

Planning Commission
REGULAR MEETING
City And Borough Of Juneau
Ben Haight, Chairman
November 10, 2016

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 7:03 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Bill Peters, Percy Frisby, Nathaniel Dye, Matthew Bell, Kirsten Shelton-Walker, Carl Greene

Commissioners absent: Michael LeVine

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

Assembly members:

I. APPROVAL OF MINUTES

- A. October 25, 2016 Draft Minutes – Committee of the Whole
- B. October 25, 2016 Draft Minutes – Regular Planning Commission

MOTION: *by Mr. Peters, to approve the minutes from the October 25, 2016 Planning Commission Committee of the Whole, and the October 25, 2016 regular Planning Commission meeting with any minor corrections by staff or Commission member.*

II. CONSENT AGENDA

- A. AAP2016 0022:** A Conditional Use Permit for an accessory apartment on an undersized lot.
 - Applicant:** Pagan Hill and Rob Roys
 - Location:** 315 W. Eleventh Street

Staff Recommendation

Based upon the proposed plans, it is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on an undersized lot in a D-5 zoning district.

MOTION: *by Mr. Peters, to approve AAP2016 0022 accepting the staff's analysis and findings.*

The motion passed with no objection

III. REGULAR AGENDA

AME2016 0015 Text amendment to Title 49 to define emergency shelter and related parking requirements.

Staff Recommendations

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

1. Add "sobering center" as a term in CBJ 49.80 Definitions;
"Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated person taken into emergency protective custody pursuant to AS 47.37.170."
2. Add "sobering centers" to CBJ 49.25.300 Table of Permissible Uses section. 7.000 Institutional Day or Residential Care, Health Care Facilities, Correctional Facilities.
3. Add "sobering centers" to CBJ 49.40.210 Table of minimum parking standards and require 1 parking space per 6 beds and 1 visitor parking space.
4. Amend the definition of Assisted living in CBJ 49.80 to include emergency shelters;

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelters. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

Ms. Steadman told the Commission that this item was brought to the Planning Department because Bartlett hospital would like to relocate the Rainforest Recovery Unit. She explained that this unit serves as the location where inebriated individuals are escorted so that they may recover from their intoxicated state. They are there for up to 48 hours, she said. This unit is currently part of Bartlett Hospital and once relocated it would no longer be considered as a medical unit, she said.

Therefore, it is up to the Commission to decide which zoning district would best accommodate this service, said Ms. Steadman. In their discussions with Scott Ciambor, the CBJ Housing Officer, he indicated that he felt that emergency shelters should be allowed in residential zoning. The staff did not feel that this use would be appropriate for a residential zoning district, she said.

The staff feels that emergency shelters should be included in Title 49, and that it would best be included in the Assisted Living category, said Ms. Steadman. Assisted living facilities are allowed in all residential zoning districts, she added.

The staff recommends that sobering centers be allowed in Mixed-Use, Mixed-Use 2, General Commercial and Light Commercial zoning districts, said Ms. Steadman. Another line would be added to the Table of Permissible Uses under Institutional Day Residential Care, Healthcare Facilities and Correctional Facilities, she said. It would be allowed in those zoning districts with a Conditional Use Permit, said Ms. Steadman.

A sobering center is defined as a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS.47.37170. That is the state statute which identifies how public service officers can escort individuals based upon whether they are being transported voluntarily or whether they are completely unconscious, said Ms. Steadman.

This is the amendment that would be given to assisted living, she said. They would add, “or emergency shelter”, to that definition, she said. Staff recommends one parking space per six beds for the sobering center, she said, plus an additional visitor parking space.

This recommendation has been found to be consistent with Chapter 13, Policy 13.3 of the Comprehensive Plan, and they have found no inconsistencies within Title 49, said Ms. Steadman.

Commission Comments and Questions

Mr. Voelckers said he had one issue which was where such a facility could practically be located. He said he felt it may be difficult to identify a part of town where such a use would not be somewhat controversial. He said he felt there might be some advantage in allowing this use in an Industrial zoned district. In this district there may be some land which would be an appropriate and pragmatic opportunity for this use, said Mr. Voelckers.

Staff did discuss the possibility of an Industrial zoned district and did not find it appropriate based upon the description of the Industrial zones within the Comprehensive Plan, said Ms. Steadman. They found the use most appropriate for the zones outlined in the staff report, she

said. She said it might be possible for the Commission to identify an appropriate way to place the use with an Industrial zone.

Mr. Voelckers asked what the staff identified within the Industrial zone which made it inappropriate for this type of use. He asked if the use was actually inappropriate or if it was just not identified as the highest and best use for Industrial land.

Ms. Steadman said that none of the uses within the institutional uses and healthcare facilities are allowed in the Industrial zone. The Industrial zone is used for manufacturing and various types of work related facilities and is not for any type of clinic situation or residential use, she said.

Mr. Peters asked if there has been a past iteration of the TPU that had emergency shelters as a permissible use. He added that he would like to know how agencies such as AWARE or the Glory Hole were listed within the TPU.

