Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
September 12, 2017

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 7:09 p.m.

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

Commissioners absent: Kirsten Shelton

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Jill Maclean, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner I; Alan Steffert, Project Engineer; Dan Bleidorn, Deputy Land Manager

Assembly members: Debbie White, Loren Jones

II. APPROVAL OF MINUTES

July 25, 2017 Draft Minutes - Regular Planning Commission Meeting

MOTION: *by Mr. Dye, to approve the July 25, 2017 regular Planning Commission meeting minutes, with any minor adjustments by staff or Commission member.*

The motion passed with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison to the Planning Commission Debbie White reported that the next Assembly meeting is Monday, September 18, (2017).

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

A member of the public requested that CSP2017 0014 be pulled from the Consent Agenda and placed on the Regular Agenda.

CSP2017 0015: A City Project to grant a portion of CBJ property, located at 3252 Hospital Drive, to the Sleepy Spruce apartments for the purposes of a drainage easement.
Applicant: CBJ Lands Department
Location: 3252 Hospital Drive

Staff Recommendation
Staff recommends that the Planning Commission finds CSP2017 0015, review for the provision of a drainage easement to Lot 2, Block 3 Salmon Creek Subdivision, consistent with the 2013 Comprehensive Plan and Title 49 and forward to the Assembly a recommendation for approval.

MOTION: *by Mr. Miller, to approve the Consent Agenda as amended with staff's findings, analysis and recommendations.*

The motion passed with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP2017 0014: A City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on the west side of Douglas Island.
Applicant: City & Borough of Juneau
Location: North Douglas Highway

Staff Recommendation
Staff recommends that the Planning Commission recommend the Assembly APPROVE CSP2017 0014, an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

The following conditions are recommended:

1. To minimize any increased pressure on the Douglas Island deer population due to the improved hunter access, future public use of the CBJ North Douglas 'pioneer road' shall be restricted to non-motorized vehicles.

2. If public or private motorized vehicles are allowed to use the CBJ North Douglas 'pioneer road', they shall be limited to using the improved access road surface in order to protect surrounding sensitive areas including wetlands and fish habitat.

3. To mitigate for the fill of wetlands for the construction of the CBJ North Douglas 'pioneer road', CBJ shall provide suitable mitigation areas and consult with the Wetlands Review Board on the location of these areas.

4. The CBJ project manager shall ensure the contractors are made aware of the possibility of finding burials, artifacts or other archeological finds during the project construction. If any historic, prehistoric, or archeological sites, locations, remains, or objects are discovered during development activity, all work in the area must cease, and the applicant/permittee/whomever must immediately notify the State Historic Preservation Officer at the Department of Natural Resources and the Douglas Indian Association.

Mr. Felstead told the Commission that this is a review of an extension of the West Douglas Pioneer Road through CBJ lands on the west side of Douglas Island. There is money left over from phase 1 of this project to continue another 1.15 miles, said Mr. Felstead.

Mr. Voelckers interjected and stated that MRV Architects had been involved in the original West Douglas master plan, in case Planning Commission members may feel there was a conflict of interest.

No Commission member found a conflict of interest on the part of Mr. Voelckers.

This phase of the project would extend almost to Middle Creek, said Mr. Felstead. The proposed road would run through areas identified as new growth areas in the Comprehensive Plan, he said. They have very specific requirements listed in the Land Use Code as well, said Mr. Felstead. The original 2.25 mile access road was reviewed in 2016 by the Planning Commission, he noted. This most recent phase will consist of a fill of 1.14 acres of delineated wetlands. There will be 12 culverts required for this phase, three of which will be designed to allow fish passage, said Mr. Felstead.

Funding for this project was allocated from the state, said Mr. Felstead. The application states the purpose of the road is to allow access into these new growth areas, to facilitate further study of these areas, he said. It will also provide a recreational trail for the community, he added. The road will be 14 feet wide with eight foot turnouts, he described.

This additional phase needs to come back to the Planning Commission for review, he said, with a subsequent recommendation to the Assembly. They have looked at the Land Use Code, particularly the habitat standards and the requirements for development in new growth areas,

said Mr. Felstead. They also reviewed the 2013 Comprehensive Plan, the 1997 West Douglas Conceptual Plan, and the Juneau Economic Development Plan.

The Land Use Code is very clear that before the new growth areas can be developed, that a master plan needs to be created, said Mr. Felstead. An Army Corps of Engineers permit will be required for any fill that is required of the wetlands, he said. CBJ has submitted an application for this, he said. The Wetlands Review Board at its meeting last month wanted to emphasize that the CBJ Storm Water Management best practices should be strictly followed, he said. A mitigation area should be provided as well, he said. The Wetlands Review Board asked that they be consulted on the location of the mitigation areas, said Mr. Felstead. They also recommended that motorized vehicles be limited to the improved road surface only, he said. They expressed the concern that off-road vehicles may disturb the habitat in the area, he said.

