

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
July 11, 2017

I. ROLL CALL

Paul Voelckers, Vice 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 7:04 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Dan Miller, Dan Hickok, Kirsten Shelton, Carl Greene

Commissioners absent: Ben Haight, Chairman; Percy Frisby

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jill Maclean, Senior Planner; Robert Palmer, Assistant Municipal Attorney; Alexandra Pierce, Project Manager, Parks and Recreation

Assembly members: Debbie White, Jessie Kiehl

II. APPROVAL OF MINUTES

June 13, 2017, Draft Minutes – Committee of the Whole

June 13, 2017, Draft Minutes – Regular Commission Meeting

June 27, 2017, Draft Minutes – Regular Commission Meeting

MOTION: *by Mr. LeVine, that the June 13, 2017, COW Planning Commission meeting, the June 13, 2017 Regular Planning Commission meeting and the June 27, 2017, Regular Planning Commission meeting minutes be approved with any minor corrections by Commission members or staff.*

The motion passed with no objection

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Debbie White, Assembly liaison to the Planning Commission, reported that the Landscape Alaska case was decided in favor of the CBJ. The Assembly has passed both the wireless communication telephone tower ordinance and the overlay district, she reported.

At the Assembly Committee of the Whole meeting coming up, the Assembly needs to address the City sponsoring a government project that would cover 75 percent of the cost of river bank stabilization for homes on Meander Way, said Ms. White. There are still a few property owners who are not in favor of this project, she noted. That LID (Low Impact Development) is currently estimated to cost \$78,500 per home, she noted, for 28 homes. This type of development does not work if homes do it individually, she said. To be effective the neighborhood in its entirety needs to undertake the project, she said.

On July 13, 2017, the Assembly will hold its Finance Committee meeting at which projects will be identified for the one percent sales tax money. The City has delayed the sale of the Second and Franklin lot until April 2018, said Ms. White.

Commission Comments and Questions

Mr. Miller asked if it was possible for homeowners to opt out of the LID process, or if all homeowners had to participate.

The LID is currently set up to accommodate all 28 homes, said Ms. White. They have to start and end the project on areas of the bank that are considered stable, she said. If only a few homeowners alter their property, it will change the direction of the river for the other homeowners, she said.

V. RECONSIDERATION OF THE FOLLOWING ITEMS

Mr. Voelckers recused himself due to a conflict and Mr. LeVine, Clerk of the Planning Commission, took over the meeting for the following item.

AME2017 0002: A rezone request for 1.23 acres from D18 (Multi-Family Residential District, 18 units per acre) to MU (Mixed-Use).

Applicant: Corporation of the Catholic Bishop of Juneau

Location: 416 Fifth Street

Staff Recommendation

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for a rezone of the 0.8988 acres [originally misidentified as 1.23 acres] for the entirety of Block 25 from D-18 to MU (Mixed Use).

Both Mr. LeVine and Ms. Shelton confirmed that they have studied the materials for this item which was carried over from the last meeting which they could not attend. Mr. LeVine stated that this item had been before the Commission at its last regular meeting and a motion had been made to approve the rezone request. That motion failed, he said. A motion for reconsideration had been approved at that meeting, he noted. The motion before the Commission this evening is to approve the rezone request, said Mr. LeVine.

Mr. Palmer noted that it would take six votes in order to reopen public testimony, since there was one conflicted Commission member present.

Mr. Miller withdrew his motion to approve the rezone.

MOTION: *by Mr. Miller, to reopen public testimony on AME2017 0002 so the Commission can receive the most public feedback as possible on this item.*

The motion passed with no objection.

Public Comment

Area resident Kim Metcalfe said she had no problem with the remodel plans of the Diocese for their property. She said she was concerned with rezoning the entire block in order to accommodate the remodel. She said she felt this project could better be accomplished with the issue of variances. With the Mixed Use rezone requested by the Diocese, there would be no height limitations on structures, no limit to the number of dwelling units per acre, no minimum setback requirements and no maximum set for lot coverage, she stated.

