

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
June 28, 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 7:00 p.m.

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

Commissioners absent:

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Jill Maclean, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner II; Tim Felstead, Planner II

Assembly members: Debbie White, Loren Jones

I. APPROVAL OF MINUTES

A. May 24, 2016 Regular Planning Commission Meeting

MOTION: *by Mr. Peters, to approve the May 24, 2016 Regular Planning Commission Meeting minutes with any minor alterations by staff or Commission members.*

II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Chris Carte, who lives on Long Run Drive, said that last week she and her husband attended a meeting of the Subdivision Review Committee. They learned that they could not subdivide their property like their neighbor did last September, because the rules have changed about rezoning a rectangular piece of land. She said she had heard that perhaps there were some unintended consequences to the Subdivision Ordinance as it was updated last year. She told the Commission that she would appreciate it if this item could be rectified so they could proceed with the subdivision of their property.

Chairman Haight asked if they could receive the report from the Subdivision Review Committee at this point in the meeting rather than at the end of the meeting.

Mr. Voelckers, of the Subdivision Review Committee, said they have run into a few cases where this has occurred where what used to be a relatively clean subdivision request is now not working smoothly. A portion of the text called “minimum rectangle” had been removed because it was deemed as unnecessary, he said. They are finding that this is a problem and that the staff is working on some changes. This may be coming up at the Committee of the Whole meeting on July 12, (2016) said Mr. Voelckers.

III. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison to the Planning Commission Debbie White reported that the Assembly has not been working on any items affecting the Commission directly. She gave the Commission the opportunity to ask any questions. There were no questions from the Commission at this time.

IV. RECONSIDERATION OF THE FOLLOWING ITEMS - None

V. CONSENT AGENDA

A. USE2016 0014: Conditional Use Permit for encroachment into side yard setback for shed adjacent to public open space.

Applicant: William Clutton

Location: 10390 Mendenhall Loop Road

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 the development of two (2) sheds and supportive decking constructed and located as per the applicant's plans. The combined structure may have a 0 foot side setback yard setback where the subject lot abuts public open space. This Conditional Use permit does not allow for encroachment into any other yard setbacks.

The approval is subject to the following conditions:

1. An as-built survey is required prior to final inspection of any associated building permit, so as to verify that no structures, including roof eaves, encroach onto CBJ land.
2. The existing shed encroaching onto CBJ property must be removed prior to final inspection of any associated building permit.

B. USE2016 0017: A Conditional Use Permit for a standard marijuana cultivation facility in an Industrial zone.

Applicant: Paul V Disdier

Location: 8415 Airport Blvd.

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 standard marijuana cultivation facility to be located within the Industrial Zoning District.

The approval is subject to the following conditions:

1. The applicant shall pass all CBJ Fire Marshall inspections.
2. Security cameras shall have an unobstructed view of each doorway to the cultivation building.
3. Security cameras shall have unobstructed views of the regular activity without sight blockage from plants, fixtures, or other equipment in the cultivation facility.
4. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
5. No offsite glare shall be produced by exterior facility and doorway lights.
6. As a condition of approval, staff recommends, that prior to Certificate of Occupancy for the facility, staff conduct a site visit to ensure the surveillance system is fully operational and all health and safety signs are displayed.

MOTION: *by Mr. Peters, to approve the Consent Agenda as read.*

The motion passed with no objection.

VI. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

A. USE2016 0015: Conditional Use Permit for an Assisted Living Facility.

Applicant: Marathon Development Inc.

Location: Clinton Drive

Chairman Haight recused himself from participating in this item due to a conflict.

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 80units/88 beds assisted living and memory care facility. The approval is subject to the following conditions:

1. Prior to issuance of a Building Permit, the applicant shall submit a lighting plan 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. The lots will be consolidated into one lot, including Lot 31A.
3. All runoff from outside the paved areas including roof drains will be directed to the Mendenhall River drainage system.
4. Stormwater run-off within the paved areas will be collected and directed into an Oil/Water separator immediately prior to connecting into the Clinton Street existing storm drain system.
5. A 12" CPP will be allowed from the Oil/Water Separator to the catch basin in Clinton Drive.
6. The catch basin in Clinton Drive will be replaced prior to the project connection.
7. The river bank will be restored and vegetated, if needed.

Ms. Maclean said there has been no public comment against this item. The parcel meets the zoning requirements, she said. This property is located along the Mendenhall River near Vintage Park on one side and Postal Way with a commercial building and Post Office on the other side. The site is approximately two acres in size, she said. This property is surrounded by Commercial and D-18 zoned land, said Ms. Maclean.

