

Agenda
Planning Commission
Committee of the Whole
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
December 13, 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 7:13 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Kirsten Shelton-Walker (telephonically), Carl Greene

Commissioners absent: Percy Frisby, Matthew Bell, Bill Peters

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

Assembly members: Debbie White, Jerry Nankervis

II. APPROVAL OF MINUTES

Mr. Voelckers asked to modify the regular Planning Commission meeting minutes of November 10, 2016. He asked that language be added on page 9 of 10 clarifying his statement about rectangular lots which occurred in the last paragraph under the Committee Reports. The added language to that paragraph appears in italics, below.

Mr. Voelckers noted there was a couple who appeared several months ago before the Commission who wanted to create a Panhandle subdivision for their lot which until recently had been allowed *on similar properties, using a "minimum rectangle" requirement. As part of subdivision language changes, that minimum rectangle provision is no longer in place, said Mr. Voelckers.* He just wanted to remind the Commission and staff that there was still value in enacting that ordinance so this type of development could take place.

MOTION: *by Mr. LeVine, to approve the minutes of the Planning Commission Regular Meeting of November 10, 2016, incorporating the minor edits made by Mr. Voelckers to those minutes.*

The motion passed with no objection.

III. PUBLIC PARTICIPATION ON NON AGENDA ITEMS – None

IV. PLANNING COMMISSION LIAISON REPORT

New Commission Members

Assembly Liaison to the Planning Commission Debbie White reported that the Assembly Human Resources Committee made some new appointments for the Planning Commission. Chairman Haight reapplied and was reappointed by the Assembly to the Planning Commission, she noted. A new member who will be joining the Planning Commission next month is Dan Hickok, owner of Deharts, said Ms. White. Also, she noted, long time former Planning Commission member Dan Miller will be rejoining the Commission for a new tenure.

Appeals

Wednesday night (December 14, 2016) the Assembly will be hearing the Olmo appeal, she noted. On Monday, (December 19, 2016) the Assembly will be hearing the Meek appeal, she added.

V. RECONSIDERATION OF THE FOLLOWING ITEMS – None

VI. CONSENT AGENDA

Chairman Haight stepped down for the items on the Consent Agenda due to a conflict of interest.

MOTION: *by Mr. LeVine, to accept staff's findings, conclusions and recommendations and to approve USE2016 0027 and USE2016 0028.*

The motion passed with no objection.

USE2016 0027: Conditional Use Permit for a standard marijuana cultivation establishment in the Industrial zoning district.
Applicant: Green Elephant LLC
Location: 101 Mill Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

USE2016 0028: Conditional Use Permit for a marijuana retail establishment in the Industrial zoning district.

Applicant: Green Elephant LLC

Location: 101 Mill Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana retail facility in the Industrial zone.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP2016 0010

Planning Commission review for proposals to go on the FY 2018 CIP

Ms. Shelton-Walker said she felt she should recuse herself due to a conflict of interest, due to her employer's involvement on projects related to the CIP (Capital Improvement Projects). Under questioning by Mr. Voelckers for her elaboration on the issue, Ms. Shelton-Walker said it is due to her employer the McDowell Group doing work on the economic impact of cruise ships in Juneau.

Chairman Haight said there were several members on the Planning Commission who had the same situation.

Mr. Voelckers stated that the items on the CIP were very general in nature and not a specific focus on individual projects.

Mr. LeVine stated that since Ms. Shelton-Walker was participating in the meeting by phone this evening that there may be issues that she was not comfortable discussing in public. He said perhaps she may be more comfortable discussing the issue by phone with Mr. Palmer, the Assistant City Attorney, since he was present at the meeting this evening.

Mr. Palmer said he could speak with Ms. Shelton-Walker privately if the need arose. He said if there was a specific project in the CIP that any Commissioner has the potential of deriving a financial interest, that could present a problem. He said he has not had any individual

discussions with Commissioners on this matter, but that it is important to note that the items in the CIP can be general recommendations. If the Commission focuses on a particular project then a potential conflict could rise, he said. As long as a Commissioner is not advocating on behalf of a specific project from which they derive a personal or financial benefit, said Mr. Palmers, he did not see a conflict of interest.

Ms. Shelton-Walker said she was comfortable participating on this issue if the rest of the Commission concurred.

Commission members voiced no objection.

Mr. Lange told the Commission he was willing to speak on the recommendations stemming from the Commission on Sustainability and the CIP subcommittee. He added that he was also prepared to give a full presentation on the CIP should the Commission requests that.

Chairman Haight said the Commission appeared to be comfortable hearing only the recommendations stemming from the Commission on Sustainability and the CIP subcommittee.

The Department of Engineering and Public Works is soliciting proposals for the CIP which is what the Commission is considering this evening, said Mr. Lange. The Manager's projects will go to the Public Works and Facilities Committee in January, he added. The Assembly Finance Committee will then review those projects and they will then come back to the Planning Commission for a consistency review, said Mr. Lange. The budget will then go into effect in July, 2017, said Mr. Lange.

