

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
July 26, 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; Bill Peters, Michael LeVine, Percy Frisby, Nathaniel Dye, Matthew Bell, Kirsten Shelton-Walker

Commissioners absent: Carl Greene

Assembly Members: Debbie White, Loren Jones

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

II. APPROVAL OF MINUTES

- June 28, 2016 Regular Planning Commission Meeting

MOTION: *by Mr. Peters, to approve the Regular Meeting Minutes from the June 28, 2016 Planning Commission meeting with any minor changes by staff or Commission members.*

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison Debbie White reported that the next full Assembly meeting is on August 1, 2016. The draft Energy Plan is on the agenda for that meeting.

Mr. Voelckers asked if the Haven House appeal has been resolved.

Mr. Palmer said the case has not yet been resolved, and that the judgment is due in three or four weeks.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

USE2016 0022 was removed from the Consent Agenda and placed on the Regular Agenda for a regular hearing at the request of Mr. LeVine. He said since this is the first application of its kind to come before the Commission that he would like it available for review.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

USE2016 0022: Conditional Use Permit application for a marijuana testing facility in the General Commercial zoning district.

Applicant: Southeast Alaska Laboratories LLC

Location: 5450B Jenkins Drive

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 testing facility in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Marijuana and marijuana product samples transported to the testing facility shall be in non-transparent locked containers.
2. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA assigned space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
3. No offsite glare shall be produced by exterior lights.
4. A minimum of 2,534 square feet of the site will be maintained with live vegetative cover.

The property is located in the General Commercial area of Lemon Creek on Jenkins Drive, said Ms. Steadman. The property is provided with water and sewer, said Ms. Steadman. The existing use is for two general warehouse buildings, she said. The proposed testing site will be located at the rear of the building, and the front of the building will still be used for warehouse storage, she noted. About 1,000 square feet of the 3,000 square foot building will be occupied by the testing facility, said Ms. Steadman.

Ms. Steadman said that seven parking spaces are required for this site; two are required for the testing facility, two for the additional warehouse space and three for the rear warehouse building. There will be a security camera focused on the entry to the building with a motion

sensor light, said Ms. Steadman. The equipment for the facility will be located on the south side of the facility and will have the required containment facilities as well, said Ms. Steadman.

The test samples are rendered unusable as a result of the testing process, said Ms. Steadman, and according to State requirements will be disposed of in the landfill. The facility will be testing the marijuana for potency, for pesticides which may have been used in cultivation, and for residual solvents which are used in the product manufacturing process, said Ms. Steadman. The current proposal calls for lab employees to pick the product up and deliver it to the lab, said Ms. Steadman, which would reduce the traffic.

Noise should not be a problem, and the applicant has been instructed to eliminate any possible offsite glare from outside lights, said Ms. Steadman. The proposed business is in conformance with the Comprehensive Plan, she said. The business has a security plan as is required, with four security cameras, LED motion sensor lighting, and an alarm system, she said. No windows are proposed for the facility or any outside signage, said Ms. Steadman. There will be no carbon dioxide used, she said. While odor is not anticipated to be a problem with this testing facility, said Ms. Steadman, there is a required odor mitigation plan, she said.

The staff recommends approval of this Conditional Use Permit subject to the following conditions:

- ✓ Marijuana and marijuana product samples transported to the testing facility shall be in nontransparent locked containers
- ✓ Parking spaces shall meet CBJ 49.40.210 B1; eight spaces including one ADA assigned space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
- ✓ No offsite glare shall be produced by exterior lights.
- ✓ A minimum of 2,534 square feet of the site will be maintained with live vegetative cover.

Commission Comments and Questions

Applicant Jessica Dreibelbis told the Commission that Ms. Steadman has done an excellent job with her analysis.

Mr. Voelckers asked if the various marijuana producers would drive separately to the lab with their samples or if lab staff would retrieve the samples from the producers.

They plan on picking up the samples themselves for the lab, said Ms. Dreibelbis.

Mr. LeVine asked if there would be hazardous materials used in the lab, and if there would be any odor concerns other than from the lab samples themselves.

Ms. Dreibelbis said hazardous materials would not be a concern. They will be using nitrogen which is contained, which perhaps could be considered hazardous if it was not contained, she said. They would have no hazardous materials to dispose of, she added.

MOTION: *by Mr. Peters, to approve USE2016 0022 adopting the staff's findings, analysis and recommendations.*

The motion passed with no objection.

