

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
December 27, 2016

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 7:07 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Percy Frisby, Carl Greene,

Commissioners absent: Bill Peters, Matthew Bell, Nathaniel Dye, Kirsten Shelton-Walker

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Chrissy Steadman, Planner II, Allison Eddins, Planner I, Robert Palmer, Assistant Municipal Attorney

Assembly members: Debbie White, Jerry Nankervis

II. APPROVAL OF MINUTES November 30, 2016

MOTION: *by Mr. LeVine, to approve the minutes of the November 30, 2016 Regular Meeting with a correction by Mr. Voelckers that on Page 19 “ten of them are” is replaced with “the general intent is” to more accurately reflect the meaning of the statement.*

The motion passed with no objection.

III. ASSEMBLY LIAISON

Assembly Liaison Debbie White reported that on December 19, (2016) the Assembly adopted by resolution the Housing Action Plan. The Assembly will be focusing on how to implement that plan, she said. The Assembly will also be addressing the homeless situation in downtown Juneau, she said. The Assembly will be hearing several appeals, including the Nestler appeal, to be held on February 27, (2017) she reported.

IV. CONSENT AGENDA

CSP2016 0012: A city project review for paving and drainage improvements along Aspen Avenue and Pinewood Drive.
Applicant: CBJ Engineering Department
Location: Aspen Avenue (Mendenhall Blvd to Duck Creek crossing) and Pinewood Drive

Staff Recommendation

Staff recommends that the Planning Commission find CSP2016 0012 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580, and **approve** CSP2016 0012 to improve the existing sewer and water service and storm water drainage along Aspen Avenue and Pinewood Drive.

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 that a construction noise permit will be required for heavy equipment work during night-time hours as provided by CBJ 42.20.095(b) and that notice of any street closure must be provided to both Juneau Police Department and Capital City Fire and Rescue.

Advisory Conditions:

1. *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 shall first be obtained from the City and Borough of Juneau Building Official. Such permit shall be issued by the Building Official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.
2. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshal and Chief of Police. Failure to provide such notice may result in suspension of any CBJ-issued permits for such work, and is punishable by a fine as an unlawful street closure under CBJ 72.17.010.

USE2016 0030: A Conditional Use Permit for a Marijuana Cultivation Facility in an Industrial Zone.
Applicant: Farmed Ceuticals
Location: 5165 Glacier Highway

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 an 8,100 square foot marijuana cultivation facility on an Industrial zoned lot in the Lemon Creek area.

The approval is subject to the following conditions:

1. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.
3. Prior to approval of a building permit for a portion wall to create a room identified as Flowering Room C on the applicant's floor plan, a revised surveillance camera plan be submitted to ensure the room has adequate surveillance coverage.
4. Prior to approval of a CBJ marijuana license, the fire exit from Flowering Room B shall be alarmed.
5. All waste containing marijuana products shall be stored in a locked enclosure until transported to the CBJ landfill.

MOTION: *by Mr. LeVine, to approve items CSP2016 0012 and USE2016 0030 on the Consent Agenda.*

The motion was approved with no objection.

V. REGULAR AGENDA

AME2016 0015: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

Applicant: City & Borough of Juneau

Location: Borough Wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendments to the Assembly with a recommendation for approval.

Chrissy Steadman told the Commission that at the previous Planning Commission meeting the original staff recommendation had included four items:

- ✓ That a sobering center would be added as a permissible use to Title 49
- ✓ That a sobering center be defined
- ✓ That a parking requirement be provided for sobering centers
- ✓ That emergency shelters be added to the definition of assisted living

The Commission asked the staff to come back with a recommended definition for emergency shelters, and also for a determination if sobering centers should be permissible in the Industrial zoning district.

The staff finds that a sobering center allowed in the Industrial zone was inconsistent with Title 49, said Ms. Steadman, and not consistent with the goals and policies of the Comprehensive Plan, she said. The use is also not consistent with the definition of Industrial District found in CBJ 49.25.240, she explained.

The three Industrial zones within the CBJ include the Rock Dump, areas in Lemon Creek and adjacent to the airport, said Ms. Steadman. Most of the Industrial zone has a Comprehensive Plan land use designation as “Heavy Industrial”, but there is some Light Industrial zoned land with a little bit of institutional and public uses, said Ms. Steadman. Waterfront Commercial Industrial is the land use designation in the area around the Rock Dump, and there is some resource development within the Lemon Creek area, she said.

Each of these designations does not include personal service uses consistent with each of these land use designations, said Ms. Steadman.

The staff found that sobering centers are most consistent with a personal service use, said Ms. Steadman. Neither the Comprehensive Plan or Title 49 define personal service uses, but the *Illustrated Book of Development Definitions* defined personal service uses as, “The establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel”, said Ms. Steadman.

Chapter 10 of the Comprehensive Plan provides guidance on the use of Industrial land within the CBJ, said Ms. Steadman. Policy 10.7 states that, “To designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses,” read Ms. Steadman.

Further development guidelines within Chapter 10 state that the, “Distance from sensitive receptors, such as homes, schools and hospitals, to potential off-site impacts generated by industry including noise, dust, fumes, odors, and night time light glare,” read Ms. Steadman.

She said that Chapter 10 further states that, “Residential, retail, office, personal service uses and similar nonindustrial uses should not be permitted within heavy industrial districts although light industry such as building contractors, repair services, storage yards and similar business and household services would be compatible with heavy industrial uses.”