They also requested that a wider study be undertaken to examine appropriate buffers along the Peterson Creek and Middle Creek drainage areas, said Mr. Felstead. The Alaska Department of Fish and Game Habitat Division has made site visits and has determined that three of the 12 streams crossed in this most recent phase should have culverts designed to allow fish passage, said Mr. Felstead. Normal requirements are that a 50 foot buffer surrounds anadromous streams, he added. In this circumstance there is an exception which allows crossings across anadromous streams, he added.

The CBJ General Engineering Department commented that Phase 1 was appropriately permitted, and that permits would also be required for Phase 2, said Mr. Felstead. They also noted that a subdivision would be required if a right-of-way should be designated in the future, he said, which would be triggered if this were to become a public road. The CBJ Lands Committee proposed at its meeting last month that public vehicular access to the road be restricted until it is upgraded to accommodate public traffic. The Alaska Department of Fish and Game Wildlife Conservation Division noted the importance of the area in terms of its deer habitat, said Mr. Felstead.

The recommendation has been made that motorized access the restricted, said Mr. Felstead. The Alaska Department of Environmental Conservation has no issues with the project. This department would oversee the storm water prevention plan, he said. The Alaska Department of Transportation said that the existing trail parking lot appears suitable for the public, said Mr. Felstead. They recommended the entrance to the road be gated until it is upgraded to a public road, he said. The Juneau Commission on Sustainability suggested that any of the timber which is felled be made available to the public, he said.

CBJ Engineering leaves the disposal of the felled timber up to the contractor, said Mr. Felstead. The Douglas Indian Association has commented that the road may be near locations where burials or artifacts could be found, he said. A condition has been added that any discoveries of this nature be disclosed to the Douglas Indian Association as well as the relevant state agencies,

said Mr. Felstead. He added that the West Douglas Conceptual Plan requires a master plan to be developed and adopted by the Assembly before anything more than minor development can occur. The Comprehensive Plan requires that each new growth area be developed according to a master plan, said Mr. Felstead.

The Juneau Economic Development Plan identifies the development of West Douglas in the Enhance Essential Infrastructure initiative, said Mr. Felstead. The staff finds that the proposal is consistent with the Comprehensive Plan, Title 49, and other associated plans which have been identified, said Mr. Felstead.

There has been a public comment received requesting that the findings be linked more strongly to the adopted chapter of the West Douglas Plan, said Mr. Felstead, and clarify that the purpose of this access road is to facilitate studies for the development of a West Douglas master plan.

Mr. Felstead said the Commission may want to amend the finding stipulating that off-road vehicles may not go off the road surface to allow vehicles to go off the road to where they are performing further studies, he added.

Commission Comments and Questions
Mr. Frisby asked if this portion of the project was from the initial $500,000 or if that is the estimate of just this portion of the project.

Mr. Steffert said the project will cost less than $600,000. He said hopefully the cost would be closer to $400,000.

Mr. Frisby asked where the project was in terms of the permitting process.

Mr. Steffert said the necessary permits should be in place within the next few weeks.

In answer to a question of Mr. Voelckers, Mr. Steffert said the plan is to have this phase of the road section ending approximately 50 feet from the top of the bank of Middle Creek.

Mr. Voelckers asked if there would be a recreational creek crossing in place across Middle Creek at the end of this project.

There are many ways to cross the creek, said Mr. Steffert. There are smaller banks of the creek both up and down stream, he commented, where people could walk across.

Mr. LeVine asked if for some reason the City decided not to go forward with this project at this time if there were other uses to which the funds could be allocated.

If these funds were not used for this project, said Mr. Steffert, since they are grant funds, they would not be available for anything else.

Public Comment

Nancy Waterman said she wanted to compliment the staff on their thorough review of this project. She said she would like to recognize that the West Douglas area is different from other CBJ property that was within the urban service boundary like Pedersen Hill and the hundred acres or so that are above the Auke Rec bypass road. Those areas within the urban service area boundary are already served by public infrastructure. This new growth area is outside of the urban service area boundary and requires an adopted master plan, said Ms. Waterman, to proceed in a unified manner.

Murray Walsh asked why motorized vehicles are not being allowed access on this road. He also asked if this road was being designed so that it could be widened at a later date.

Mr. Voelckers said the Lands Committee forwarded an active recommendation to the Assembly stipulating that the Pioneer Road is for non-motorized vehicles at this time. That was for safety issues, he said. They felt the road is not developed to the standard providing safe access to motorized vehicles, he said. He said he agreed with Mr. Walsh and that it was not appropriate to have this as a Planning Commission condition.