A. USE2016 0020: A Conditional Use permit for pet grooming and boarding.

Applicant: Benjamin L. Nestler

Location: 8757 Dudley Street

Staff Recommendation

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 a pet grooming and daytime boarding business to continue to operate out of a single family home in a D-5 zoning district.

The approval is subject to the following conditions:

1. The days and hours of operation for both pet grooming and day boarding, as stated in this application, shall not increase or expand without Planning Commission approval.
2. There shall be no more than five dogs boarded overnight, including those owned by the applicant.
3. There shall be no more than five dogs boarded during the day, not including those owned by the applicant.
4. The applicant must keep the yard free of animal waste. The waste will be stored in a plastic or metal container with a lid and will be properly disposed of regularly.
5. Within 30 days of an approved Conditional Use Permit, the applicant must obtain a CBJ Utility Permit and have the required water meter installed.
6. The applicant must meet the parking requirements when he applies for the Utility Permit for the water meter installation. The parking requirements include the following:
 - Five parking spaces, one of which is ADA accessible.
 - Each parking space must be 8.5 ft. by 17ft.
 - The parking aisle must be 24 feet wide.
 - A "No Back Out Parking" sign must be posted near the driveway.

Advisory Condition:

1. The applicant should exercise great consideration for adjacent property owners and be mindful of barking dogs and odors.
2. The applicant should allow no more than five dogs in the yard at one time.

Day services are allowed in the D-5 zoning district with an approved Conditional Use Permit, said Ms. McKibben. The home is located on Dudley Street on a 15,000 square foot lot, said Ms. McKibben. There is access to City water and sewer. The single-family home also supports a dog grooming business for day animal use, she said. The surrounding uses in the neighborhood are single-family residential homes, she said.

The Table of Permissible Uses does include uses within the D-5 zoning district for dog grooming and day animal care, said Ms. McKibben, with an approved Conditional Use Permit. The applicant has been keeping dogs overnight and there is a condition limiting the number of dogs the applicant may have overnight as six or more dogs would constitute a kennel which is not allowed in this zoning district, she said.

Grooming takes place in the garage which is just over 500 square feet, dogs are dropped off by appointment only, and the hours of operation are 9:00 a.m. – 3:30 p.m., said Ms. McKibben. The applicant grooms a maximum of five animals each day, she said. The doggie daycare portion of the business takes place from 7:00 a.m. 6:00 p.m. Monday through Saturday, said Ms. McKibben. Animals can be dropped off between 7:00 a.m. and 9:00 a.m. in the morning, she said. They can be picked up at any time during the day until 6:00 p.m., she said.

Since there are no parking requirements for this particular business, they are to look in the code for the most comparable type of business, said Ms. McKibben. The staff found that this business was the most comparable to banks in that items were being dropped off, she said. The day boarding aspect of the business the staff found to be most similar to day care, she said. The parking requirement for the building has been determined as two spaces for the single-family dwelling, two spaces for pet grooming, and one additional space for day boarding, said Ms. McKibben, for a total of five parking spaces. Title 49 prohibits back-out parking in this zoning district, said Ms. McKibben, except for single-family residential uses. A water meter is required with the addition of the business to the residence, said Ms. McKibben.

The staff has received a number of comments about this Conditional Use Permit request, said Ms. McKibben. They received two comments against granting the Conditional Use Permit and three neighbors provided comments in favor of the permit with eight clients expressing their support for the permit, said Ms. McKibben, in addition to the one letter in favor of the permit and one letter against the permit provided to the Commission this evening.

The concerns expressed by the neighbors were focused primarily on the noise from barking dogs and odor from dog waste detected outside, said Ms. McKibben. One of the neighbors has also expressed concern that there have been problems in the past with the fence not adequately retaining the dogs, she said.

The staff has found that the application is complete, that the proposed use is appropriate according to the Table of Permissible Uses, and that the development as proposed will comply

with the other requirements of Title 49, said Ms. McKibben. In addition, it was found the business would not materially endanger the public health or safety, that it would not substantially decrease the value of, or be out of harmony with property in the neighboring area, and the staff found the proposal to be in general conformity with the Comprehensive Plan, the Thoroughfare Plan or other officially adopted plans, said Ms. McKibben.

