

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 13, 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 7:02 p.m.

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

Commissioners absent: Dan Miller

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Tim Felstead, Planner II; Amy Liu, Planner I; Robert Palmer, Assistant Municipal Attorney

Assembly members: Beth Weldon

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

III. APPROVAL OF MINUTES

February 13, 2018 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the February 13, 2018, regular Planning Commission minutes with any minor alterations by staff or committee member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

V. CONSENT AGENDA

CSP2018 0001: A city project to pave and make drainage improvements along Birch Lane between Julep Street and Mendenhall Boulevard.

Applicant: City & Borough of Juneau

Location: Birch Lane

Staff Recommendation

Staff recommends that the Planning Commission find CSP2018 0001 to be consistent with adopted local plans and policies, as required by CBJ 49.15.580, and approve CSP2018 0001 to repave and make drainage improvements on Birch Lane between Julep Street and Mendenhall Boulevard, with the following condition:

1. The Planning Commission consistency determination is effective on April 4, 2018. Staff further recommends the following two advisory conditions in order to provide consistency with adopted plans and give all possible notice to the applicant and the project contractor:
2. 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 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.
3. 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.

USE2017 0030: A Conditional Use Permit to establish a Bed and Breakfast in a single-family residence.

Applicant: Jamie Isaak and John Isaak Jr.

Location: 732 5th Street, Douglas

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a three bedroom bed-and-breakfast in a single family residence located in the D5 zoning district.

Prior to his motion, Mr. LeVine wanted to note that the ordinance that the Planning Commission forwarded to the Borough Assembly that relates to the repaving of a nonconforming street has

been approved by the Assembly. He said this was not reflected in the staff report.

MOTION: *by Mr. LeVine, to approve the Consent Agenda with any analysis and recommendations by the staff, except for USE2018 0001 which was moved to the Regular Agenda at the request of the public..*

The motion was approved by the Commission with no objection.

VI. UNFINISHED BUSINESS - None

VII. REGULAR AGENDA

USE2018 0001: A Conditional Use Permit for a marijuana retail store

Applicant: Juneau's Green Market

Location: 263 Marine Way

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 and operation of a marijuana retail business in downtown Juneau for a period of five years from the date of approval.

The approval is subject to the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD a state of Alaska license that permits the use of marijuana retail at the subject site that matches subject plans and operations described in the subject Conditional Use permit.
2. Prior to issuing a CBJ marijuana license the applicant shall demonstrate that all windows are equipped with a security alarm to ensure all building openings are secure.
3. Prior to issuance of a CBJ marijuana license, a lock shall be installed on the bathroom that ensures access by employees only.
4. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevent marijuana products being visible by the general public from the right-of-way.
5. Prior to issuance of a Marijuana License the parking lot shall be stripped and signed according to a parking plan submitted with the required building permit and as approved by the Community Development Department.
6. The applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.

7. Direct access from the required ADA space to the public retail space entrances, around the perimeter of building, shall be provided during business opening hours.

Mr. Felstead told the Commission that this is a conditional use permit request for a marijuana retail establishment in downtown Juneau in the mixed use zoning district. The purpose of a conditional use permit is to ensure a use that may or may not be appropriate in a particular zoning district, according to the character of the surrounding uses, said Mr. Felstead. Also to be considered with a conditional use permit our public health and safety and reduction in neighboring property values and conformity with adopted plans, he added.

Marijuana permits can also have additional conditions related to Title 49 marijuana provisions, or state law, or to mitigate impacts to surrounding residences, said Mr. Felstead. These permits are limited to five years before they need to come before the Planning Commission for renewal, said Mr. Felstead.

This building is located on Marine Way across the street from Marine Park, said Mr. Felstead. The building has had a number of retail uses since it was constructed in 1996, said Mr. Felstead. The public will only access the proposed store from Marine Way, while employees enter or exit via a rear door accessed from the parking area, said Mr. Felstead. The rear door will enter directly into the restricted access office space, he said. Exterior access to the rear of the building is restricted from Marine Way by fencing and a locked gate. The gate may need to be unlocked during operating hours to for access to the ADA parking space, he said. It is recommended as a condition of approval that prior to the issuance of a CBJ marijuana license, that a lock be installed on the bathroom that ensures access by employees only, said Mr. Felstead.