Mr. Steffert said the Lands Manager, Greg Chaney, went to the Lands Committee to obtain guidance for interim use of the road. The road is designed at this stage as a single lane with the turnout with a rock surface and steep drop-offs. It is not designed for use as a public road, he said, for the use of motorcars. Therefore it is restricted to authorized vehicles only which is why they will have a locked gate at the beginning of the road, he said. Eventually the intent for the road is that it will be upgraded for full public use, he said.

Mr. Hickok said it appeared to him that the first two conditions contradicted each other.

Mr. Felstead explained that the recommendations had been written so that the public motorized access is not allowed under Condition 1. This was to limit access to the wildlife so that it would not be easily taken advantage of for hunting, he said. The second condition is to restrict any motorized vehicles, public or private, to only the surfaced area, he said. That is to protect sensitive habitat such as the wetlands, he said.

Mr. Hickok asked if this would be considered a road, which would require hunters to hunt a quarter mile from the road.

Mr. Steffert said for hunting purposes this would not be considered a road.

Mr. Miller said he did not think the word "future" should be used to describe public use in condition number one. According to statements of Mr. Steffert, said Mr. Miller, the "future" of the road is intended for it to be a public road. Mr. Miller said he would also like to add the findings of Ms. Waterman into the record as part of the analysis and findings.

> *The proposed access road across CBJ land on the west side of Douglas Island near the end of Douglas Highway is intended to implement the recommendations of the 1997 West Douglas Concept Plan,* ***Chapter 6*** *and to provide for access into CBJ lands for* ***future New Growth area master planning****. The provision of access to these lands is also consistent with the Juneau Economic Development Plan Initiative that supports development of West Douglas. Staff finds that the proposal is consistent with the 2013 Comprehensive Plan, Title 49, and other associated plans mentioned herein.* [Emphasis added on Ms. Waterman's additions to recommended findings]

MOTION: *by Mr. Miller, to approve CSP2017 0014 removing the word "future" from condition one, and adding the findings of Ms. Waterman to the staff's analysis and findings.*

Mr. Voelckers said he was generally in support of the motion, and wanted to offer several friendly amendments. He said he liked Ms. Waterman's improved findings with one caveat: the purpose of the road is not just to do a master plan but to do a master plan leading to development. Mr. Voelckers said he would like to add a sentence after the sentence in the findings concluding in"CBJ lands for future development". He suggested that a sentence be added stating "Such development would follow CBJ new growth and area provisions."

Mr. Voelckers said he thought it may be the most clear to simply strike condition one. That condition is already being dealt with by the Assembly, he said.

Mr. Miller accepted Mr. Voelckers' two friendly amendments.

Mr. Dye asked if condition number one was eliminated, then what was the purpose of condition number two?

Mr. Voelckers said there was debate on the Lands Committee as to whether it was too onerous to allow no types of motorized vehicles of any kind on the road. If some types of motorized vehicles were allowed, he said, then condition two would be relevant.

Mr. Hickok said it was his feeling that motorized vehicles were not wanted in the area due to negative impacts on habitat and wildlife. Therefore, he said, he did not think condition number two was necessary.

Mr. Dye said they have repeatedly heard this is a non-motorized road. He suggested that condition one read that, "The Pioneer road shall be restricted to non-motorized vehicles." He added that he felt condition two should be deleted.

Mr. Frisby asked if it had been verified that the Assembly is already dealing with this issue.

Mr. Miller said he was not on the Planning Commission when it reviewed Phase 1 of this project. He asked if there were similar findings for that phase of the road.
Mr. Felstead said there were no conditions regarding access to the road for Phase 1. These two conditions were developed based upon comments provided by the State and the Wetlands Review Board.

Mr. Dye said he thought he recalled that part of the condition for Phase 1 involved boulders being placed in front of the road to prohibit motorized vehicle traffic.

Mr. Steffert said it was always intended that a gate be placed in front of the road as they have on the other roads of this nature.

To clarify the amended motion, Mr. Miller said that condition one could be struck, with number two remaining, basically restricting motorized vehicles except for when they are used for further studies.

Mr. Steedle said he felt the purpose of condition two was to keep vehicles on the road itself prohibiting them from wandering into adjacent habitat. Mr. Steedle said he felt that conditions one and two were different. Condition two is addressing off-road access, he said.

Mr. Dye suggested blending conditions number one and two by stating: "Public use of CBJ North Douglas Pioneer Road shall be restricted to non-motorized vehicles except to facilitate further studies."

Mr. Voelckers added "and further construction" to conclude the above sentence suggested by Mr. Dye.

Mr. LeVine said he felt any condition placed here should be limited to Phase 2 of the road project. He said they should interject that language within the condition. He said otherwise he felt that the Commission would be overreaching its authority.