The staff recommends approval of the permit with the following conditions:

1. The days and hours of operation for both pet grooming and day boarding, as stated in this application, shall not increase or expand without Planning Commission approval.
2. There should be no more than five dogs boarded overnight, including those owned by the applicant.
3. There should be no more than five dogs boarded during the day, not including those owned by the applicant.
4. The applicant must keep the yard free of animal waste. The waste will be stored in a plastic or metal container with a lid and will be properly disposed of regularly.
5. Within 30 days of an approved Conditional Use Permit, the applicant must obtain a CBJ Utility Permit and have the required water meter installed.
6. The applicant must meet the parking requirements when he applies for the utility permit for the water meter installation. The parking requirements include the following:
 - ✓ Five parking spaces, one of which is ADA accessible
 - ✓ Each parking space must be 8.5 feet x 17 feet
 - ✓ The parking aisle must be 24 feet wide
 - ✓ A "No Back Out" parking sign must be posted near the driveway.

In addition there are two advisory conditions:

1. The applicant should exercise great consideration for adjacent property owners and be mindful of barking dogs and odors.
2. The applicant should allow no more than five dogs in the yard at one time.

The staff currently has no suggested conditions for fencing, said Ms. McKibben, but the Commission may want to keep that issue in mind when considering the permit application.

Commission Comments and Questions

Mr. Voelckers asked what the functional difference is between a regular condition and an advisory condition.

Ms. McKibben answered that regular conditions can be enforced by the municipality, while advisory conditions are not necessarily enforceable but are a means of informing the applicant of concerns the municipality may want to applicant to keep in mind.

Mr. Voelckers asked why the limit of dogs in the yard at one time is an advisory rather than a regular condition.

Ms. McKibben said she was out of the office when this report was written and she is not sure of the logic behind that condition.

Mr. Voelckers said he was curious since it seemed to be a very specific condition.

Mr. LeVine said he had discussed with the staff his question about dogs staying overnight versus official kennel status. He said his understanding after his discussion with the staff was that the Conditional Use Permit is for the day grooming business, and that overnight care is not covered in the Table of Permissible Uses, unless it is for a kennel, which is for six dogs and above.

Mr. LeVine said his first question is whether the Commission can place conditions upon evening use of the business, if it is something which is not within the Conditional Use Permit.

Ms. McKibben said this may be better as an advisory condition, to make sure the applicant understands that six or more dogs overnight crosses the line and puts them into kennel status for which they are not eligible.

Mr. LeVine asked if it would be permissible for the applicant to have more than five dogs excluding his own within the business during the day. There would be different dogs throughout the day, he said. He asked if this would put the applicant into kennel status.

Ms. McKibben said upon discussing this question with the Law Department, that it was determined that the day animal services are separate from animals kenneled overnight.

Ms. Shelton-Walker asked what “regular disposal of waste” meant in terms of adhering to the Conditional Use Permit.

It could mean a lot of things, said Ms. McKibben. They have left the means up to the applicant, but they are aware of what they need to accomplish, she added.

Mr. Voelckers said it felt slightly oppressing to him that the two separate functions of the business were demanding parking for essentially the same area. He asked how this number of parking spaces was derived. He added there are two spaces allocated for pet grooming and another space for pet boarding. He said it felt slightly awkward since two different uses are being assigned to the same area.

Ms. McKibben explained that in a mixed use building where there may be a bank and a restaurant, for example, they have parking spaces assigned for each individual use. She said

that is what the staff did with this application. The applicant will need to provide five parking spaces on site, with no back out parking. The garage space is not available to count as two parking spaces, she added. The single family home is required to have two parking spaces, the dog grooming aspect of the business is required to have two parking spaces and the dog day care is required to have one space, said Ms. McKibben.

Mr. Voelckers said that dog boarding is required to have one spot. He said there is no area analysis to match that requirement. He said he felt the applicant was being penalized for an excessive number of parking spaces.

In their analysis they used the childcare parking requirement as the closest example for use for the business, said Ms. McKibben.

Mr. LeVine explained that the doggie daycare is in the house and the dog grooming takes place in the garage.

Mr. Voelckers said that is essentially his question; because one area has a numeric analysis and the other one does not.

Ms. McKibben explained this is because the child care used for comparison does not have a square footage requirement in the parking table. The analogy they used for the grooming portion of the business does have a numeric analysis which accompanies it, she added.

Mr. Frisby asked if there were five dogs which were watched during the day if those same dogs could stay overnight.