Ms. Steadman said that is why they want to add emergency shelters; because there has not been a location where those agencies currently fit.

Mr. Peters asked if there has been anything in the past defined within the TPU.

There was not, said Ms. Steadman.

Mr. Steedle clarified that there are two functions within the Rainforest Recovery Unit. One function is as a sleep off center, and the other function is for recovery, he said. They want to separate the two, and it is only the sobering center that would be separated from its current location, he said. The recovery facility would remain in its current location, he said.

Mr. Frisby clarified that individuals within the sobering center were able to come and go as they pleased.

Ms. Steadman said once an individual had sobered up they were allowed to leave the center under their own volition.

Mr. Dye asked if the specification of one parking space for six individuals (employees) plus a visitor parking space was a low number of spaces for the use or a high number of spaces.

Ms. Steadman said this is a typical parking space allotment.

Mr. Dye asked if there was any way to make the parking requirement lower or if this topic was worth discussion.

The number of parking spaces was allocated due to the number of employees and possible visitors to the center such as the police and ambulance services, said Ms. Steadman. The Recovery Center currently has about 20 beds available, said Ms. Steadman.

Chairman Haight said the term “emergency shelter” has been incorporated in the definitions with “assisted living”. He asked what the definition was for “emergency shelters”, or if there was currently a definition for emergency shelters.

Ms. Steadman said that was a good question. She said in the staff discussions they did not want to limit the definition of emergency shelter because it can be used for such a variety of uses.

Chairman Haight said at this point the term “emergency shelter” seems to be not adequately defined.

Ms. Steadman said they have cleaned up the definition of transitional housing. There is also a definition for a sobering center, she said. Emergency shelter could loosely be tied into an assisted living facility, she said. She said the staff could refine those definitions and bring them back to the Commission for review.

Mr. Frisby asked if the definition of emergency shelter could be added to an existing sobering center definition.

They did want to distinguish between a sobering center and an emergency shelter, said Ms. Steadman, because an emergency shelter definition better suited a location for individuals to reside during a natural disaster. She also provided the AWARE center as an example. It was the opinion of Mr. Ciambor that emergency shelters had a broader spectrum of zones in which they could reside as opposed to a sobering center, she said. The sobering center in Juneau is used by the same individuals on a regular basis, she said. There is no intent to move them to some other facility after they leave the sobering center, she said.

Mr. Voelckers said that he agreed with Chairman Haight that this proposal is a little ambiguous. He asked if they could add a definition for an emergency shelter.

Ms. Steadman said she saw no conflict with this. She said the staff was trying to simplify the definition by not adding an additional line for emergency shelters. She said they could accommodate this suggestion and add that definition if the Commission desired this.

Mr. Peters said that HUD (Housing and Urban Development) defines an emergency shelter as, “Any facility whose primary purpose is to provide temporary or transitional shelter for the homeless in general or for specific populations of homeless for a period of 90 days or less.” He asked if the Commission wanted to move towards the HUD standard.

Ms. Steadman said the staff had elected not to adhere to this definition because they wanted to include those uses that are not necessarily just for homeless individuals.

If they are trying to be distinct from HUD, said Mr. Voelckers, then there was even more need for a specific definition.

Mr. Dye asked if Housing First would fit into either of those two categories.

Ms. Steadman said that Housing First is considered multi family.

Ms. McKibben responded that the CDD staff is currently analyzing parking waivers and that the best way to approach another facility like Housing First where it is multi family would have a different parking need than most multi family situations.

Mr. Voelckers asked if there is any sense of urgency from the hospital perspective where immediate action is needed, or if they could wait until another meeting while a definition was formulated.

Mr. Steedle said this issue could wait until another meeting.

Chairman Haight said there is no objection to holding this item over to another meeting while a definition was formulated.

Mr. Voelckers said he would like to add the Industrial zone as a possible use district and that it would be conditional.

In answer to a comment by Chairman Haight, Mr. Steedle said he did not think that this could be considered a residential use.

Ms. McKibben read for the Commission the purpose of Industrial zoning in Title 49:

The industrial district is intended to accommodate industrial activity which includes the manufacturing, processing, repairing and assembling goods, because of noise, odors, waste and other impacts inherent in industrial activity performance standards are applied.

Mr. Voelckers noted that obviously this is not an industrial process, but that it has some manifestations of those same types of issues which might provide more opportunity for additional sites to be considered. He said he has the concern that there would be very limited areas within the community where this type of use would be acceptable.

Chairman Haight said the Commission would plan on addressing this issue at its next meeting.

IV. OTHER BUSINESS - None

V. DIRECTOR'S REPORT

A. Removal of Marine Park Lightering Float

Mr. Steedle told the Commission that there is a memo from Carl Uchtyl, the Port Director, which discusses the removal of the Marine Park lightering float. This was already approved by the Planning Commission five years ago, said Mr. Steedle. The City Manager wanted this issue brought back before the Commission as an information item because there may be some controversy in the public. This would be an opportunity for the current Commission to make its thoughts known on this issue, said Mr. Steedle. The controversy stems from the concern of some downtown merchants that diverting traffic flow from the old lightering float position to the new lightering float position will change traffic patterns in the downtown area so that some businesses may be negatively affected, he explained.