Mr. Voelckers said he supported the blended phrasing of conditions one and two. He said he had some concerns about condition number three being too broad. He said he had concerns that the words "suitable mitigation" were not specific enough.

Mr. Felstead said "suitable mitigation" would be based upon consultation with the Wetlands Review Board.

Mr. Voelckers asked if they could add the words "as determined by the Director" to further define the condition.

Mr. Steedle said he felt this was beyond the purview of the Director of Community Development.

Mr. Voelckers said he was concerned that they may have created an issue that may bog down the process of moving forward with obtaining the necessary permits. He asked Mr. Steedle for some background on why he felt this would not be an instance for a Director of Community Development decision.

Mr. Steedle said he did not think this would be a decision that the Director would make in a vacuum. It would be made in consultation with the Wetlands Review Board and with the Planning Commission as well as the Engineering Department. The decision would ultimately be coming back to the Planning Commission, he added, for its recommendations to the Assembly.

Mr. Miller said he has served on the Wetlands Review Board for a long time. He said he felt that CBJ can provide suitable mitigation areas for this project. Mr. Miller said he agreed with the Director that it will be a community decision to decide what is suitable.

Mr. Voelckers asked about Mr. LeVine's point about limiting these conditions and analysis to the current phase.

Mr. Miller said he felt these conditions did apply only to this phase. He said this is the only project they are making a decision on at this time.

Mr. LeVine said he wanted to state that he is fully in support of development further along Douglas supportive of master planning, and for all of the reasons for which he objected to Phase 1, he will be voting "no" on this motion.

MOTION: (*by Mr. Miller, incorporating friendly amendments by Mr. Voelckers and Mr. Dye): Public use of the CBJ North Douglas Pioneer Road shall be restricted to non-motorized vehicles except to facilitate further studies and construction. A sentence will be added after the first sentence in the findings to state: "Such development would follow CBJ new growth area provisions."*

Roll Call Vote:

Yeas: Miller, Dye, Greene, Frisby, Hickok, Voelckers, Haight

Nays: LeVine

The motion passed.

AME2017 0010: A rezone request from Waterfront Industrial to Light Commercial or D18 at 824 Front Street, Douglas.
Applicant: Deborah & Kent Hart
Location: 824 Front Street

Staff Recommendation

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for the rezone of 824 Front Street, Mill site Addition to Douglas Town site, Block 32, Tract A, from Waterfront Industrial to Light Commercial.

Ms. Maclean said this is a rezone in Douglas adjacent to the CBJ Docks and Harbors parking lot. The property is currently zoned Waterfront Industrial. There are currently no buildings on the site, she said. Since it is an almost 16,000 square foot parcel it must be an extension of an adjacent zoning district, said Ms. Maclean. The Comprehensive Plan land use designation is for Mixed-Use, she said. This is no longer a shoreline property, noted Ms. Maclean. The property faces both Front Street and Dock Street, she noted.

The applicant intends to construct boat condos, said Ms. McLean, but since this is a zone change, the Commission may not provide conditions for a zone change, so therefore its decision cannot be based upon what the applicant intends to do in the future, explained Ms. Maclean.

The lot previously contained the Washateria which has been gone for some time, said Ms. Maclean. The property was granted an Allowable Use Permit in 2010 which was not constructed. It was also denied a variance to back-out parking, noted Ms. Maclean.

They held a neighborhood meeting on August 9, (2017) on this rezone request at which about 10 people attended, said Ms. Maclean. Those present at the meeting were generally in favor of a zone change for this property, she said. The property is adjacent to both Light Commercial and D-18 properties, said Ms. Maclean. It could be rezoned to either of those zones. Marine Mixed Use allows for medium and high density residential uses ranging from 10 to 60 residential uses per acre, noted Ms. Maclean. Currently the waterfront industrial zoning does not allow for residential units except for one caretaker unit per lot, she noted.

Comprehensive Plan land use designations are basically an umbrella designation applicable to multiple zoning types which could be applied to fit the Comprehensive Land Use Plan, said Ms. Maclean. In this instance, to meet Marine Mixed-Use there could be Waterfront Industrial, Waterfront Commercial, Light Commercial or D-18, she said. At the staff's recommendation the owners originally applied for Light Commercial zoning, said Ms. Maclean. Marijuana would be allowed in Light Commercial zoning, said Ms. McLean, and it is not allowed in D-18 zoning. Therefore the staff recommended that the applicant apply for both Light Commercial and D-18

zoning, so if the neighbors objected to the marijuana use permitted with Light Commercial zoning they would still have the option of D-18 zoning, explained Ms. Maclean.