A member of the staff will act as a greeter for members of the public entering the store to monitor the flow of customers, and to check identification to ensure that they are over 21 years of age, said Mr. Felstead. It is a state requirement that security is in place with all external entrances with all exterior doors containing alarms, said Mr. Felstead said. It is also recommended that as a condition of approval that the windows are also fitted with alarms, he said.

The site was subdivided in 2014, said Mr. Felstead, at that time it had a requirement of six parking spaces but it is unclear if this was included in the minor subdivision review. The parking spaces under current parking standards is for six spaces, including one ADA space, which accounts for a 60 percent reduction in the standard parking requirement, said Mr. Felstead. It is recommended that as a condition of approval that direct access from the required ADA parking space to the public retail space entrances, and around the perimeter of the building, be provided during business opening hours, said Mr. Felstead.

It is requested that an ADA space be provided for this lot, said Mr. Felstead.

In 2016 the Southeast Regional Resource Center (SERRC) submitted an objection to this retail operation to the Marijuana State Control Board, said Mr. Felstead. SERRC had asserted that it should be considered to be a youth recreational center and that therefore the 500 foot exclusion area should apply, said Mr. Felstead. SERRC also submitted a letter of objection to the CBJ Assembly in March, 2017. The CBJ decided to waive its option to protest regarding this State license application, said Mr. Felstead. CBJ responded that that the application met with CBJ laws and regulations and a Conditional Use permit and CBJ Marijuana License would be required , he said.

The CBJ does not have specific buffer requirements and the land use code does not have any definitions for a school or a youth center, said Mr. Felstead. CBJ marijuana regulations do not provide for the Planning Commission to make a determination of approval or denial based on compliance with the state regulations. However, conditions can be added to ensure that the application is consistent with state regulations, he said.

The Marijuana Control Board discussed the proximity of SERRC during its deliberations on the State license for the proposed marijuana retail business. During that meeting the Director of the Alcohol and Marijuana Control Office noted that the MCB had previously made the determination that driving schools were not subject to the 500 foot buffer requirement because they provide education to students both over and under 21 years of age, said Mr. Felstead. No more discussion followed that statement and the MCB voted to approve the application following the discussion, he said.

The building is located outside of the downtown historic district but within the downtown core area, said Mr. Felstead. A variety of uses exist within the downtown core area, he said. There are marijuana retail businesses, liquor stores, bars and numerous other types of retail space, said Mr. Felstead. The CBJ assessor has stated there is no evidence that harm would result to the surrounding properties as a result of his retail store, he said.

Staff Findings

1. Whether the application is complete (Yes)
2. Whether the proposed use is appropriate according to the Table of Permissible Uses (Yes)
3. Whether the development as proposed will comply with the other requirements of this chapter (Yes)
4. Materially endanger the public health or safety (No)
5. Substantially decrease the value of or be out of harmony with property in the neighboring area (No)
6. In general conformity with the Comprehensive plan, the Thoroughfare Plan, or other officially adopted plans (Yes)

The Commission may nevertheless deny or condition the permit if it concludes, based

upon its own independent review of the information submitted at the public hearing, that the development will more probably than not

1. Materially endanger the public health or safety
2. Substantially decrease the value of or be out of harmony with property in the neighboring area
3. In general conformity with the Comprehensive plan, the Thoroughfare Plan, or other officially adopted plans

Commission Comments and Questions

Mr. Voelckers said he thought if a building was within Parking District 1 (PD1) that if it was not new or making substantial increases in size and or use, that parking was not an issue. He asked Mr. Felstead to clarify the authority to recommend designation of some of the parking as ADA, for instance, because the applicant has noted that it is creating substantial hardships.

Mr. Felstead said prior to the construction of this building it went through an allowable use process. However, the building that was actually constructed did not match up to what was permitted, he said. It did receive a building permit before it was constructed - the building permit and the allowable use permit both state that PD1 parking district allowances should be applied to the subject building. An ADA space was required, as shown on a site plan for the allowable use permit, said Mr. Felstead.

Mr. Voelckers asked how long ago the building plans were submitted.

That was in 1996, responded Mr. Felstead. At that time the building was considered new and the PD1 standards would apply to it, he said. The parking that was required back then is still relevant today, he said. The parking requirement was for eight spaces in 1996, and today the requirement is for six spaces, he added. Those stipulations were in place at the time the building was constructed, said Mr. Felstead.

Mr. Voelckers clarified that even though those stipulations were not implemented at the time, that with this Conditional Use Permit they are implementing those stipulations today.