The Juneau Commission on Sustainability recommended full funding for the compost feasibility study and the energy efficiency improvements to the wastewater facility, said Mr. Lange. They also made recommendations for additional projects to be included in future CIP lists, he noted. All of these projects incorporated energy efficiency and water conservation in their design, said Mr. Lange.

They recommended LED Street lighting, said Mr. Lange, as well as transitioning to electric vehicles for the CBJ vehicle fleet and buses. They also recommended electric vehicle charging stations, he said, one to be located at the Juneau Transit Center.

The Planning Commission CIP subcommittee recommended that programmatic goals go through with their recommendations to the Assembly, said Mr. Lange. Those goals include: Housing, Community Vitality, Transportation and Sustainability, said Mr. Lange.

Under *Housing* they recommended that a new mass wasting study be initiated, a program to be developed to promote housing development, to identify priority projects, and to propose public and private partnerships, said Mr. Lange.

Under *Community Vitality* they requested that a solution for the Willoughby district parking deficit be proposed, that parcels be identified for CBJ acquisition through the Land Management Plan, and that emphasis be placed on general public improvements in the Lemon Creek area, said Mr. Lange.

Under *Transportation* the subcommittee recommended that a study of Marine shipping in and out of Juneau be facilitated, and that a seasonal downtown circulator be developed and implemented, said Mr. Lange.

Under *Sustainability* the subcommittee recommended that energy performance goals across all CBJ projects be established, and that a mechanism for monitoring such performance be implemented across departments, said Mr. Lange. They also recommended that landfill diversion strategies be prioritized, he said.

Mr. Lange said the Assembly prioritized its projects by ascertaining if they have support in the community, if they promote health and safety, if they provide any economic development stimulus, and if an anticipated need exists in the community containing some of the above criteria, he said.

The staff recommends that the Commission consider these lists and make a recommendation to the Assembly, said Mr. Lange.

Commission Comments and Questions

Mr. Voelckers said the ad hoc committee met once amongst itself and developed a process where it felt it was more important to emphasize programmatic goals rather than individual, specific projects. They felt it was important to put together such a list to articulate areas they felt might have been overlooked or that warranted more scrutiny by the Assembly, he said. They developed the broad categories as outlined by Mr. Lange, said Mr. Voelckers.

They prepared a draft which was distributed to City Manager Rorie Watt and Roger Healy, Director of Engineering and Public Works, explained Mr. Voelckers. They sent it to the Sustainability Commission for review and had a meeting in the Chambers on December 1, (2016). Mr. Watt said that all of the items identified by the ad hoc committee were issues which he felt were supportable and defensible, and perhaps most importantly, most were already underway at the City level, said Mr. Voelckers. The list was well supported and had the concurrence of the Manager's office and the Engineering department, as well as hopefully by the Community Development department, said Mr. Voelckers.

Under the criterion of Sustainability it is currently difficult to normalize the energy standards across the different departments or to have any metric to know if they were making any improvements, said Mr. Voelckers.

Mr. LeVine said this is his third time through this process and that it has gotten a little better each time. He wanted to thank the City for getting the list to the Commission earlier so that it had adequate time to consider the items. They would like their input to be couched in terms of established City goals, he said. The four criteria are already prioritized in the Comprehensive Plan for example, said Mr. LeVine. When the CIP is finalized in the spring they will be able to see whether that input was taken into consideration. Then the next year when they return to the categories they can check their progress, said Mr. LeVine.

Mr. LeVine said he supports this approach and this letter and feels that it is the correct way to move forward.

MOTION: *by Mr. LeVine, to submit the recommendations as a letter per attachment D on pages 67 and 68 from Chair Haight to the City as the Commission's input in this CIP process.*

Mr. Voelckers said there is a two-page letter in which Mr. Lange has highlighted the salient points.

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Upcoming Meetings

There are several upcoming meetings which include the Olmo appeal before the Assembly tomorrow night (December 14, 2016) at 5:00 in the Assembly chambers, said Mr. Steedle. On Thursday (December 15, 2016) the Lemon Creek Steering Committee meets at 7:00 at Gruening Park, he noted. Next Monday (December 19, 2016) the Miller asphalt plant will be heard in the Chambers at 5:00 p.m.

The next regular Planning Commission meeting is December 27, (2016) and that meeting also has a light agenda, noted Mr. Steedle. On that agenda will be Commission consideration of a marijuana cultivation facility, a CSP for a paving and drainage improvements project in the Valley, and the sobering center text amendment, he said.

Existing Conditional Use Permit

Mr. Steedle asked for the will of the Commission regarding the cutting of two trees in a parking lot in the Valley located at the Professional Plaza office complex at the corner of Glacier

Highway and Berners Avenue. This was the subject of a Conditional Use Permit issued in 1979, said Mr. Steedle.

At that time the neighborhood was zoned Residential, said Mr. Steedle. The establishment of the Professional Plaza caused some controversy in the community and the Commission at that time put 11 conditions on the project, he said. One of these conditions stipulated that the stand of trees within the Plaza needed to be preserved as much as possible, said Mr. Steedle. They want to take down two trees in that area because they deem those trees hazardous to the area, said Mr. Steedle. One of the trees is too close to the eaves of one of the buildings and the other tree is located in the middle of the parking lot and it is not looking secure, said Mr. Steedle.