Ms. Metcalf added that even though the Diocese has since submitted materials indicating that there were structures with a higher height on this location in the past, she added that at that time there were no limitations to which it had to adhere. She said she was interested in the future use of the property, not the past use of the property. She said since the zoning would accompany the property, it could be developed more intensely in the future should the ownership of the property change hands. She said that neighbors in the area are concerned about “Mixed Use creep”. They do not need another entire block overtaken by large scale buildings or commercial concerns, stated Ms. Metcalf.

Ms. Metcalf requested that the Commission deny the request for Mixed Use zoning and that they grant the necessary variances so that the Diocese may accomplish its remodeling goals.

Area resident Yvette Soutiere said by leaving the zoning of the property at D-18 and relying on variances, the community would maintain more control over how this property continues to be used in the future. If the zoning of the property was changed, it could not be undone, and would follow the property in perpetuity, she said.

Area resident Paul Korchin said the Comprehensive Plan designates this property as Medium Density Residential, not Traditional Town Center. He said he felt that Mixed Use zoning will enable potential uses of this property to be different than it is currently being used, or how it has been used historically. This could radically alter the nature of this historic neighborhood, he said. He said development in this area could be accomplished by Conditional Use Permits that respect the character and integrity of the neighborhood. Mr. Korchin requested that the Commission vote to leave the zoning as it is and not to rezone the land to Mixed Use zoning. If the Commission was determined to rezone the land, he said, then he requested that it leave the northern portion of the block as it is and rezone only the southern portion of the block.

Applicant

Architect for the proposed project Corey Wall told the Commission that this property has already been developed as a Mixed Use parcel for 100 years. There was a very large hospital building on the site in line with Mixed-Use zoning, he said. This block has never been in accordance with a D-18 zone, he said. Showing the Commission historical pictures of structures on the site, Mr. Wall said the parcel was not zoned correctly at the time of zoning. What they are requesting is that the zoning actually reflect the use of the property, he said. They would like the Comprehensive Plan to show this block as a Traditional Town Center and that its zoning be changed to reflect what actually exists on the property, which is Mixed Use zoning, said Mr. Wall.

Commission Comments and Questions

In response to a question from Mr. Miller, Mr. Wall said it is not clear to them why the staff recommended the Mixed Use zoning on the one hand but did not recommend that the Comprehensive Plan be changed to a Traditional Town Center designation.

Applicant

Fr. Patrick Casey, Cathedral rector, said in 1994 when the parish hall was rebuilt, they had to sacrifice square footage because the structure lies within a residential zone. They could be impacted by this again, as they have to upgrade the building for ADA compliance, he added.

Brian Goettler said he did not see how any construction on the site could block the views of the neighbors regarding the height of the property. He said they could currently construct multi-family dwellings which would seriously impact the nature of the neighborhood. The work they plan on doing will not affect the neighborhood and have no negative aspect at all. He said he felt their property may better reflect its nature if it was designated Traditional Town Center in the Comprehensive Plan.

Showing the Commission a slide, Ms. Boyce noted that in 1976 the entire block was zoned Public Use, rather than Residential. Public Use at that time included uses such as churches and hospitals, said Ms. Boyce. In 1982 it was designated Single Multi-Family Commercial, she

noted. The greater downtown business area was also included in that zone, she said. From 1995 on the property has carried its current designation which is Medium Density Residential, said Ms. Boyce. Much of the development on the property predated zoning, but in 1964, the designation at that time could have allowed up to 69 dwelling units on the property, not per acre, she noted. In 1968 a height restriction of 60 feet was applied, with the construction of 62 dwelling units possible on the property, she said. The D-18 zone was applied to this property in 1987, said Ms. Boyce.

The lines are not identical between the Comprehensive Land Designations and the zone districts, said Ms. Boyce. Different districts often bleed into other districts, she commented. If this property were to be rezoned Mixed Use, said Ms. Boyce, the density would not get anywhere near 18 dwelling units per acre, she said. The uses on the property comply with the MDR (Mixed Density Residential) designation, said Ms. Boyce.

Commission Comments and Questions

Mr. Dye asked what would be involved if they wanted to do a Comprehensive Plan change on the map to Traditional Town Center.