Mr. LeVine said he wanted to disclose that he has a family member who used to work for SERRC. He stated he does not feel this would affect his objectivity on this matter, but wanted to bring it up before the Commission.

The Commission voiced no objection.

Upon questioning of Chairman Haight, ***the public voiced no objection.***

Mr. LeVine said he needed clarification regarding the distances. He asked about the 320 foot distance and the 490 foot distance.

The 490 foot distance relates to nearest wall of the SERRC building from Fireweed Factory located on Front Street but door to door is over 500ft, said Mr. Felstead. SERRC is located 320 feet from the proposed marijuana retail business, he said.

Mr. Voelckers asked what the authority was of the Planning Commission relative to the question of whether SERRC is an educational facility. On page 11 of the staff report Mr. Voelckers noted that the third paragraph from the bottom of the page was confusing for him:

The additional considerations of Conditional Use Permits for marijuana (CBJ 49.65.1245) only allow for conditions to be added to ensure compliance with State requirements. They do not allow for a permit to be denied if it does not meet State requirements.

He asked Mr. Felstead to explain to the Commission the meaning of those sentences.

The language in Title 49 does not allow the Planning Commission to deny the application based upon interpretation of state regulations, said Mr. Felstead. If the Planning Commission wanted to deny or approve the application it would have to be on the merits of the three criteria that normally get addressed, he explained. The Planning Commission should not base its decision on reinterpreting state regulations, he said.

Mr. Palmer said he supports the interpretation of the staff on this language. Mr. Palmer read findings four, five, and six in the staff report. He said those are the three criteria that the Commission has to evaluate. The state evaluates buffer requirements from certain protected facilities such as a school or church. The City does not have these buffer requirements and it does not enforce them, he said. Whether the SERRC facility is a protected site is not under the purview of the Planning Commission, said Mr. Palmer. The Planning Commission does have the authority to evaluate the Conditional Use Permit based upon neighborhood harmony, he said.

Mr. LeVine said he recalled the topic of buffers discussed with the Marijuana Task Force and that it had decided not to make any decisions on that topic different from the state's ruling.

Mr. Felstead said reviewing the minutes of the Marijuana Task Force that buffers were extensively discussed. It appeared to him that the task force was in favor of following the state's requirements. However, he said, there was no definitive language to that effect that he could find in the Task Force minutes. The ordinance recommended to the Assembly generated from the task force has no buffer language in it, he said.

Applicant

Jana Weltzin, the attorney representing Juneau's Green Market, said she was at the Marijuana Control Board Meeting when this issue was discussed. She said there is no evidence that the

business will materially endanger the public health or safety, that it would decrease the value of or be out of harmony with property in the neighboring area, or that it is not in general conformity with the Comprehensive Plan, the Thoroughfare Plan, or other officially adopted plans.

She said the issue before the Commission is whether or not this is a good use for the area. She added that SERRC does not meet the criteria for an educational facility. The marijuana control board said it has defined youth centers. A driving school had objected to a marijuana license and the board defined youth centers as the offering of services to people only under the age of 21. If those services are offered to individuals both over and under the age of 21, that it does not meet the definition of a youth center, said Ms. Weltzin.

Ms. Weltzin said she went to SERRC a year and a half ago and asked if they provided training to people under the age of 21. She said she was told they do not offer those services to youth on-site.

Commission Comments and Questions

Mr. Voelckers asked for Ms. Weltzin's comments on the ADA requirement for the business.

She said she felt that the property owner would address that issue.

Mr. LeVine said he was wondering why Ms. Weltzin told the Marijuana Control Board that the Planning Commission was the proper body to make the decision regarding buffers when it is not.

She responded that she always thinks that local government is the proper place to make the determination.

Mr. LeVine said his comment is that she did not look into the rules far enough to discern that the Commission has no authority to make that decision about the buffers or to determine whether SERRC is a school or not.

Mr. Campbell said his company has performed work for Mr. Williamson in the past but not on this current project, and that he feels that he can be fair in his determination.

The Commission voiced no objection.

Applicant Ken Williamson

Mr. Voelckers asked Mr. Williamson to clarify his position on the parking requirements for the business.

Mr. Williamson said it appears that the basis for the staff requiring the parking for the building was for a building that was three stories in height with over 5,000 square feet of retail space, he

said. That building was never built, said Mr. Williamson. The existing building has 3,300 square feet and there is no allowable use permit required, and it was built without any permits required, he said. Mr. Williamson said he purchased this property after it was subdivided, and that there is no physical space for parking.