Light Commercial zoning is to permit commercial development which is generally less intensive than is permitted in the General Commercial zones, said Ms. Maclean. It is primarily located next to existing residential areas, she said. D-18 zoning is for multi-family development with a density of up to 18 units per acre, she said. Light Commercial would allow 30 units per acre, she added. On this property under D-18 zoning they could have up to six dwelling units, and with Light Commercial zoning they could have up to 11 units on the site, said Ms. Maclean. Either of the proposed zones would allow for child care, adult day care, rooms for rent, common wall construction, and accessory apartments, said Ms. Maclean. Those uses would not currently be allowed under the current Waterfront Industrial zone, she added. Sales and rentals are allowed in light commercial zones but not in D-18 zones, said Ms. Maclean. Manufacturing would be allowed in some instances, she said.

The lot sizes are larger in D-18 zones than in Light Commercial, said Ms. Maclean. The Overlay District has been adopted and is applicable to this area, said Ms. Maclean. Therefore any residential development would be allowed to apply for reduced setbacks, lot and vegetative coverage, she said.

The existing Waterfront Industrial zoning is consistent with the Comprehensive Plan and land use designations, but it is not allowed for residential uses. Waterfront Industrial zoning is intended for industrial use which would substantially benefit from a shore front location which is no longer applicable to this property, said Ms. Maclean.

The staff recommends the Light Commercial over D-18 zoning, said Ms. Maclean. The residents at the public meeting were in favor of the zone change, and the property has been viewed as blight for some years now, she noted. Marijuana in a light commercial zone was not a concern for the residents either, she said. The location of this property near the Montessori school would make a marijuana business on this property difficult but not impossible, noted Ms. Maclean. The applicants have stated they would prefer the Light Commercial zone because it gives them a little more flexibility in their plans, said Ms. Maclean.

Commission Comments and Questions
Mr. Miller asked the applicant, Kent Hart, if he preferred the Light Commercial zone option.

Mr. Hart said that he did prefer the Light Commercial zone option.

MOTION: *by Mr. Miller, to approve AME2017 0010 for Light Commercial zoning and accept staff's findings, analysis, and recommendations.*

Speaking in favor of the motion, Mr. Voelckers said the rezone request had been thoroughly studied by the staff, and that he agreed that Light Commercial zoning was appropriate for the neighborhood.

The motion passed with no objection.

AME2017 0003: Proposed revision to CBJ code 49.15.423 regarding Panhandle Lots
Applicant: City and Borough of Juneau
Location: Borough-Wide

Staff Recommendation
Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

This proposal has been discussed at two Title 49 Committee meetings in February and June, said Ms. McKibben. Currently the minimum lot size created by a panhandle subdivision is 20,000 square feet, when served by City water and sewer, and 36,000 square feet when sewer is not available. By allowing smaller lots to subdivide through the panhandle provisions, more "infill" lots may be created in the zoning districts that have smaller minimum lot size requirements. These lots would continue to be required to have frontage on a public right-of-way, said Ms. McKibben.

The minimum width of the stem is required to be 30 feet, and the maximum grade of the driveway to no more than 15 percent, said Ms. McKibben. It requires that the panhandle lot share one access and that it be shown on the plat with an easement or a plat note, and requires a maintenance agreement for the shared driveway, and limits the panhandle to two lots.

The proposed amendment would allow any lot to be subdivided through the panhandle provision if the lots created meet the minimum dimensional standards of the underlying zoning district, said Ms. McKibben. This is exclusive of the stem, she noted. Both the front lot and the panhandle lot will have the minimum square feet of lot area and meet both lot width and depth requirements, she said. This creates a new option as a type of "infill" development, she noted. This provides applicants with a larger variety of options from which to choose, she noted.

The proposed amendment does preserve the opportunity for lots in the D-1 zoning district to use up to 30 feet of the width of the handle to calculate the width of the front lot, said Ms. McKibben. There are long, deep lots on North Douglas which could be panhandled and this provision is to provide for the subdivision of those lots, she said. The stem of the Panhandle is reduced from 30 to 20 feet, said Ms. McKibben.

This proposed ordinance removes the 15 percent grade requirement, and means that the applicant may request that the Fire Marshall grant an exception to the fire code to have a

driveway grade of more than 10 percent, she said. The clarifying language requires that access be through the stem, said Ms. McKibben, to prevent the City from being at risk for "takings". If the stem is required for access and it is not used for access then potentially the City could be "taking" the use of that property, she added.

When there is a shared driveway it must be shown in the plat and a maintenance agreement recorded, said Ms. McKibben. The front lot may have its own access to a right- of- way if the driveway can be approved by the CBJ or the Department of Transportation and Public Facilities. Some of the larger lots already have two driveways, or homes may already have a garage and driveway with the stem on the other side of the property, said Ms. McKibben. The City does not want to force those types of land owners to close their existing driveway, she explained.