Chapter 5 of the Comprehensive Plan emphasizes the importance of preserving Industrial zoned lands for industrial and commercial purposes, said Ms. Steadman. It states that an industrial lands inventory and needs assessment may be required as part of such a rezoning application, she stated. “Lands designated for heavy industrial use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such a conversion”, said Ms. Steadman.

The Comprehensive Plan does state that areas which have been encroached upon by nonindustrial uses should be rezoned to have an appropriate land use designation, said Ms. Steadman, so that the uses and the zoning districts are consistent.

Ms. Steadman stated that the staff still recommends that sobering centers be allowed in the Mixed Use (MU), Mixed Use 2 (MU2), Light Commercial (LC) and General Commercial (GC) zoning districts. The draft ordinance reads that a, “Sobering Center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170”, stated Ms. Steadman.

The parking standard stipulates one space for six beds plus one visitor parking space, said Ms. Steadman. She explained that the amended definition of assisted living “means a residential facility providing temporary accommodations and minimal supportive services for displaced persons on a short-term basis.” This definition was compiled from various definitions researched around the country, said Ms. Steadman.

Ms. Steadman said the staff’s recommendation is to:

- ✓ Add a section on sobering centers to the TPU (Table of Permissible Uses)
- ✓ Add a parking requirement for sobering centers of one space per six beds plus one visitor parking space
- ✓ Define sobering centers as previously listed in the report
- ✓ Amend the definition of an assisted living facility to include emergency shelters
- ✓ Define an emergency shelter as previously outlined

Commission Comments and Questions

Mr. Voelckers said he had raised the issue of possibly locating a sobering center within an Industrial zoned district so that areas were not precluded from consideration. He said he appreciated the research the staff had done on this item and that it made a compelling case

that an Industrial zoned district is not really appropriate for a sobering center. He said he did find it interesting that the Comprehensive Plan does draw a distinction between heavy and light industrial zones, but that the zoning ordinance does not. There are significant areas for instance in Lemon Creek that are Light Industrial and do have a more transitional and mixed zoning aspect to them, he said.

Mr. LeVine said the analysis provided makes good sense to him. He said it did seem a little strange that there is an entire definition for something called a sobering center when it seems more of a subset of something like an emergency shelter. He asked if this was an unusual practice based upon the research the staff has performed. He said he was asking this question because if the practice continued then down the road the CBJ could end up a TPU 700 pages in length.

Ms. Steadman said there are several examples of sobering centers versus emergency shelters. She said that is why they wanted to clarify it within Title 49. Based upon the HUD definition that emergency shelters should really be included in residential zoning districts, and the staff did not feel that a sobering center was an appropriate use for residential districts.

Public Comment

Juneau resident Cynthia Dau told the Commission she feels the community has missed the opportunity over many years to talk about an emergency shelter. There are people on the street who are not eligible to participate in the Glory Hole program, noted Ms. Dau. There are downtown business owners who are fed up with the presence of homeless individuals sleeping in their doorways, she said. Ms. Dau said that she can understand this perspective.

The urine and the feces are not just from those individuals who are not able to participate in the Glory Hole program, she said. In the summer this is from visitors as well, she noted. Bathrooms are very difficult to locate in town, she said. She encouraged the community to do something about this problem.

Chairman Haight commented that these issues are going to be before the Assembly in its forthcoming discussions in 2017 and that the Commission would certainly support the Assembly in this cause.

MOTION: *by Mr. Voelckers, to approve AME2016 0015 and asked for unanimous consent.*

The motion passed by unanimous consent.

VI. DIRECTOR'S REPORT

Mr. Steedle told the Commission that the staff had provided a schedule for the Commission meetings for 2017.

Mr. LeVine requested that the schedule for the 2017 meetings be discussed once the three new Commission members had joined the Commission in January.

Mr. Steedle said he recommended the Commission not meet on January 10, (2017) since the agenda was exceptionally light. The item on the January 10, 2017 agenda was the text amendment for parking waivers, he said.

Chairman Haight voiced the concern that new members would be joining the Commission, and that he knew Mr. Miller would not be present for the January 24, (2017) meeting.

Mr. Steedle mentioned that Ms. McKibben had rightfully pointed out that the January 24, (2017) meeting may be a long meeting because the Honsinger Pond rezone would be before the Commission again on that date.

Mr. Voelckers raised the point that the January 10, (2017) meeting could be time fruitfully allocated to fill in the new Commission members on items of importance currently addressed by the Commission.

Chairman Haight said that he felt they would need the January 10, (2017) meeting.

VII. OTHER BUSINESS - None

VIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Title 49 Committee

Mr. LeVine reported that the Title 49 Committee met last week and discussed parking waivers and the Auke Bay plan.

Subdivision Review Committee

Mr. LeVine said the Subdivision Review Committee had a very brief meeting to discuss a potential subdivision in the Twin Lakes area.

Mr. Voelckers added there were several individuals who are interested in the same small subdivision, and they were trying to figure out a way to create more lots within the subdivision without the size of the project requiring the more complex standards.

IX. COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine said he would like to have a conversation in the future about the reason and justification for advisory conditions. He said he did not see the need to simply repeat statutory text as an advisory condition. He said perhaps this could be placed as notes to the applicant. Chairman Haight asked if this could be a topic for the January 10, (2017) meeting.

Mr. Steedle said this could certainly on the agenda for the January 10, (2017) meeting.

X. ADJOURNMENT

The meeting was adjourned at 7:36 p.m.