Ms. McKibben said they are permitting up to five animals to be moving through the business for grooming during the day. There are also up to five dogs which may remain during the day for the doggie daycare portion of the business, said Ms. McKibben. They have also notified the applicant that if he were to keep more than five dogs overnight then his business would become a kennel, which is not an allowed use for the zoning district, she added.

Mr. Frisby commented that boarding five dogs overnight is pretty close to being a kennel.

Applicant Benjamin Nestler

The land use code for kennels when he began his business in 2007 defined the business as six or more dogs are kept, and it was allowed at that time as long as it did not reasonably interfere with the public health or safety of the area. Under his circumstances back out parking was allowed at that time, he said, within his current zoning district at the Director's discretion. He said in the drawing showing the proposed five parking spots they were all directed away from the driveway. Mr. Nestler said his 30' x 60' driveway provided more than enough parking for his home and business.

Mr. Nestler said they would like a Conditional Use Permit for up to eight animals. They are very conscientious about cleaning up animal waste and disposing of it, he said. Flexibility is something that their customers' value and very limited hours would harm what is now a current benefit of their business, said Mr. Nestler. They have set times for their customers and they are spaced out so that customers are not arriving at the same time, said Mr. Mr. Nestler. Therefore, they would like an exemption not only for the days and hours of operation but for the parking requirements, he said.

Commission Comments and Questions

Mr. LeVine asked how they managed the dogs going in and outside of the house to the backyard during the day and during the night.

Mr. Nestler said if they have five dogs as day boarders for the day then he would not book himself fully for grooming that day, thereby controlling the number of dogs the business handled at one time. Dogs are never left in the yard unsupervised, said Mr. Nestler. He said it is in their long-term plans to construct a site obstructing fence, but that project is not currently within their budget. He said within nine years maybe two or three times has a dog escaped from the existing fence.

Mr. Voelckers asked Mr. Nestler to be specific about the numbers that he was requesting for the Conditional Use Permit. He asked how many dogs a day they expected for grooming appointments.

Mr. Nestler said he is not requesting a certain number of dogs for grooming each day. He said time limits them to about a maximum of four grooming appointments a day.

Mr. Voelckers asked the staff if there were any issues regarding the number of dogs served by the grooming aspect of the business.

Ms. McKibben said the number of five dogs listed in the staff report as the total number of dogs who could be groomed per day were derived from numbers provided by the applicant. She added that the hours of operation were also based upon times provided by the applicant. Mr. Voelckers clarified that at this point it was the hours of operation which would dictate how many dogs could be grouped per day, not a specified number of dogs which would be allowed.

Mr. Nestler said he emphasized with the planner he was working with that they have no set hours of operation. They do everything by appointment, he said. They do not have set hours, he said. He added that their Facebook profile states that they are always open. He said if he is bound by regular business hours that he would not be able to accept a special timeslot in the evening to accommodate a customer for grooming their dog. He added he would also have to turn down those customers arriving on an evening flight who wanted to stop by his business to pick up their pet.

Mr. Nestler said it was his understanding that there were no limits on the number of dogs he took for day boarding. He said it was his understanding that it was the night boarding which triggered the kennel limitation to which he must abide.

Day boarding is a new aspect of their business and they rarely have more than three dogs a day, said Mr. Nestler, for day boarding.

Mr. Nestler said he felt that eight dogs would be a reasonable limit to set on night boarding the dogs. He said they were told when they applied for their license in 2007 that a Conditional Use Permit was not necessary for their business.

Mr. Dye asked if the dogs that were being groomed also spent time in the yard along with the day boarded animals.

Mr. Nestler said this happened upon occasion. Dogs who have just been groomed get dirty when released into the yard, he said.

Public Comment

Doggie Do customer Elizabeth Ziegler spoke in favor the Conditional Use Permit. She said her concern upon reading the staff report was the requirement of five parking spaces, which she felt were excessive. She said she has never met anyone else when taking her dog and picking it up from the business.

George Utermohle told the Commission he was providing support for the granting of the Conditional Use Permit for Doggie Dos. He said he was particularly in support of their proposal for night boarding, day boarding, and grooming. Mr. Utermohle said that day boarding should not have an effect on the numbers for night boarding, and that this is a much-needed service for Juneau.

Rick Dansic, an adjacent neighbor of the business, said that he was also in favor of the Conditional Use Permit for Doggy Dos. He said that he has found as a customer and as a neighbor that Mr. Nestler is very responsive to feedback from the neighbors.