There is a joint access easement for utilities and maintenance, said Mr. Williamson. The City reviewed and approved this project in 2014, said Mr. Williamson. There was no indication whatsoever at that time that there was an additional parking requirement, he said.

There is nothing about this change in use that would trigger a parking requirement, said Mr. Williamson. There is a van-accessible space in the City parking garage, said Mr. Williamson, which is close to this location. In addition, there is a van accessible space at the Sea Alaska building, he said. He said it raises the issue that additional parking is required for his project because the retail store is going to sell a different product.

Mr. Williamson suggested that the Commission adopt staff's findings with the exclusion of the parking requirements. He said he felt the parking requirements were arbitrary. SERRC was notified about the retail business, said Mr. Williamson. In addition, he said, a new liquor license was issued to the Taqueria with no objection from SERRC, he added. Mr. Williamson said he did call on all of the adjacent property owners to see if there were any objections to this retail business. He said upon speaking with the Executive Director of SERRC that he understood they had objections to the business.

Commission Comments and Questions

Mr. Dye asked if the applicant would have the option of the *fee In lieu* parking spaces.

Ms. McKibben said that ADA spaces are a federal requirement. She said she would have to research how those spaces are addressed in a *fee in lieu* district.

Mr. Dye asked Mr. Williamson if he has considered a *fee in lieu* option.

Mr. Williamson said he would consider that option if parking was required and if they could come to an agreement on less than six parking spaces.

Public Testimony

Sheryl Weinberg, Executive Director of SERRC, told the Commission that SERRC does provide direct services to students ranging in ages from kindergarten to the 12th grade. She said they feel the marijuana retail store would be out of harmony with the other businesses in the neighborhood. It would especially negatively affect SERRC, and its operating programs for students, she said.

Commission Comments and Questions

Mr. Voelckers asked if Ms. Weinberg could elaborate more on how many students were in the

facility at any given time during the day and evening. He asked how they get to and from the facility.

The Learning Connection program is offered to one student at a time, said Ms. Weinberg. Most of their students get to the facility either by bus or by walking, she said. Group programs are attended by groups of students, she said.

Mr. Voelckers asked how those students were transported.

The groups of students typically stay at the youth hostel, she said. For a good portion of their program they are walking in town, and they also take field trips by bus or rental vans, she said.

Mr. LeVine asked if either she or a representative of SERRC participated in the meetings regarding zoning for marijuana facilities.

Ms. Weinberg said that she did not participate in those meetings.

Mr. LeVine said as he reads his packet it appears that it has not yet been determined whether SERRC qualifies as a school or a youth center. He asked Ms. Weinberg if in her opinion if under state law that SERRC qualifies as a school or a youth center.

She said it is their position that they operate as an educational learning center where they provide training courses for minor students in grades six through 12 and learning opportunities for students ages 16 and older.

Mr. Hickok asked Ms. Weinberg if she feels that this retail store will negatively affect their clients or their business.

She said they feel there has been a distinct change in general and that since the Fireweed Factory has opened they have noticed more people coming into their facility who smell like marijuana.

Mr. Hickok asked if she feels that more of her clients will be partaking of the marijuana sold by the retail store.

She said that was not a concern. She said it was more the atmosphere created by the marijuana retail stores.

Mr. Dye asked Ms. Weinberg if she also felt that the bars also contributed to a negative atmosphere in town and to SERRC's learning environment.

Ms. Weinberg said it seemed to her that the people who appeared intoxicated on the street were not the same people that were drinking in the bars. She said they are people who are drinking from bottles in bags on the street.

Mr. Dye asked Ms. Weinberg if she feels the same type of logic she has applied to people drinking on the street versus people drinking in bars could also be applied to people smoking marijuana on the street versus people buying marijuana in the stores.

Ms. Weinberg said she does see drugs passed on the street amongst individuals.

Applicant

Ms. Weltzin said she thought the Learning Connection was in Lemon Creek. She said she went to SERRC on February 3, (no year given). At that time they were told there was no tutoring for the applicant's children available at the center, said Ms. Weltzin. She said she feels that the work that SERRC does is very important for the community, but that she does not feel that it will be negatively impacted by the proposed marijuana retail facility.

Commission Comments and Questions

Mr. Hickok asked if the store will be open year-round.