The Comprehensive Plan land use designation is as a Traditional Town Center, said Ms. Maclean, which calls for high density residential and nonresidential uses around shopping centers, employment centers and public transportation, with 18 units and more per acre. This parcel is zoned Mixed Use, said Ms. Maclean.

The applicant is requesting the Conditional Use Permit for an assisted living facility called Riverview Senior Community which will consist of 80 units with 88 beds. The assisted living section will consist of 54 units, and the memory care section will consist of 26 units with 32 beds. The proposed 70,865 square foot building consists of a three-story structure for the assisted living facility, attached to a one-story structure for the memory care facility.

A lot line adjustment for lots 26A and lot 31A of Vintage II Subdivision was recently approved, said Ms. Maclean. The project was reviewed as if the lots were consolidated. Therefore as a condition of approval, the lots related to this project should be consolidated into one lot, she explained.

The project includes a kitchen, dining area, lobby, administrative office area, courtyard, walking paths, activities room, laundry and parking, said Ms. Maclean. The project proposes 37 parking spaces with two ADA spaces, said Ms. Maclean. A Traffic Impact Analysis is not necessary since not enough traffic would be generated to require that analysis, she said. Given the existing access in and around Vintage Park, which was designed as a business park, the traffic generated by this project should have minimal impacts on the surrounding area, she said.

An exterior lighting plan has not yet been submitted, said Ms. Maclean. However, one is required, and they are recommending that it be submitted before approval of the building permit. No landscaping is required under this use, however the project wants to create an inviting and natural landscape for the residents, and proposes that almost 20 percent of the site have vegetative cover, said Ms. Maclean.

The project includes a walking path along the Mendenhall River; pathways connecting the site internally and to adjacent properties and sidewalks; a patio area with planters; a secure garden and patio area for the memory care unit; and a four foot to six foot high hedge along the easterly property line with a six foot high good neighbor fence which must transition to a maximum four foot height along Clinton Drive, said Ms. Maclean. There is to be an atrium located within the memory care unit, with plantings along all foundation walls and ornamental trees located throughout the property.

All signs proposed by the development must be submitted to the Community Development Department (CDD) staff for review and approval, said Ms. Maclean. The surrounding area is a mix of vacant, retail, and commercial uses, said Ms. Maclean. There may be a minimal increase in traffic noise generated on neighboring streets during commute times. No excess noise is expected as a result of this development, said Ms. Maclean.

Beyond impacts addressed in other sections of this report, there are no anticipated negative impacts to public health or safety that result from this development, said Ms. Maclean. She said at this stage the Building Division has no issues with the project, and that Capital City Fire and Rescue has no concerns about this development.

The site is located adjacent to the Mendenhall River, an anadromous fish stream. The proposed structure is located outside the 50 foot streamside setback, and no parking is proposed in the setback area, said Ms. Maclean.

While the project is not located downtown, said Ms. Maclean, it is located in an area classified as Traditional Town Center by the Comprehensive Plan land use maps, which strives to create village-like centers similar to a downtown area. This project is in accordance with the draft Housing Action Plan, the Juneau Economic Development Plan, Title 49, the Area Wide Transportation Plan, and the Juneau Non-Motorized Transportation Plan, said Ms. Maclean.

No public comments have been received regarding this project, said Ms. McLean. The U.S. Fish and Wildlife Service (USFWS) did express some concern over storm water runoff originating from parking lots that can contain hydrocarbons and other pollutants that are harmful to aquatic life, said Ms. Maclean. USFWS also expressed concern over the river bank which has been addressed in the proposed conditions, said Ms. Maclean. It encourages the use of stormwater Best Management Practices that are designed to attenuate storm water through infiltration or other means on-site, she said.

It has been determined that the application is complete, that the proposed use is appropriate according to the Table of Permissible Uses, and that the development as proposed would comply with the other requirements of this chapter, unless the Commission shall find, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding, said Ms. Maclean.

Commission Comments and Questions

Mr. Voelckers asked if there were any impacts anticipated from the development along the river.

Ms. Maclean said the walking path along the river will be restored, and as a consequence of that work the slope may need to be re-vegetated.

Applicant

Sioux Douglas, president of Senior Citizens Support Services Inc., which is an established nonprofit organization in Juneau, told the Commission that this organization was also responsible for the construction of Fireweed Place. They have been working on this project for three years, she said. With the granting of the Conditional Use Permit, she said, they hope to break ground on the project this year, opening late in 2017.