Clint Gundelfinger said that he is also an adjacent neighbor of Doggie Dos. He said he has never observed more than two vehicles in the driveway at the same time. Barking or any other noise from the business has not disturbed his family, he said. They have not experienced any odor from the business either, said Mr. Gundelfinger. He added that he felt the business provided a superior and much needed service for the community.

Mr. Voelckers asked if Mr. Gundelfinger's residence was adjacent to the fenced portion of the yard.

Mr. Gundelfinger replied that it was adjacent to the fenced portion of the yard.

Juneau resident Deborah Behr spoke in favor of a Conditional Use Permit being issued to Doggie Dos. She said this is a home run business which provides a very valuable service to our community. She said she and her husband are often contacted by individuals seeking quality doggie day care in the community.

Applicant

Mr. Nestler said over the past nine months he has had to turn away a lot of business in order to abide by the ordinance, and that this is not good for his business or for the community.

Commission Comments and Questions

Mr. Peters said he believed he understood that if seven dogs were mentioned for boarding, that it that included both day and evening boarding.

Mr. Nestler said they do not board more than four dogs in the evening because that would not be honoring the kennel requirement. He said the zero to seven number of dogs he mentioned was an arbitrary number that he selected when he was asked by the City to put together an application for a Conditional Use Permit. Ten to 12 dogs is a reasonable number of dogs for them to board, he said.

Mr. LeVine asked how it would affect their business if the hours of operation were not limited but the hours that dogs were allowed in the backyard were limited.

Mr. Nestler replied that would negatively affect their business. He said they have clients that go to work at 5:00 a.m. He said if the dog was indicating that it needed to go outside that he had to honor that need of the dog.

Mr. Frisby said that he felt the problem would be overnighting more than five dogs, because that would then be putting the applicant into kennel status.

Mr. Nestler said they honor that ordinance and do not kennel more than four dogs at night, since they have one dog of their own. He said they have to turn away dogs all the time and that it is difficult and hurtful for the business and the community.

Ms. Shelton-Walker said that when they are boarding a number of dogs the problem may not be problem barkers but the cumulative effect of a large number of dogs producing noise.

She asked Mr. Nestler how he proposed to handle the noise from a larger number of dogs on the premises.

Mr. Nestler said they have three rules and a house visit which must be followed before they allow a dog to board with them. The dogs must come when called, they must be well socialized with other people and pets and they must not be barkers, he said.

Mr. Voelckers asked if the applicant used his garage to park their vehicle or if it was strictly for grooming purposes.

Mr. Nestler said there is room in the garage to park his truck.

Mr. Voelckers clarified that there is available space in the garage for parking their vehicle.

Mr. LeVine asked if there would be additional parking requirements if Doggie Dos decided to hire an additional employee.

Ms. McKibben responded that if they continue to use the analogy of childcare than another parking space would be required for the additional employee.

Mr. LeVine asked if the kennel restriction is applied to doggie day care as well.

Ms. McKibben said that in discussions with the Law Department it was determined that it was the overnight number of dogs which determined if the business was a kennel or not, not the number of dogs present during the daytime. The Table of Permissible uses was amended in 2010, said Ms. McKibben. If Mr. Nestler had received a Conditional Use Permit for a kennel prior to 2010, he would be able to operate that kennel today in compliance with his approved Conditional Use Permit, said Ms. McKibben. The code has since changed and they can no longer authorize a kennel of six or more dogs in that zoning district with a Conditional Use Permit. Doggie Dos does not qualify as a home occupation based upon the amount of square footage which is allocated for the business, said Ms. McKibben.

Mr. LeVine asked Ms. McKibben if she had any idea why the Table of Permissible Uses was changed.

Ms. McKibben responded that when the Table of Permissible Uses within Title 49 was amended, that staff or public comment could not change the conditions.

Mr. Peters asked if they were also limiting the number of dogs allowed during the day for day boarding and grooming purposes.

Ms. McKibben stated that it was the staff's understanding that pets which are brought in and kept in the garage for grooming did not have free roam of the house with the day boarded animals. They did not propose to limit the number of animals which could be groomed in a day, she said.

Mr. Voelckers asked if the garage had been counted as a space for parking.

Ms. McKibben said the information provided to the planning Department was that the garage was used for grooming. She said she did not know if they had incorrectly analyzed information or had not received it at the time, she was not sure. It was the staff's understanding that the garage was used for grooming and that it was not available for parking, said Ms. McKibben.

Mr. Voelckers said it may be a useful clarification to note that there was a parking space available for parking within the garage.