> *Access for the lots shall be located in the panhandle. The lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls the right-of-way. Access to each lot shall be designated on the plat in the form of an easement.*

There is also added language that requires the portion of the driveway in the right-of-way, or the first 20 feet from the edge of the public roadway, to be paved, noted Ms. McKibben. This is consistent with the language from the recently adopted private shared access provisions, as well as limit the potential for gravel to wash into the right-of-way, creating an ongoing maintenance challenge, she noted.

New language added to the amendment states that while current Panhandle subdivision regulations prohibit back-out parking; with this ordinance language is added that states, "unless approved by the Director", said Ms. McKibben.

This ordinance also removes the prohibition limiting panhandle subdivisions to two lots, said Ms. McKibben. However, the intent is that panhandle subdivisions will only include pairs of lots, she said. The intent is that when pairs of panhandle lots are created side-by-side, the access to the rear lots will be shared by the two rear lots within the stem, she explained. If the front lots do not receive driveway permits for direct access to the adjacent streets, then they will also use the stem for access, explained Ms. McKibben. A maintenance agreement will be required for the shared driveway.

The proposed ordinance requires that the front lot of the Panhandle subdivision be treated as a corner lot and the front setback and street side yard setback may be chosen from either the right-of-way or the stem of the panhandle lot, said Ms. McKibben.

The proposed ordinance removes the lot size requirements for lots not on public sewer and specific dimensional requirements for lots using marine outfall for wastewater disposal, said Ms. McKibben. Marine outfalls are still allowed by the state, but the requirements in the CBJ

code may not be sufficient depending on the individual location of the lot and proposed outfall. By removing these specific requirements for panhandle subdivisions, the standard in CBJ Title 49 Soils Report will now apply, she said.

By allowing smaller lots within the urban service area to be further subdivided, it will allow for panhandle subdivision of smaller lots as infill development, said Ms. McKibben. This will allow for better use of property for the community as outlined in the Comprehensive Land Use Plan, said Ms. McKibben. It is one way of increasing the intensity of development using the existing infrastructure, she noted. This is also in accordance with the Juneau Economic Development Plan, she said, which encourages better use of land for increased residential development, she said.

This ordinance is in substantial compliance with the CBJ Land Use Code: specifically items numbered two, three, four and six, said Ms. McKibben.

The findings are that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Economic Development Plan, the Housing Action Plan, and Title 49, said Ms. McKibben. Additionally, the change would not create any internal inconsistencies within any plans or codes, she noted.

Commission Comments and Questions
Mr. Miller said multiplying the minimum width by the minimum depth there are 5,950 square feet. If somebody had a 14,000 square foot lot in the Valley they could have both the front and back lots to be 7,000 square feet. However, he said, in this hypothetical they could not get to 7,000 square feet for both the front and back lots without utilizing the panhandle area. In almost every situation when considering basic minimum lot sizes the square footage of the panhandle would need to be utilized. Otherwise, in order to meet that requirement there would need to be a 15,000 square foot lot, he said. Counting the panhandle square footage of the total dimension of the lots would not affect the density, said Mr. Miller.

They pulled a number of lots to look at within various zoning districts and determined that they could meet these lot requirements, said Ms. McKibben. There are lots that can be subdivided and meet this requirement, she noted. She said there are more lots that can may not meet the setback requirement from the stem than the lot size being an issue.

Mr. Voelckers said he had independently come up with a similar concern. He referred to lot requirement (1) (A) within the proposed ordinance which states that, "The front and panhandle lots, excluding the panhandle, must meet all the dimensional and area requirements of this title." Mr. Voelckers said he could not really see a negative from simply removing that language.

If that language was removed they would still be in compliance with the lot requirements, he said.

Ms. McKibben agreed that (1) (A) was probably not necessary.

Public Comment
Mr. Murray Walsh said this is a great proposal and that the last time he checked it cost $2,000 a lineal foot to build a CBJ compliant road scaled for residential use. It would cost $70,000 on a lot in a D-5 zone for construction of the road, he said. This is a way to use CBJ standard roads more efficiently, said Mr. Walsh. A road that supported 20 lots would now support 30 lots, he said.

MOTION: *by Mr. Voelckers, to approve AME2017 0003 striking the language "excluding the Panhandle" in (a) (1) (A) of Lot requirements.*

Mr. LeVine said he supported the motion and that he commended the staff who moved this forward. He said this has been in development for a couple of years.

The motion passed with no objection.

AME2017 0006: Text Amendment to Title 49 to provide for siting Essential Public Facilities.
Applicant: City & Borough of Juneau
Location: Borough-Wide

Staff Recommendation
Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval. Additionally, staff recommends that the next update to the Comprehensive Plan include policies that expressly address the need for flexibility in providing for Essential Public Facilities.

