise the public hearing for the December meeting. There is only one Planning Commission meeting in December, she noted.

Mr. Dye asked about the origin of the new information the staff needs to evaluate.

Ms. Maclean stated that the applicants have provided more information which has not yet been reviewed or analyzed.

Mr. Campbell suggested that the applicant be allowed to address the concern of Mr. LeVine about the impact of a possible delay on this item until January.

Mr. LeVine asked if it would be possible to hear just from the applicant with allowing additional comments from the public.

Mr. Palmer said if comment was opened up to the applicant it would only be fair to open up comment to the public. He said comment from the applicant and the public could be limited to the subject of whether delaying action on this item until January had a negative impact on the applicant.

Mr. Miller said that whether or not this was an undue burden on the applicant that the staff needed to review the new information.

MOTION: *by Mr. Miller, that this item be heard including public testimony at the earliest next possible meeting.*

Mr. LeVine said that he understood the intent of the motion and that he felt it was the right thing to do, but that he wondered if a motion to continue had to be dealt with at the next meeting, which Ms. Maclean said was not possible. He suggested that the motion include a date which could be the January 8, 2019, Planning Commission meeting.

Mr. Miller accepted the friendly amendment.

The motion, with the friendly amendment, passed with no objection.

IX. REGULAR AGENDA

AME2018 0015: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed change to the Land Use Code and forward a recommendation for approval to the Assembly.

This recommendation should include that the associated ordinance include a provision that any financial guarantees provided under the auspices of the 2015 code revision for temporary cul-de-sac removal and stub street construction be returned to the appropriate developer.

Mr. Felstead told the Planning Commission the proposed ordinance would remove the requirement for a subdivision developer to provide a financial guarantee for a period of five years for construction of a type of platted ROW (Right of Way) referred to as a “stub street”.

Mr. Felstead said the Title 49 Committee as suggested by the Planning Commission reviewed this ordinance once again and recommended that all financial guarantee requirements be removed and that a limited length of stub street be allowed beyond a temporary cul-de-sac if it had all the necessary requirements for that subdivision.

The temporary cul-de-sac would need to provide all of the access and frontage requirements that were necessary for that subdivision, said Mr. Felstead.

It had been suggested by the Title 49 Committee that all cul-de-sacs just remain in place, said Mr. Felstead. However, he said, the City Engineering Department requested that temporary cul-de-sac provisions remain. They noted there could be issues regarding the snow clearance and potential issues with drainage ditches when the street is extended, and there was also the potential for land to be added on the tax roll, said Mr. Felstead.

Mr. Felstead said therefore, there is still language in the ordinance regarding temporary cul-de-sacs. The stub street would be limited in length to the lot width of the zoning district, said Mr. Felstead.

The proposed changes to the land use code has the substantive changes as follows, said Mr. Felstead:

- ✓ Clarifies that temporary cul-de-sacs are intended to facilitate practical road extensions at any time in the future, not just the near future.

- ✓ Clarifies the turnaround easements allow all the public access maintenance that occurs with dedicated ROW until the easement is vacated.
- ✓ Any unconstructed but platted ROW that continues after a temporary cul-de-sac is considered a stub street and is subject to stub street provisions.
- ✓ The temporary cul-de-sac stub street has a maximum length of the minimum lot width for the zoning district.
- ✓ Clarifies that a temporary cul-de-sac has to be constructed up to or be in any lot in the subdivision that has been identified for a future subdivision phase.
- ✓ Provides amended illustrations of temporary cul-de-sac configurations relative to lots within and outside of the subdivision.
- ✓ Clarifies that the turnaround can be an easement on a lot outside of the subdivision.
- ✓ There is no requirement for a financial guarantee for a temporary cul-de-sac turnaround removal or stub streets. Removal of a temporary turnaround or construction of an unconstructed stub street would be the responsibility of the next developer.
- ✓ Added that it should be demonstrated that the stub street alignment could be constructed to CBJ standards such as a street not be platted where it would have to exceed maximum ROW grades.
- ✓ It is amended that the cul-de-sac definition be a street with a turnaround and not just the turnaround portion as is currently the case

Commission Comments and Questions

Mr. LeVine asked why the suggestion of the CBJ Engineering Department was not sent back to the Title 49 Committee for review. He also suggested that the “must” be changed to a “may” on page 128, item “I” of the packet. He asked if that would satisfy the concerns that were expressed by the Engineering Department.