Mr. Frisby said he felt the conditions were too specific regarding the number of dogs which could be groomed or day-boarded during the day.

Chairman Haight said in the traffic analysis he felt the number of dogs served during the day would serve as the basis for the traffic determination.

Ms. McKibben responded that they used the information provided by the applicant to make their best estimate on the typical traffic anticipated to be generated by the business.

Chairman Haight said looking at the conditions that he did not see the hours of operation listed.

Ms. McKibben said the staff used information supplied by the applicant regarding the days and hours of operation.

Chairman Haight said he would like the conditions to be more specific regarding the days and hours of operation.

Mr. Peters asked if condition number two and condition number three, which addresses the number of dogs boarded during the day and the number of dogs boarded during the night were overlapping conditions. He asked if the applicant could board five dogs overnight with an additional five dogs during the day or if this addressed the same dogs.

Ms. McKibben said they are not the same dogs.

Mr. LeVine said that noise being a potential problem for neighbors was the primary issue that he was concerned with. He suggested that one condition be that no more than one boarded dog be allowed in the yard before 9:00 a.m. or after 8:00 p.m. The other condition he offered for consideration was that the boarded dogs should always be supervised when in the yard.

Mr. Dye suggested that conditions two, three and four be removed and replaced with conditions that the applicant allow no more than five supervised dogs in the yard at one time,

not including dogs owned by the applicant, between 8:30 a.m. and 6:00 p.m. Mr. Dye suggested that the number of dogs allowed in the yard at one time be the focal point and not the number of dogs allowed within the structure.

Mr. LeVine said that he concurred with this language but that he was sensitive to the point raised by the applicant that there are times during the late night or early morning hours when a dog may need to go outside. He added that he did not see what the reason was for limiting the applicant to having only five dogs on the premises during the day. He said he did not see a problem with allowing eight dogs per day on the premises.

Mr. Dye stated that his thought is to remove the stipulation that only five dogs can be boarded at the business during the day, instead switching that stipulation to no more than five dogs allowed to be in the yard supervised at one time. He proposed that there be no limit on the number of dogs allowed within the house during the day.

Mr. Voelckers said he liked the idea of eight dogs being allowed within the business during the day.

Mr. LeVine said he suggested the number of eight dogs within the business at one time during the day because if it was an unlimited number at some point there could be difficulties in terms of numbers with parking and drop off and pick up of the animals.

Combining the conditions suggested by himself and Mr. Dye, Mr. LeVine stated that there be no more than one dog in the yard at any time before 8:00 a.m. or after 8:00 p.m. Between the hours of 8:00 p.m. and 8:00 p.m. no more than five supervised boarded dogs should be allowed in the yard at any one time, with a separate condition stipulating that all dogs shall be supervised at all times. In addition to the five boarded dogs the owners could have their own dog in the yard at any time during those hours. This includes the dogs who may be at the facility for grooming purposes. The business shall contain no more than eight dogs not owned by the applicant at any one time.

Mr. Dye said he felt the process would be simplified if they did not stipulate hours of operation. The basis of any complaints received were based upon dogs and not traffic, said Mr. Dye.

Ms. Shelton-Walker said that she agreed with Commissioner Dye. She said it appeared to her that the main concerns stemmed from dogs when they were outside.

Mr. Voelckers said that he agreed, and that he had no desire to place the applicant into a situation where he the hours of operation would hinder him taking a dog as an emergency for grooming in the evening, for example.

Chairman Haight summarized that the Commission has eliminated conditions two, three and four, inserting its own conditions that:

- ✓ That only one boarded dog and one personal dog be allowed in the yard prior to 8:00 a.m. or after 8:00 p.m.
- ✓ the daytime hours for the business would be set from 8:00 a.m. to 8:00 p.m. with up to five dogs in the yard
- ✓ the dogs in the yard will be supervised

The Commission agreed to the above conditions.

Mr. Voelckers said he felt the parking requirements for the business were a little heavy-handed. He said at this point the staff has recommended five parking spots based upon its analysis that the business was most analogous to banking. He said he would like to suggest that the parking be capped at four spaces, one of which must be ADA accessible, and one which can be counted as the garage.

Mr. LeVine said he would like to add the caveat that if an additional employee is hired for the business that an additional parking spot would then be necessary.

Ms. McKibben said she wanted to clarify that with a Conditional Use Permit this is not a home occupation. In response to a question she said that back out parking is not an option since this is not for a residence or a duplex. Typically they require from the applicant a parking plan which does not include back out parking, said Ms. McKibben.