Ms. McKibben said the staff would need to be directed by the Commission to do this. They would do a comprehensive analysis analyzing more than just this specific area, she said. They would probably want to hold more meetings for public comment, and at the minimum it would require an additional staff report for the Commission, she said. There is no process within Title 49 or criteria for evaluating a map amendment, said Ms. McKibben. They would be evaluating the map amendment against specified criteria in the Comprehensive Plan, said Ms. McKibben.

Mr. Dye asked to have his memory refreshed about a rezone and subsequent Comprehensive Plan map change performed by the Commission about a year ago.

They accepted an application to rezone a parcel from D-5 to D-18, said Ms. McKibben. It was adjacent to another parcel which was also zoned D-18, she said. Both of these zones were in a Comprehensive Plan designation of a “park”, she said. That Comprehensive Plan map designation specifically prohibited residential development, she said. The land use designation in the Comprehensive Plan addressed publicly owned lands for park purposes, she said. The two lots that were within this designation were not in alliance with the “park” designation, she said.

Mr. Miller said this situation is a perfect example of where the boundary needs to be moved. If this was a Traditional Town Center Comprehensive Plan designation, then to change it to Mixed Use would make sense, he said. It is a bit of a stretch when it is designated MDR, he said. If the Planning Commission finds that the Comprehensive Plan maps need adjusting, then the Planning Commission should be able to direct staff and recommend to the Assembly that these corrections be made on a case by case basis, he said.

Ms. McKibben clarified that Mr. Miller was stating that a change to the Comprehensive Plan maps be made at the same time as the rezone action on the Diocese property.

Mr. Miller said there is 125 years of history indicating the use of this property which is more in alignment with a Traditional Town Center.

Ms. McKibben said she understood Mr. Miller to state that staff work on this specific change to the Comprehensive Plan map without broadening the scope of its review.

Mr. Miller said he did not think a broader review was necessary to deal with this item, unless the staff was familiar with other properties which should be included in this review.

Mr. Steedle said he did not think changing the land use maps was necessary. He said the staff believes that the property is in substantial conformance with the land use maps of the Comprehensive Plan. If the rezone was submitted to the Assembly with a recommendation to change the land use maps of the Comprehensive Plan, that would be sending the message to the Assembly that the Commission did not believe that the rezone was in substantial conformance with the land use maps of the Comprehensive Plan, said Mr. Steedle. If it doesn't substantially conform, said Mr. Steedle, then it did not follow that the Commission would recommend rezoning. If the Commission finds that it does not substantially conform, then they could direct the staff to look into the issue further, said Mr. Steedle.

Mr. Dye asked Ms. Boyce which historical and present designation best fits this property in her opinion.

The Public Use designation no longer exists and has been chopped up with pieces placed among other designations, said Ms. Boyce. The 1982 designation was a broad business district type of designation, she said. The Medium Density Residential designation still supports other uses such as churches, said Ms. Boyce.

Ms. Boyce said that MDR is more limited to residential and the traditional town center is more open in the uses which it allows.

Mr. LeVine asked if it was possible for the Commission to recommend rezoning with conditions.

That may be one of the toughest questions to answer, said Mr. Palmer. If the condition is related to a public health and safety concern such as access for example, then it is likely that it could be found to be constitutional, said Mr. Palmer. If a condition stated something like, "no big box stores", then it would likely be found unconstitutional, he said.

Mr. LeVine asked if a condition was placed limiting the height of the building if that would be feasible.

That would probably not be feasible, said Mr. Palmer, since there are already zones which limit height if that is something that was necessary.

Mr. LeVine asked what if any problems would occur if a recommendation was made to the Assembly to change the designation of an individual parcel. He asked if there is any reason why the Commission could not do this if it chose.

There are policies within the Comprehensive Plan, noted Mr. Palmer, and those policies have been used to evaluate land use map changes for the Comprehensive Plan in the past.

Mr. Palmer said Mr. Steedle raised a valid point, and that he could not see how the Commission could on one hand say it complies with the Comprehensive Plan and at the same time recommend a change to the Comprehensive Plan maps.

Ms. Shelton asked if there was a way for the Commission to get a more formal interpretation regarding the application of conditions such as addressing conflict with the neighboring uses.

Mr. Palmer replied that this was not available in Alaska.

Mr. Hickok asked what time frame was involved to make a change to the Comprehensive Plan. He asked if the variance process would be quicker.