Ms. Weltzin said the store will be open year round. She said depending upon the season there will be four to eight employees.

Mr. Dye commented that on-site marijuana consumption is still not legal. He asked at what point that tourists would be able to consume marijuana in private. Ms. Weltzin said that tourism in Juneau takes place about four months of the year. She said while it will be a lot of the store's business it will not be the bulk of the store's business. She said tourists can consume marijuana in a hotel room if the hotel allows this. She said she did not know where tourists would consume the marijuana. She said the community would have that issue with or without this business.

Mr. Hickok said he was in support of the Conditional Use Permit. He added he did not really see how conditions number five and number seven pertained to the permit. He said to him it sounded more like a building issue rather than a Conditional Use Permit. He said he would like to see those two conditions removed.

(5. Prior to issuance of a marijuana license the parking lot shall be stripped and designed according to a parking plan submitted with the required building permit and as is approved by the community development Department.)

(7. Direct access from the required ADA space to the public retail space entrances, around the perimeter of the building, shall be provided during business opening hours.)

Mr. Voelckers said it appears there was a misconception at the state level that the Planning Commission would make a decision about buffers. He asked Mr. Palmer if in his opinion the Commission was still limited to the three criteria listed and the staff report.

Mr. Palmer said in his opinion the Commission would still be limited to the three criteria and would not be able to weigh in on the buffer question. He directed the Commission to the September Marijuana Control Board meeting minutes and conversation by board member Loren Jones which stated in part; "... So the borough has not made any determination on schools and I am not sure whether they will..." He said he interprets this statement to mean that Mr. Jones is acknowledging the limited scope of the City and Borough of Juneau regarding the buffer question. It is not the Commission's role to decide whether this is a sensitive site that is eligible for buffering, said Mr. Palmer.

MOTION: *by Mr. Voelckers, to approve USE2018 0001 with the conditions as identified, striking conditions number five and seven.*

Speaking in favor of his motion, Mr. Voelckers said that the work that SERRC does is important and that there are issues with minor-aged students on site periodically, but that he did not feel that was the purview of the Planning Commission to impose further conditions due to the nature of SERRC's business. He said he feels the applicant has made a good point that in PD1 if there is not a major and demonstrative of change in use that they should be able to work with the existing parking. He said it sounds to him that the permitting which was referenced back 12 years was for a major expansion which did not occur. He said he agrees that it is not appropriate to add additional criteria at this point. In addition, he said, even if the ADA parking, ramping and vehicle access was added, that it would not have much value, and that it would become an unnecessary burden on the applicant.

Mr. Felstead said that he did not believe that the Planning Commission could waive the parking requirement. He said it would be possible to remove it from this Conditional Use Permit, but that it would still have to be addressed when the building permit came to the Community Development Department. He added that the ADA requirement would still be in existence when the building permit is reviewed.

Ms. McKibben said that it is not inappropriate that the Commission remove the requirements. She said they just wanted to make it clear to the Commission that it does not remove the requirement to provide parking that the code requires.

Mr. LeVine suggested that they change conditions five and seven to one condition that states; "Comport with the applicable parking requirements in Title 49". That way, he explained, the staff and the applicant could figure out exactly the number of parking spaces that are needed with the possibility of applying a new determination.

Mr. Voelckers accepted the friendly amendment by Mr. LeVine to his main motion.

Mr. Dye said while he understands the intent, if it is going to be dealt with separately then why would it be in the motion at all.

Mr. LeVine said if that was the case, then they could strike all of the conditions listed in the staff report because they all just basically repeat the code.

Mr. Voelckers said the amendment suggested by Mr. LeVine addresses the fact that there are still requirements that need to be worked out.

Mr. Hickok asked if this Conditional Use Permit referred to a building that has no parking requirements if it would even be relevant to this new business.

Mr. Felstead said the neighboring building housing the Taqueria has no parking requirement because it had no parking requirement in 1996 when the building was reviewed. If it was an old building constructed before parking requirements, there would be no parking requirements today, he added.

The amendment proposed by Mr. LeVine; to approve the Conditional Use Permit and to replace condition five with a condition that says, "prior to issuance of a marijuana license that the parking plan be submitted and implemented with the required building permit and is approved by the Community Development Department, and to strike condition seven.

Mr. Voelckers accepted this friendly amendment.