The contents of this ordinance were discussed by the Planning Commission at its last Committee of the Whole meeting, noted Mr. Steedle. This ordinance contains changes recommended by the Commission at that meeting, said Mr. Steedle. They appear on page 5 in the Habitat section, he said. Minor grammatical edits were also suggested, he said, and upon discussion with the City Attorney they decided not to include those.

The Essential Public Facilities process is very similar to a Conditional Use Permit process, said Mr. Steedle. The key distinction is that the use and location are not governed by the Table of Permissible uses, he said. The use of this permitting process is limited to governmental functions that provide a service to benefit the health, safety and welfare of the public, said Mr. Steedle.

To be considered for this process the purpose must be to benefit the health, safety and welfare

of the community, and it has to be delivered either by a government agency or funded by a government agency, said Mr. Steedle. In order to approve this, the Planning Commission needs to make two findings, said Mr. Steedle - that the development project that is proposed is consistent with the Comprehensive Plan, and that the application is complete. In the process followed for Conditional Use Permits, the Director needs to make some findings which are then in turn reviewed by the Commission. For this ordinance Ms. Mead simplified the language considerably, said Mr. Steedle.

In the best case scenario, if the staff and Commission relied on the conditional use process and does not have a warming shelter for example in the Table of Permissible Uses, there would be numerous and timely steps which would need to be taken to approve a use taking months of time, said Mr. Steedle. This ordinance shaves approximately three months off of the typical Conditional Use process, noted Mr. Steedle.

Commission Comments and Questions
Mr. Voelckers suggested that the first sentence of item (b) (1) be amended to add "an essential" prior to the word "service". He added that sometimes there may be the need to an uncommon weather event for an immediate response. Mr. Voelckers said he did not notice anywhere a comment on the duration of such an essential facility.

A special weather event necessitating a facility would be a very temporary solution to an emergent problem, said Mr. Steedle. There is already a provision in the code for that, which the Manager can implement, he added. This code before the Commission does not contemplate limited duration, said Mr. Steedle. He added a key difference in this ordinance is that the applicant for this facility is limited to the CBJ Manager.

Mr. Miller asked what the nature of a private organization might be where it is listed on line 11, page two of the draft ordinance.

Mr. Steedle said that it is not necessarily the CBJ which would own and operate an essential facility. This was broadly written so that any entity could enter into a contract with the CBJ to construct and operate a facility. That would flow from the Manager, to Community Development, and then to the Commission, he explained.

Mr. LeVine said he has similar questions to those of Commissioners Dye, Miller and Voelckers. He said he thinks this is in part because there is no definition of what an essential facility is.

Also, he said, nowhere in the ordinance does it explicitly state that this facility is not listed within the TPU.

Mr. Voelckers suggested that under (10) *Habitat* that after the first word "Development", that "conditions or limitations" be added.

Mr. Steedle said if the Commission were to pass this ordinance, that he would give the recommendations to the Law Department that it be defined what an essential facility is, and that it be explicitly stated that the TPU is not referenced for the facility.

MOTION: *by Mr. LeVine, that AME2017 0006 be recommended for adoption to the Assembly subject to the changes recommended by the Planning Commission, specifically adding a definition of an essential public facility and that it be stated that the essential public facility could be cited independent of the restrictions of the TPU.*

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT

X. UNFINISHED BUSINESS

Change of Comprehensive Plan Land Designation

Mr. LeVine had made a motion at the July 25, 2017 meeting which was tabled until a larger quorum could be present.

MOTION: *by Mr. LeVine, that the Assembly change the Comprehensive Plan land designation for lots one through eight of Block 25, which includes 415 Fifth Street, and 416 and 419 Sixth Street, from Medium Density Residential to Traditional Town Center.*

Chairman Haight and Vice Chairman Voelckers recused themselves due to conflicts of interest.

Mr. Miller said that while Chairman Haight and Vice Chairman Voelckers were conflicted out for the zoning change work performed by the Commission, that even though this decision is related, the item for which they were conflicted has already been acted upon by the Commission. This decision is about whether the Comprehensive Plan land maps are changed, which is a broader question that he did not feel the two Commissioners had a conflict with.

Mr. Steedle said he believed that the question currently before the Commission is so directly linked to its previous action on this related item that a potential conflict still exists. While he said he felt Mr. Miller had a good point, that the Deputy City Attorney had suggested that the two Commissioners recuse themselves from this item as well.

This question arose in the process of a rezone of this particular parcel from D-18 to Mixed Use. The Commission did approve the rezone and tabled this motion to discuss the Comprehensive plan land designation, said Mr. LeVine. Mr. LeVine said he made this motion because he felt it was the job of the Commission to correct these sorts of problems. The Comprehensive Plan

states that the Planning Commission is intended to adopt procedures for considering amendments to the Comprehensive Plan. It provides three criteria, said Mr. LeVine:

a) That the original decision was in error because information available at the time was not adequately considered
b) Changing conditions or new information renders the original decision inappropriate
c) The proposed change is inconsistent with applicable policies of the Comprehensive Plan

Mr. LeVine said he feels this parcel should have been changed from MDR to TTC when the Traditional Town Center designation was created over five years ago. The uses of this parcel more closely comply with the TTC designation, said Mr. LeVine.