Mr. Steedle said the last time this was done it was a very simple process. However, that was a gross error within the Comprehensive Plan which was rectified, he said. This is considerably different, he said. It is not a gross error for this property to be designated MDR, he said.

Mr. Dye asked if the Commission requested the staff to look into designating this parcel from MDR to Traditional Town Center (TTC) if it could be accomplished by the August 8, (2017) meeting.

Ms. McKibben and Mr. Steedle said that four weeks was not enough time to accomplish this work.

Ms. Shelton asked the staff if it had stated that a variance could not solve this issue.

The applicant would have to make a case for true hardship in order for a variance to be recommended, said Ms. Boyce. They would also have to justify why they could not build to current standards, she noted.

Mr. Miller said he felt it would be easy to show that this parcel of property was not properly designated. He said he also did not see anything wrong with the Commission wanting the Comprehensive Plan maps to be as accurate as possible. Mr. Miller said within the Comprehensive Plan under Medium Density Residential the explanation is:

These lands are characterized by urban residential lands for multi-family dwelling units at densities ranging from five to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood as regulated in the Table of Permissible Uses.

Mr. Miller said if one referred to the Table of Permissible Uses, buildings such as hospitals and offices larger than 2,500 square feet do not fit. That places the parcel back into the category of not being properly designated, he added.

Mr. Dye asked the staff how long it would take for a Comprehensive Plan study on this particular piece of property.

The staff replied they estimated that it would take about two months.

MOTION: *by Mr. Dye, to accept the staff's analysis, recommendations and findings on AME2017 0002 and rezone the property to Mixed Use.*

Mr. Miller confirmed that rezones can only be requested during the months of January and July, and that a rezone for the same property could not be requested for 12 months after the initial request. Therefore, he said, if this rezone request was denied so the Commission could request a more conforming designation for the parcel, the applicant would have to wait for 12 more months.

Mr. Palmer said the Commission had a few options: the Commission could continue this item and postpone it to a specified date, or the applicant could wait, see if the parcel was redesignated and submit their request again after 12 months.

Mr. LeVine asked if the Commission were to approve the rezone if there was anything to prevent the Commission from then requesting that the staff look into changing the designation on this parcel property.

Mr. Steedle said the Commission could make the finding that this parcel does substantially conform to the Comprehensive Plan and it could also subsequently direct staff to look into changing the designation of the parcel. These would be to separate actions, said Mr. Steedle.

Roll Call Vote:

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

Nays:

The motion passed by unanimous vote.

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

WCF2017 0007: A Wireless Communications Facility application to replace an existing 90 ft. tower with a 120 ft. tower.

Applicant: American Tower Co.

Location: 5641 Glacier Hwy / 5594 Tongsgard Court

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Special Use Permit (SUP). The permit would allow the development of a wireless communication facility to replace a 90 foot wooden WCF with a 120 foot steel monopole WCF with the following conditions, and any changes to these conditions may require a new SUP:

1. Steel monopole must be matte gray in color;
2. Site security and signage must be installed and maintained as according to plan;
3. Lighting is not to be added to the WCF.

This is the first new tower to be proposed since the ordinance was adopted, said Ms. Maclean. This tower would be located right next to the Breeze-in in Lemon Creek, said Ms. Maclean. The site size is over 100,000 square feet, the Comprehensive Plan land use designation is appropriate as Heavy Industrial, and the zoning is appropriate as Industrial, she said. The existing land uses on the site are a wooden tower about 90 feet tall, a warehouse, a single family residence, as well as storage and some containers, said Ms. Maclean.

This tower is before the Commission for approval because the antennas are not flush-mounted. This tower is 30 feet higher than the existing tower, she said. Anything over 60 feet must first come before the Planning Commission, said Ms. Maclean. Since this is a special use permit it requires three public notification signs and all abutters within 1500 feet must be notified as well, said Ms. Maclean. A balloon was also floated at the height of the tower, she said.

City representatives, the State Department of Transportation, and the FAA all approved the tower; the FAA with some conditions, said Ms. Maclean. The tower is in compliance with the Comprehensive Plan and with the wireless ordinance adopted in 2014, said Ms. Maclean.