MOTION: *by Mr. Peters, that USE2016 0020 be approved with conditions addressed as follows: striking conditions one, two, three and four with condition five becoming an advisory condition, and that conditions six, seven and eight remain with the stipulation that the change to number eight be four parking spaces, one of which is located within the garage, one of which is ADA compliant. The spaces would be allocated as two parking spaces for the residence and two parking spaces for the business. Advisory condition nine remains, with advisory condition 10 becoming a condition based upon the additional conditions added by the Commission, which are limited to one boarded dog in the yard before 8:00 a.m. and after 8:00 p.m., and no more than five supervised boarded/groomed dogs in the yard at any one time between 8:00 a.m. and 8:00 p.m.*

Mr. Dye offered the friendly amendment that the number of supervised dogs in the yard be limited to five with no discrepancy between groomed dogs and boarded dogs.

Mr. Peters accepted the friendly amendment.

Ms. McKibben asked if the Commission felt the need to address fencing at this time.

Mr. LeVine wanted to offer a friendly amendment to the motion of Mr. Peters stating that he worried that with an unlimited number of dogs within the home that the risk was being run of overextension of the available parking. Mr. LeVine offered the friendly amendment that no more than 12 dogs be in the home at one time.

Mr. Voelckers said he would support the friendly amendment. He added that it establishes an upper credible limit while at the same time offering much more flexibility than what had been proposed in the Conditional Use Permit.

Mr. Peters did not accept the friendly amendment of Mr. LeVine stating he felt setting forth the number of dogs allowed within the business was too limiting. He said he felt given the hours which have been set by the conditions as well as the number of dogs allowed in the yard at one time provides an adequate limitation for the business.

Mr. Bell said that he agreed with Mr. Peters. He said he did not want to see the Commission handcuffing growth when it was not necessary.

Roll Call Vote: (on the amendment)

Yeas: Voelckers, LeVine

Nays: Shelton-Walker, Frisby, Bell, Peters, Dye, Haight

The friendly amendment to the main motion to limit the number of dogs within the business to 12 dogs did not pass.

Mr. Dye offered a friendly amendment to the main motion that the fenced area of the dog yard would require a 6 foot obscuring fence.

Ms. Shelton-Walker said she had heard comments from the applicant that dealing with the costs of a new fence at this time would be prohibitive for the business.

Mr. Voelckers also spoke against the friendly amendment stating that he felt it was prohibitive. He said he felt that condition would go further than he was comfortable with.

Speaking against the fence amendment, Mr. Frisby said there was already a fence in place. He said he understood from the comments offered by the applicant that it was in their business plan to add a new fence in the future when they could afford it.

Mr. LeVine offered language that the fence be made acceptable to abutting neighbors within a years' time.

Mr. Voelckers said he was concerned about this amendment because it is setting up language that would support any neighbor who had any type of objection to any type of fence.

Mr. LeVine said he would probably support Mr. Dye's motion if it was a longer period such as six months or a year to construct or bolster the fence.

Mr. Voelckers said he would prefer this phrased as an advisory condition to work towards a sight obscuring fence rather than a regular condition.

Mr. Dye withdrew his friendly amendment regarding the fence.

Mr. LeVine proposed the friendly amendment that a regular condition would state that the applicant shall maintain a functional fence surrounding the backyard. The advisory condition would be that the applicant should prioritize improvement of the fence to an obscuring fence of six feet.

Roll Call Vote: *(on the amendment that the regular condition be added that the applicant shall maintain a functional fence, and the advisory condition that the applicant should prioritize improvement of the fence to an obscuring fence of six feet).*

Yeas: Dye, Frisby, Peters, Voelckers, Shelton-Walker, LeVine, Haight,

Nays: Bell

The amendment passed.

Roll Call Vote on the main motion: *(by Mr. Peters, including amendments, that USE2016 0020 be approved with conditions addressed as follows: striking conditions one, two, three and four with condition five becoming an advisory condition, and that conditions six, seven and eight remain with the stipulation that the change to number eight be four parking spaces, one of which is located within the garage, one of which is ADA compliant. The spaces would be allocated as two parking spaces for the residence and two parking spaces for the business. Advisory condition nine remains, with advisory condition 10 becoming a condition based upon the additional conditions added by the Commission, which limit one supervised boarded dog in the yard before 8:00 a.m. and after 8:00 p.m., and no more than five supervised dogs in the yard at any one time between 8:00 a.m. and 8:00 p.m. In addition, the regular condition be added that the applicant shall maintain a functional fence, and the advisory condition be added that the applicant should prioritize improvement of the fence to an obscuring fence of six feet.*

Yeas: Shelton-Walker, Dye, LeVine, Peters, Frisby, Voelckers, Bell, Haight

Nays:

The motion passed.