Mr. Felstead said it is difficult to speak for the Engineering Department.

Mr. Voelckers said this all made sense, with the exception of how the temporary cul-de-sac is treated. He said he does understand the Engineering Department has snowplowing issues to address. He said he did not completely understand the concern of the Engineering Department that a cul-de-sac created drainage ditch issues. He said he felt if the cul-de-sac was built to City standards in the first place, then there would be adequate drainage in place.

Mr. Felstead said for specific feedback on these concerns they would need to speak with the Engineering Department.

Mr. Miller said what they are calling a “temporary” cul-de-sac may exist for many years.

He said perhaps the general Engineering Department should speak to the Commission.

Mr. Miller said he agreed that if it is constructed that it would need to be up to certain standards.

Mr. LeVine said that he agreed with the comments of Mr. Miller, and that the language could state that the director may direct the removal of the cul-de-sac in consultation with the developer and general engineering and neighbors.

Ms. Maclean said that she recollected the staff was to review this language with the Engineering Department and then bring it back to the Commission, not the Title 49 Committee. She said if there were other comments or revisions the Commission would like to discuss this evening that the staff could then meet with the Engineering Department and come back to the Planning Commission at the December meeting with those comments. They could ask a representative from the Engineering Department at that meeting to answer questions as well, said Ms. Maclean.

There was no public comment on this item.

This item was continued to the next regular planning Commission meeting.

CSP2018 0012: Planning Commission CIP recommended priorities for FY2020-24

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission consider any additional amendments to the attached memorandum and then forward the memorandum to the Director of Engineering and Public Works, and the Assembly Public Works and Facilities Committee.

Mr. Felstead said a memorandum has been drafted by a subcommittee of four Planning Commission members on the Commission's input for the Capital Improvement Projects (CIP). This letter would be forwarded to the Director of Engineering and Public Works, he said.

They have included a recommendation for provision of land for community gardens and local agriculture, he said. This is added under "sustainability". The reconstruction of Capital Avenue has also been added to the specific project list, said Mr. Felstead. Mr. Felstead said he also added an acknowledgment of Juneau's renewable hydropower as a solid reason to switch to heat pumps.

Mr. Voelckers said he does think community gardens are an important priority and that they belong on this list.

Mr. LeVine said he felt the edits are excellent and that this process is working well.

Chairman Haight said they wanted the CIP recommendations from the Commission to be open for public comment. The Commission has become more proactive over the past few years regarding its input on the CIP recommendations, said Chairman Haight.

Public Comment

Juneau resident Rob Cadmus told the Commission that he would like to support early work on Capital Avenue. He said his home abuts Capital Avenue. There are complex land owner issues and a social component of work in that area, which he felt was important. This is a transitional zone, he said, which in the past has collected a lot of garbage and graffiti.

Commission Comments and Questions

Mr. Voelckers said he felt the Commission should provide its input on the CIP even earlier in the process in the future. He added they should also work on making this process open to the public for its comments.

Mr. Frisby thanked the committee and staff for doing a good job on the memorandum.

MOTION: *By Mr. LeVine, to accept the letter and have it sent to the Director of Engineering.*

The motion passed with no objection.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS** - None

XII. **STAFF REPORTS**

Ms. Maclean reported that there was more discussion by the Assembly on the Alternative Residential Subdivision (ARS) ordinance. The staff was asked to evaluate when it may be necessary to require a pedestrian way or a sidewalk for larger developments. She said maybe a certain number of trips a day for the development could dictate when a pathway would be required. Ms. Maclean said the staff would like to work with a few commissioners to draft some language.

This will be discussed by the Title 49 Committee on Monday, December 3, at noon.

Ms. Maclean said there will be a Committee of the Whole meeting at 5:30 on December 11, (2018) to discuss nonconforming lots.

Ms. Maclean said the Assembly is holding its retreat at Bartlett Hospital on Saturday, December 1, at 8:30 a.m. on the second floor and that the Commission is invited.

Mr. Palmer introduced Jane Mores, the new Assistant City Attorney.

XIII. COMMITTEE REPORTS

Mr. Dye asked if the steering committee for Blueprint Downtown has met yet.

Mr. Voelckers said the final public meeting will be held on January 24. He added there are three walking tours set up and that information will be distributed soon. There will be a walking tour in mid-December, and two more Saturdays in January.

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 8:01 p.m.