Commission Comments and Questions

Mr. Miller asked if there is a reason why only four arrays could be added to the tower.

Ms. Maclean said that was a good question for the applicant.

Mr. Dye asked if the no lighting provision was applicable only to the tower or if the building would also be affected.

That applies to the tower, said Ms. Maclean.

Applicant

Murray Walsh, representing American Tower, said they will rent up to four spots on this tower to four different carriers. The highest array will have 12 antennas on it, he said. To have effective cell phone service the antennas are required, said Mr. Walsh. He said he could not think of a better location in the community than this one for the tower.

MOTION: *by Mr. Greene, to approve WCF2017 0007 and accept staff's analysis, findings and recommendations.*

Mr. Dye asked to add the friendly amendment that lighting is not added to the monopole.

The friendly amendment was accepted by Mr. Greene.

The motion passed with no objection.

AME2017 0004: A rezone request for the property at 9990 Mendenhall Loop Road from D-5 (single-family residential, 5 dwelling units per acre) to D-10 (multi-family residential, 10 dwelling units per acre).

Applicant: Duran Construction Company, LLC

Location: 9990 Mendenhall Loop Road

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and deny the zone change from D-5 to D-10.

The applicant is requesting a rezone of approximately 3.64 acres from the existing D-5 zone district to D-10, a multi-family designation that could allow up to 10 dwelling units per acre, explained Ms. Boyce. This land parcel is surrounded by D-3, D-5 and D-1 zones, said Ms. Boyce. This parcel is in the midst of an Urban Low Density Residential (ULDR) area, said Ms. Boyce. In residential zoned districts the density is based upon lot size while in multi-family districts it is calculated on the number of dwelling units per acre, said Ms. Boyce. The maximum number of units allowed in a D-10 zone would be 37, said Ms. Boyce, with 22 units being the maximum amount of dwelling units allowed in a D-5 zone. The applicant's proposal shows 20 common lot units on the property, said Ms. Boyce.

The Commission can recommend approval to the Assembly, deny the request, or recommend an alternative, said Ms. Boyce.

Mr. Dye said that his employer owns a lot two lots over from the site under consideration, and that his parents also live in the vicinity. He did speak with the City attorney and he said he does not feel that his judgment would be affected.

The Commission voiced no objections.

Applicant

Josette Duran said they are proposing this development because they believe that moderate income buyers are not presented with enough options within the community. They are actually proposing a D-6 unit development, said Ms. Duran. A Planned Unit Development (PUD) would mean more units, but it also means less land per unit. Their buyers want a yard with their home, she said. She said they are of the opinion that a PUD is less affordable. With a PUD there are Home Owners Association dues, maintenance fees and special assessments. All of those fees take away an owner's ability to afford the home, she said.

Commission Comments and Questions

Mr. Voelckers asked what the specific lot development criteria were for the proposed D-10 compared to the D-5 zones.

The minimum lot size for a common wall dwelling in a D-5 zone is 7,000 square feet, said Ms. Boyce. It is 5,000 square feet within a D-10 zone, she added. The minimum lot size for a single family home in D-5 is 7,000 square feet with 6,000 square feet for a traditional single family home in a D-10 zone, said Ms. Boyce.

This is a rezone request, said Mr. Miller, and does not involve approval of a plat at this stage. So the plan could change after the rezone, he added.

Ms. Boyce added that a D-10 zone allows for multifamily development where a D-5 zone does not.

Mr. Dye asked if D-10 SF zoning would accomplish what the applicant needed.

Ms. Duran said that it would.

The staff concurred that D-10 SF zoning allowed for common wall dwellings.

Mr. Dye asked the applicant if there was a reason that they requested D-10 zoning instead of D-10 SF zoning.

Ms. Duran responded that she had been told that D-10 SF zoning was only for the Pederson Hill subdivision.

Mr. Duran said the issue is that there is a big gap between D-5 and D-10 zones. What they are really planning is a D-6 development, he said. What they are really looking for is the difference in the setback requirements and the lot size, said Mr. Duran. They are not after the construction of the more units available with the D-10 zone, he said. Some of the lots cannot meet the 7,000 square foot standard required in a D-5 zone, he said.

Mr. Voelckers asked if it is okay to have a zone change designation in the middle of an undifferentiated lot.