They can bring this issue before the Commission once again for a revision to their original Conditional Use Permit or the Commission could decide that this is not an issue which it needs to consider and that it can be rectified without its input, said Mr. Steedle.

Mr. LeVine asked if Mr. Steedle is aware of any objection within the neighborhood to the felling of these trees.

They have not received any objections, said Mr. Steedle, although he said there may be some individuals within the community who would object to the trees being cut down. In 1994 while constructing the second phase of the Professional Plaza they cut trees, and land was cleared for construction, and they installed an unpermitted access onto Berners Avenue, he said. That was eventually closed, he said. They had an additional Conditional Use Permit in 2012 which allowed the reopening of that street for exiting from the Professional Plaza, said Mr. Steedle.

In response to a question from Mr. Voelckers, Mr. Steedle confirmed that the original Conditional Use Permit was granted in 1979 and that the trees fall under the specific condition that a detailed site and landscaping plan be submitted to be approved by the Planning Commission for each building and parking lot before any clearing or construction takes place. This was to be accomplished while maximizing the retention of the trees, said Mr. Steedle.

Mr. Voelckers asked if these trees were central to the development or if they were a critical perimeter buffer tree.

The trees are located centrally, said Mr. Steedle.

Mr. Voelckers said he felt that with over 35 years of good faith compliance it seems a reasonable request, especially if it is not due to any action of the permit holders. It especially seems a reasonable request since the trees are not necessary to act as a buffer to the neighborhood, he added.

Mr. LeVine said that he fundamentally agreed with Mr. Voelckers. He said he did have a concern about the Commission authorizing something that may be perceived adversely by neighborhood residents. If it is not necessary for the Commission to reevaluate the CUP, Mr. LeVine asked if it would be up to the Community Development Director to give that direction. He asked if the area residents would be provided with any notice prior to the decision being made to remove the two trees.

Mr. Steedle said while this is new territory for him, that they could certainly notice the neighborhood. He asked the Commission if ultimately it would like to see the permit holders come in for a modification of the CUP or if they decided they did not need to have the CUP modified.

Chairman Haight said the condition presupposes that trees will live forever, and they don't. There are instances when trees do need to be removed when they are becoming a danger to the residents. He said he felt it was a good idea to notice the neighbors. He said he did not feel that it was necessary to bring this item before the Commission.

Mr. LeVine said he could not imagine the Commission denying the request to remove the two trees that may be a danger to the buildings or individuals. He said he did favor notifying the neighborhood of the tree removals. He added he did not see this rising to the level of requiring a CUP modification.

Mr. Dye asked if the CUP were to come back before the Commission if all elements of that CUP would be open for modification. He was answered in the affirmative. Mr. Dye asked if the current property owner is interested in trying to have language in the CUP changed in the interest of future property modifications.

Ms. McKibben responded that the property owners are not interested in coming back before the Planning Commission.

Chairman Haight said it appeared the Commission would ask that the Director proceed and also to notify the neighborhood of the forthcoming tree removals.

XIII. COMMITTEE REPORTS

Mr. Greene reported that the Land and Resources Committee met yesterday under new leadership. The City and Borough of Juneau was appropriated about \$30,000 to set up parking via leasing space from the Mental Health Trust to provide overflow parking.

Mr. Steedle clarified that the location of this parking is the north lot of the Subport building area. In addition, the City Manager will draft an ordinance to allow for the leasing of a right-of-way for seasonal use for tables and chairs in certain areas, said Mr. Greene.

The Lemon Creek Community planning group met December 1, (2016), reported Mr. Voelckers. It was a well-attended meeting and they are working down their list of duties starting with developing the mission statement and working their way through chapters. They developed a few aspirational goal statements and began with land use. There is a lot of tension regarding the dump, said Mr. Voelckers. They may be developing strong language regarding the possible relocation of the City dump, said Mr. Voelckers.

Ms. McKibben said that Michelle Elfers will be present at that meeting to talk about how recycling works and a representative from waste management will also be present at the meeting to inform the group about how waste management operates since it is not a City entity, said Ms. McKibben. The intention is to finish the land use chapter at that meeting and then proceed through the remaining chapters after this week, she said.

Mr. LeVine asked if any official action was necessary to end the CIP subcommittee. Mr. Haight said the purpose of that committee has been served and that it would be suspended.

Ms. McKibben said there is a Title 49 and Subdivision Review Committee meeting slated for next Wednesday, (December 21, 2016) at 3:00 p.m.

XIV. COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers asked if there could be a line item added to the agenda asking for approval of the agenda. He asked if the reason this issue has not been raised was due to a policy issue or if it had simply not been addressed by the staff yet.

Mr. Steedle said there is no policy concern. He added this is simply at the bottom of the pile and that he would see that it rose to the top.

XV. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.