Speaking in favor of the motion, Mr. Miller said that this situation has been closely evaluated by the Commission, and he said he did feel it was the responsibility of the Commission to change the designation of the Comprehensive Plan.

Mr. LeVine said it is not his intent to engender a free-for-all on the Comprehensive Plan and that it is due for an update which would provide a good opportunity for similar concerns to be addressed.

Roll Call Vote:

Yeas: Greene, Frisby, LeVine, Hickok, Miller, Dye

Nays:

The motion passed by unanimous vote.

XI. DIRECTOR'S REPORT

Lemon Creek Neighborhood Plan
Mr. Steedle said that The Lemon Creek Neighborhood Plan is drawing to a successful conclusion. On September 26, (2017) there will be a Committee of the Whole meeting at which the Lemon Creek Neighborhood Plan will be presented to the Commission. At the regular Planning Commission meeting following the Committee of the Whole meeting, the Commission will be voting on that plan prior to sending it to the Assembly for approval.

Downtown Area Plan
Mr. Steedle said for some months the planners have been thinking about what a Downtown Area Plan would look like. There is some opinion that another stand-alone area plan was not needed, but instead a catalogue of existing plans that identify what has already been

accomplished and what remains to be accomplished. There would be an implementation table accompanying that overview, he added.

Ms. McKibben said the concept is not yet fully formulated and that as a group the staff has not arrived at a recommendation. There are more than 26 plans which affect the downtown area, said Ms. McKibben. The staff is questioning whether they actually need yet another plan for downtown or whether they need to evaluate the current plans. They will write a white paper and make a recommendation to the Commission, she said. One of the potential outcomes would be an implementation table where all of the implementation actions for all of the plans would be catalogued. They would then possibly recommend, for example, the top 10 actions, said Ms. McKibben. They were also contemplating creating an umbrella chapter which brings all of these plans together, said Ms. McKibben.

Commission Comments and Questions
Mr. Voelckers said there seems to be a consensus that there is a malaise downtown and that there has been a loss of housing opportunity, for instance. He said while there may be numerous plans, do any of them actually identify what the problems are in the downtown area. There still needs to be a mechanism where a requisite group can identify what has already been done and what is in fact still missing from a good downtown area plan, he added.

Ms. McKibben agreed with Mr. Voelckers, and said that it may be that from reviewing all of the existing plans that they can identify the gaps which need to be addressed for the town area. This is a different situation from Auke Bay or Lemon Creek, where previously there was little overarching planning for the areas, said Ms. McKibben.

Mr. Steedle said it may be that what the community needs is not a beautiful document such as what was developed for Auke Bay or for Lemon Creek, but rather an identification of what core evaluations still need to be made. The other element at play in the town area is the "ticking time bomb" of the ADOD ordinance, said Mr. Steedle. There are 20 months remaining to implement rezoning areas of the downtown area, said Mr. Steedle.

Auke Bay Area Plan Implementation
There has been a considerable pause in the Auke Bay Area Plan implementation, said Mr. Steedle, due to staff turnover. There are two new zoning districts, contemplated to implement the Auke Bay Area Plan, said Mr. Steedle. The planners have discussed how these districts need to be created, he said. They will be useful not only for Auke Bay, but could be applied to other areas of town as well, he said.

Comprehensive Plan Update
The Comprehensive Plan is overdue for an update, said Mr. Steedle. They need to identify what areas of the Comprehensive Plan are in most need of an update and what that process will be,

he said. Mr. Steedle proposed that in November the Commission develop a work plan for the coming year during a Committee of the Whole meeting.

Chairman Haight said this is a good proposal, but there may be an element of timing involved if they need to bring new Planning Commissioners up to date.

Title 49/Sign Code
Mr. Steedle said during the Committee of the Whole meeting in November, the staff can update the Commission on the legislation which will be coming shortly to Title 49. There are a couple of large topics which need to be addressed, one of which is the sign code, said Mr. Steedle. One of the problems with the sign code is that it is not constitutional, said Mr. Steedle. He said he felt the issue merited a discussion involving the entire community. There are many types of signs currently posted within the community which are against the code, he added.

The parking code also needs some deep consideration, said Mr. Steedle.

XII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIII. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chairman Haight said they should start beginning to review the CIP.

Mr. Steedle said they could discuss that at the November Committee of the Whole meeting.

XIV. ADJOURNMENT

The meeting was adjourned at 9:35 p.m.