Ms. McKibben said it is not perfect but that it happens. There are some pieces of property with split lot zoning, she said. Since there would be no structures on the length of the property used for access, from a practical standpoint she said she did not think it made a difference.

Public Comment

Allen Culbreathsaid that he shared the same property line as the property owned by Mr. Duran. They are all single family residences, he said. He said that he did not feel the property was conducive to a D-10 zone, considering the surrounding areas. This would create a substantial change to their neighborhood, he said.

Commission Comments and Questions

Mr. Dye asked if his concern was more with the potential of the maximum buildout.

Mr. Culbreath said he did not have a problem when the zoning was changed to D-5 in 2013. The jump from D-5 to D-10 is substantial, he said.

Mr. Dye asked if his concern was with the multi-family aspect of the D-10 zone.

The person said that it was.

Applicant

Mr. Duran said their intention is not to build multi-family dwellings. They want to build affordable housing for people in Juneau who would like to purchase a home but cannot purchase a more expensive home.

Mr. Dye asked the staff if there was a substantial difference in lot dimensions between D-10 and D-10 SF zones.

The uses in D-10 SF are geared toward single-family homes, said Ms. Boyce. The minimum lot size for D-10 SF is 3,600 square feet, she said. The minimum lot size for D-10 is 6,000 square feet.

The lots would be very expensive for a D-5 zone, said Mr. Miller. He noted that putting in the road would cost about \$1,000 a foot. He said he understands both the importance of retaining the character of the neighborhood and at the same time providing affordable homes for our children. However, said Mr. Miller, the area has the ULDR designation in the Comprehensive Plan. The Commission may want to think about a Comprehensive Plan update, said Mr. Miller. This lot may have the potential to be a transitional parcel, he said. Mr. Miller said he agreed with the applicant's statement that a D-5 zone jumping to a D-10 zone is a big leap in density.

Mr. Voelckers asked for a repeat explanation of the recommended density for homes within the ULDR.

Ms. Boyce said the Comprehensive Plan talks about one to six units per acre within the ULDR district. The MDR designation allows five to 20 units per acre, she added. This area is defined as suburban in character within the Comprehensive Plan, said Ms. Boyce.

Mr. LeVine said he had concerns about the idea of rezoning land without knowing what ramifications it would have. He said the current zoning could support 16 zero lot lines and four single-family homes. Mr. LeVine said he was finding himself in the same place as Mr. Miller regarding the rezone request.

With the current D-5 zoning, said Mr. Miller, the applicant could in theory construct 17 common wall units with accessory apartments. There definitely are difficulties, but there are ways to develop this property within its current D-5 zone, said Mr. Miller.

Mr. Voelckers reminded the Commission that they are looking at the rezone of the property, not the specific design. He said it appeared to him that close to 20 units could be developed within the D-5 zone. He said Mr. Dye's point about D-10 SF zoning may be a productive avenue for the applicant to pursue.

Mr. Dye said upon reconsideration he realized the D-10 SF lots were very small.

MOTION: *by Mr. LeVine, to accept staff's findings, analysis and recommendations, and deny AME2017 0004.*

Roll Call Vote:

Yeas: Hickok, LeVine, Greene, Dye, Miller, Shelton, Voelckers

Nays:

The motion passed by unanimous vote.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. DIRECTOR'S REPORT

COW

Mr. Steedle notified the Commission that the regular Planning Commission meeting on August 8, (2017) will be preceded by a Committee of the Whole meeting. They will be addressing three text amendments at the COW, said Mr. Steedle: variances, possible modification of publically maintained access and rights of way, and essential public facilities.

Title 49 Committee Meeting

Ms. McKibben said there will be a Title 49 committee meeting on July 19, (2017) at 3:15 p.m. to discuss nonconformities.

Update on Parks and Recreation Master Plan

Ms. Pierce told the Commission that the land use portion of the Parks and Recreation master plan is being updated and will be before the Commission for review prior to its adoption by the Assembly. The Parks and Recreation Department did a significant public outreach in the fall, said Ms. Pierce. They consolidated the public feedback in a document issued in December, she said.