Chairman Haight said that his concern would be that maintaining that lightering float puts lightering vessels in conflict with the airplane traffic that is coming and going. He said from his perspective safety would be the most prominent consideration, versus the economic advantage or disadvantage of moving to the other float.

Mr. Dye asked if there would be further opportunity for the public to comment on this issue.

Mr. Steedle replied that Docks and Harbors has no intention of holding a public meeting on this issue, but that the public is always welcome to attend their meetings and offer comment.

Mr. Dye said that Wings leases the tidelands there and doesn't have permanent structure but it is permanent city infrastructure that is going away. He said that he understands the safety concerns. As someone who does business downtown he can understand both sides of this.

B. Zoning Change

Mr. Steedle noted that at a previous Planning Commission meeting a change of zoning was approved on St. Ann's Avenue to D-18. He said it turns out this action was a little premature. They should instead have been provided with a text amendment to amend the Comprehensive Plan map, said Mr. Steedle, and then proceed with the rezone. To comply with this procedure they will be coming back to the Planning Commission with a text amendment for the Comprehensive Plan map, he said.

Ad Hoc CIP (Capital Improvement Projects) Committee

Mr. Steedle reminded the Commission that on December 1, (2016) the ad hoc CIP Committee will be meeting with Mr. Watt and Mr. Healy. He said Mr. Voelckers would like to have a meeting with members of the Planning Commission before that date.

Joint Meeting with the Assembly

January 30, (2017) there will be a joint meeting between the Planning Commission and the Assembly, said Mr. Steedle. One of those topics could be the frontage and access ordinance forwarded to the Assembly by the Commission, he noted.

Mr. Voelckers asked what particular issues about the frontage and access ordinance the Commission should be reviewing.

Mr. Palmer told the Commission that at its last meeting it did pass the shared access component and the other accessory components of the access standards. Some interesting issues have arisen due to the passage by the Commission of this draft ordinance, said Mr. Palmer. The initial purpose of the ordinance was to provide some type of relief valve to the access standards for single-family development and low-density areas, he said. The thought at that time was that some type of hardship would need to be identified to be eligible for this type of access, he said, such as insurmountable land configurations rendering it impossible for someone to place their lot with access to a public road.

The Planning Commission liberalized this even more by allowing shared access as a matter of right, and it also expanded the draft ordinance to include all residential districts, said Mr. Palmer. This opens up questions such as is the borough encouraging low-density development with shared access in multi-family districts, said Mr. Palmer.

Another item raised was the opening up of the uses, said Mr. Palmer. When this was initially conceived staff had limited it to single family uses. The subsequent recommendation from the Commission was to allow all uses in the TPU consistent with that zoning district. This can definitely provide options for one and two lot subdivisions, but when the lots are expanded further in number there are very few academic possibilities for a child care facility to be on a shared access, said Mr. Palmer, because of the high ADT (Average Daily Traffic) values that child care facilities generate.

Staff is trying to identify a way to make those two concepts consistent, said Mr. Palmer. If a shared access had to go the length of the parcels, does this mean that parcels in the back can then subdivide, and when that happens, what happens to the initial shared access on the first couple of the lots. Who would pay for the subsequent improvements and would this necessitate the involvement of the City, said Mr. Palmer.

Mr. Voelckers said he felt it was the intent of the Commission not to preclude minor incidental businesses such as a small CPA practice that would not be generating much additional traffic.

He said he felt that having a 70 ADT as the deciding element would make a business such as a day care moot in most circumstances.

The potential conflict which arose did not involve a small individual office, said Mr. Palmer. Childcare was used as an example and they are trying to figure out a way to make that consistent, he added.

The problem would arise, said Mr. Steedle, if a childcare was the first lot to be developed before the other lots are developed. At the previous meeting on this issue Mr. Dye had proposed allocating a portion of the ADT to each lot, said Mr. Steedle, but that solution has not yet been rendered, he said.

When access is opened up for all of the lots it opens up the question that one of those back lots which is not subject to this shared easement stipulation wants to develop, are they subject to the same ADT limit as the lots proceeding it.

VI. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lemon Creek Planning Committee

Mr. Voelckers said they are starting to work through a chapter organization and that the process is ongoing. At next month's meeting they will be taking on actual land use as a chapter, he noted.

Public Works Committee

Mr. Bell reported that the Public Works Committee met on October 31, (2016) and that the sea walk was the main topic of discussion. They have some extra funds and they would like to install a bathroom facility, he said.

Title 49 Committee

Mr. Voelckers reported they have had two meetings in the last three weeks on the Auke Bay plan. The staff is working on developing Title 49 language. An interesting aspect is that they are working to create two zoning districts unique just to Auke Bay to enact the steering committee's specific intent for that district, said Mr. Voelckers. There is still a lot of work creating what the steering committee had envisioned as a small town center in Auke Bay, he said.

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. That 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.

VII. ADJOURNMENT

The meeting was adjourned at 7:47 p.m.