B. USE2016 0023: A Conditional Use Permit for senior housing.

Applicant: GMD Development

Location: Clinton Drive

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 49-unit senior housing complex. The approval is subject to the following conditions:

1. Submit a lighting plan, prior to issuance of a Building Permit, illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Director of Community Development, according to the requirements at CBJ 49.40.230(d).
2. Installation of parking lot light poles must be limited to the property and not located within the right-of-way.
3. Installation of landscaping must be limited to their property and not located within the right-of-way.
4. Restore and vegetate the river bank, if needed.
5. Apply the CBJ Manual of Stormwater Best Management Practices to reduce or eliminate the need for direct discharge of runoff into the river and to attenuate storm water on site.

Ms. McKibben told the Commission that this is an application for a Conditional Use Permit for senior housing. The proposed housing is to be located on Clinton Drive in the area of Vintage Park. The project is located on one acre and the Comprehensive Land Use Plan is for a traditional town center, said Ms. McKibben. The zoning is Mixed-Use and City water and sewer are available, she added.

The Conditional Use Permit is for 49 units of senior housing, said Ms. McKibben. Trillium Senior Housing consists of almost 46,00 square feet and is a four story structure, said Ms. McKibben. Of the 49 units, eight units will remain as market rate apartments, and 41 units will be income and rent restricted affordable housing, said Ms. McKibben. The land was rezoned Light Commercial before it was recently rezoned to Mixed-Use, said Ms. McKibben. Mixed-Use zoning has no maximum density, no setbacks and no vegetative cover requirement, said Ms. McKibben.

The Planning Commission recently approved the assisted living facility which will be located adjacent to Trillium Senior housing, said Ms. McKibben. The two sites have been designed by the same architect and will work together architecturally, but they will not be identical, said Ms. McKibben. This site also provides pedestrian access to the adjacent site and to the pedestrian pathway along Mendenhall River, she said. The first floor will have eight apartments, office space and storage, a laundry facility, a lobby, a gym and a community room, said Ms. McKibben. The remaining three floors will have apartments, she said.

The parking requirement for this development is 37 spaces, with two spaces ADA accessible, said Ms. McKibben. A traffic impact analysis is not required because it will not generate more than 250 vehicle trips in a day, she said. A lighting plan has not yet been submitted, and the staff recommends that a condition of approval be granted once the lighting plan is submitted, she said. Even though it is not required, this site does include five percent vegetative cover including trees on its own property along the street, said Ms. McKibben.

Mendenhall River is an anadromous fish stream, and there is a 50 foot streamside setback which is required, said Ms. McKibben. Flood requirements for the property will be addressed through the building permit process, said Ms. McKibben. They have found there will be no negative impact to neighborhood property values and the project is consistent with neighborhood harmony, said Ms. McKibben. The project is consistent with the Comprehensive Plan, she added.

Fish and Wildlife had expressed a concern about storm water runoff which will be addressed through the building permit process following the City's best management practices, said Ms. McKibben.

Mr. Voelckers asked about the parking plan since there are only two ADA accessible parking spaces provided.

He was told there are requirements for van parking and there will be a load and unload area in front of the building so there will be a safe zone for this activity.

Evelyn Rouso, architect, said they have made the parking spaces larger than standard parking spaces, to provide extra room for individuals getting in and out of their vehicles.

MOTION: *by Mr. Frisby, to accept staff's findings, analysis and recommendations and approve USE2016 0023.*

The motion passed with no objection.

X. **BOARD OF ADJUSTMENT** - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Mr. Steedle reported that there will be no Planning Commission meeting on August 9. There will be a Committee of the Whole meeting slated for September 13, at 5:30 p.m. on shared access and the Energy Plan.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Committee on Sustainability

Mr. Frisby reported that they moved the Energy Plan to the Assembly and they discussed matters relating to chickens within the municipality.

Public Works Committee

Mr. Bell reported that Public Works will have some issues coming up to Planning Commission in the near future.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 9:39 p.m.