The parks inventory is relevant to the Planning Commission, said Ms. Pierce. They are trying to ascertain that they have the right parks in the right place with the right equipment, she said. They are also working on park's standards and the classification of types of parks, she said. They currently have recreation service parks and natural area parks as categories, with a number of sub categories within the primary categories, she said.

They are currently working on the definition of “community park” and “neighborhood park”, she said. A community park involves some sort of playing field, she said, and a neighborhood park does not.

They are also working on adopting park standards more closely aligned to the community of Juneau, and those standards will be based upon population, said Ms. Pierce. They are also developing an acquisition and disposal policy. There are a number pieces of property in Juneau that are designated as park lands and they are not sure why they carry those designations, said Ms. Pierce. They are working on developing a process which would dispose of park land. At this point they are just working on the process, they are not identifying park land for disposal, she said.

Commission Comments and Questions

Mr. Voelckers said they have discovered a number of small strips of land designated as park land. He said he felt it was wise of the Parks and Recreation department to develop a protocol, and in fact go a step further and identify some of these land parcels which could be disposed of to the public. He said this is limiting other uses of CBJ land.

They have developed a set of criteria, said Ms. Pierce, on how to gauge whether a piece of park land property qualified for disposal. The process for disposal would involve a round of public consultation, she said. They will be putting the draft plan out for public review sometime this fall, said Ms. Pierce. They expect to have the final plan ready for the Commission to review in early 2018, she said.

Mr. Dye commented that using the urban service area boundary may not be the best guide to use since it has been found not to be very comprehensive.

Mr. Voelckers noted that over the past few years the CIP (Capital Improvement Project) list had large allocations of funding for items such as playfield resurfacing. He said he did not see any reference to these types of items in the plan. He asked if there has been a change in focus within the Parks and Recreation department.

Ms. Pierce said the outcome of the parks inventory will be to have a CIP priority list.

Mr. Hickok noted that the ballparks at Lena were used by teams and that they appeared to be no longer used.

Ms. Pierce said that is because the user groups are not interested in using those fields at this time. There has been discussion of turning that area into a dog park, she said. The disc park area has land provided by Parks and Recreation but it is largely self-managed, she said.

Mr. Voelckers asked if Parks and Recreation includes the provision of motorized vehicles in its plan.

They continue to work with user groups to try to find a location for them, said Ms. Pierce.

Alaska Supreme Court Opinion and Judgment: Zenk & Baumgartner v. CBJ, Lendrum, Miyasato, Olson & Wilson

Mr. Steedle noted that the Commission has in its packets the Supreme Court decision upholding the decision by the Planning Commission on the Landscape Alaska case.

Mr. Palmer thanked both the Planning Commission and the staff for doing an incredible job on this issue. The Supreme Court agreed with the Planning Commission on its analysis of a Conditional Use Permit for a very challenged site, said Mr. Palmer. Two important points to take away from this decision are that a Conditional Use Permit can never be a rezone, said Mr. Palmer. The neighbors in this case argued unsuccessfully that the granting of a Conditional Use Permit to a commercial greenhouse in a residential area was in effect a rezone from residential to commercial use. The other important issue is one of due process, said Mr. Palmer. The neighbors in this case argued that when this body limited public testimony to three minutes per person, that this was a deprivation of their right to procedural due process, he said. The Supreme Court ruled that since they had the opportunity to provide written testimony prior to the hearing that there was no due process violation, said Mr. Palmer.

Mr. Palmer said the Superior Court agreed that comments of Mr. Miller's that he would appreciate the business be open certain hours for business people like himself was not a violation or a conflict of interest. Mr. Palmer added that the Commission has done an excellent job of always identifying potential conflicts they may have with an issue before them.

XII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIII. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Dye asked if there has been talk in the past to address the broad leap between D-5 and D-10 zoning. He said it appeared to him that the six dwelling per acre category has been overlooked.

Mr. LeVine asked for a brief update about the progress of the Rules committee for the Planning Commission.

Mr. Steedle said he met with Mr. LeVine and received good information on potential modifications to make. He said he submitted this to the Law Department for its review and requested a two-week turnaround for the review. He said he hoped to have that information ready by the first meeting in August.

XIV. ADJOURNMENT

The meeting was adjourned at 9:43 p.m.