MAIN MOTION: *(by Mr. Voelckers, with a friendly amendment by Mr. LeVine), to approve USE2018 0001 and to replace condition five with a condition that says, "prior to issuance of a marijuana license that the parking plan be submitted and implemented with the required building permit and is approved by the Community Development Department, and to strike condition seven".*

Speaking in support of the motion, Mr. LeVine said that he is pretty troubled by the idea that a particularly important determination does not appear to have been made in this case. He said the Commission is not empowered to make this decision, and it troubles him that the question that SERRC has raised has never been answered. He said it particularly troubles him that the applicant appears to have misdirected the State Control Board to the Planning Commission when it cannot answer that question. He said they are not empowered to answer the question of whether SERRC is a school or a training facility under the state statute.

Mr. Campbell said this is an awkward situation for SERRC, but that it is not within the purview of the Planning Commission to make the decision as to whether it is a school. He said it seems that the decision of the Commission is to decide whether this retail business fits in with the

existing use of the community and that he feels that it does. Regarding the parking issue, he said he agreed with Mr. Voelckers and that from a logistical standpoint what staff is requesting of the applicant appears to be very difficult to accomplish. He said he hoped that will be taken into account by the staff upon further review of this application.

Roll Call Vote:

Yeas: Greene, LeVine, Campbell, Dye, Hickok, Voelckers, Frisby, Haight

Nays:

The motion passed by unanimous vote.

VIII. BOARD OF ADJUSTMENT - None

IX. OTHER BUSINESS - None

X. STAFF REPORTS

Mining Committee

Mr. Steedle reported that last night the mining committee approved the draft amendment to Title 49 which goes to the Assembly COW on April 16, (2018). The expectation is that the Assembly will pass it back to the Planning Commission for its review, said Mr. Steedle. Mr. Steedle said he suggests that it go first to the Title 49 Committee prior to appearing back before the Commission.

Historic, Cultural, Preservation Plan

Ms. McKibben said she believes the Commission was invited to the stakeholder meeting to be held Thursday, March 15, (2018) at 1:30 p.m. at the SLAM building for the historic, cultural, preservation plan.

Auke Bay Ad Hoc Committee Meeting

The Auke Bay Ad Hoc Committee meeting has been rescheduled to March 22, (2018) at 1:30 p.m. in the Community Development Department conference room.

Granite Mountain Appeal

Mr. Palmer reported that the parties were able to reach a settlement. He said that technically he thinks this has to be approved by the Assembly. There will be a supplemental hearing no sooner than May 22, (2018) and at that point there will probably be a revised staff report which will include the terms of the settlement, said Mr. Palmer. He said essentially it is per the direction provided by the Planning Commission at its last hearing. The evidence and the material on the record is whether to revoke the existing Conditional Use Permit or to reaffirm

its initial issuance, said Mr. Palmer.

XI. COMMITTEE REPORTS

Ad Hoc Comprehensive Plan Committee

Mr. Steedle said that Ms. Gladziszewski on the Assembly was approached to be on this committee and that she does not feel it is necessary to have additional members on the Ad Hoc Comprehensive Plan committee. She said Ms. Weldon represents the Assembly, and that their work would be coming before the Assembly for review. She also questioned what Mr. Watt could provide, said Mr. Steedle.

XII. LIAISON REPORTS

Ms. Weldon thanked Chairman Haight, Mr. Steedle and Mr. Voelckers for their participation on the Mining Committee. The Assembly Committee of the Whole is busy meeting with all of the various boards within the CBJ. They met most recently with the Airport Board, said Ms. Weldon. They will next meet with the Swimming Pool Board, she said. The Meander way LID project will be coming before the Assembly for a public hearing, she said. They appropriated \$800,000 for the Valley Transit Center, she said. Carver Construction won the bid for airport construction at about \$1.2 million, she said. They appropriated \$480,000 for the accessory apartment incentive program which comes to about \$6,000 per accessory apartment, she said. They appropriated \$200,000 for the design of the archipelago property, said Ms. Weldon. The ordinance amending land use relating to the setbacks for energy efficiency improvements passed, she noted. The ordinance relating to roadway construction standards passed, she said. The ordinance relating to public facilities did not pass, she said. The Assembly felt this gave too much power to the Assembly and the City Manager without enough public input. March 19, (2018) will be Lands and Public Works committee meetings and the Assembly COW. The next Assembly meeting is April 2, (2018) she said.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chairman Haight said he will be out of town for the next two meetings and that Mr. Voelckers would chair those meetings.

XV. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.