MOTION: *by Mr. Peters, to approve USE2016 0015 which is a Conditional Use Permit for an assisted living facility, adopting the staff findings, analysis and recommendations, and asked for unanimous consent.*

Speaking in support of the motion, Mr. LeVine said that this is a great project and that the applicants and staff are to be congratulated for the thoroughness and the way this project has been approached.

The motion was approved by unanimous consent.

Mr. Voelckers said this is a beautiful project and very timely.

- A. USE2016 0018:** Conditional Use Permit for a multifamily condominium development.
Applicant: Juneau Condos, LLC
Location: Riverside Drive

Mr. Greene recused himself due to a possible conflict.

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit and Density Bonus. The permit would allow the development of 51 units.

The approval is subject to the following conditions:

Applies to project (regardless of Density Bonus approval)

1. Prior to issuance of a building permit, the applicant shall install a silt fence on the 50-foot streamside setback line along the Mendenhall River. The silt fence shall be removed when construction is complete.
2. Prior to issuance of a building permit, the applicant shall submit to CDD a plan involving how vegetation will be replanted and maintained to ensure the project meets the minimum vegetative area requirement.
3. Prior to issuance of a building permit, the applicant shall submit an approved on-site drainage management plan using Best Management Practices (BMP) to ensure drainage is directed to an approved drainage infrastructure and does not directly enter the Mendenhall River without filtration.
4. Prior to issuance of a building permit, the applicant shall submit a design for the parking lot buffers (and if needed, buffering snow storage/ garbage containers) meeting one of the following features:
 - 1) Sight-obscuring fence or vegetation from grade (0 feet) up to six feet; or
 - 2) Sight-obscuring fence or vegetation from grade (0 feet) up to four feet and sight-obscuring (porous) up to six feet in height.
5. Prior to issuance of a building permit, the applicant shall show any exterior lighting, which must be downward-directed to minimize horizontal glare.
6. Prior to final CO, all required parking lot striping shall be in place (or wheel stops) which complies with dimensions as per 49.40 Parking and Traffic.
7. Prior to issuance of CO of last dwelling unit, the parking lot buffers meeting Condition No. 4 shall be in place.
8. Prior to issuance of CO of the first dwelling unit, the applicant shall submit the Homeowners Association documents to the CDD that indicate the maintenance of all required vegetation and on-site buffers.
9. Prior to issuance of CO of the last dwelling unit, the applicant shall coordinate with CDD staff for a site inspection to verify that the vegetative cover was installed accordingly. If CO is requested during poor planting conditions, the applicant shall submit a bond covering the costs of the remaining vegetation to be planted according to provisions of 49.55.010.

Density Bonus Conditions

10. Prior to issuance of a building permit, the applicant shall submit drawings and construction plans showing how the three density bonus features will be constructed in compliance with CBJ Land Use and Street standards.
11. Prior to issuance of a building permit for Units 49 – 51, the applicant shall submit plans and narrative indicating how all conditions will continue to be met.
12. Prior to final CO (Certificate of Occupancy) of last dwelling unit, the applicant shall

coordinate with CDD staff to ensure the three density bonus features as shown on Attachment H are complete. This shall include:

- a. The applicant to submit to CDD a recorded easement that preserves the land behind the back buildings, matching Attachment H.
- b. A site inspection performed by CDD, which concludes the presence of an entrance path to the Bethany Baptist church property.
- c. A site inspection performed by CDD, which concludes the presence of a sidewalk from the project's driveway to the Bethany Baptist church driveway and a crosswalk from the sidewalk at the church connecting to the existing sidewalk at Pinedale Street. Both the sidewalk and crosswalk must comply with CBJ street standards.

Mr. Feldt said that the Land Use Code does not differentiate between a condominium and an apartment complex. He said he felt it was important for the neighborhood to understand that it was condominiums which are planned for development, not an apartment complex.

The applicant has applied for A Conditional Use Permit because the project exceeds eight dwelling units, said Mr. Feldt. The project is located along the north of Riverside Drive along the east bank of the Mendenhall River, said Mr. Feldt. It is near Mendenhall River Community School, Melvin Park, and other attractions along Riverside Drive, he said.

Zoning and Project Configuration

The site is composed of four lots, said Mr. Feldt. The land is zoned D-15 which allows densities up to 15 units per acre, said Mr. Feldt, with surrounding land zoned at D-3 and D-5 allowing three to five units per acre. The applicant is requesting a density bonus which would allow more dwelling units than the maximum allowed. All buildings except for one will contain a six-plex with one drive to access Riverside Drive.

Approximately 320 feet of the site fronts Riverside Drive, said Mr. Feldt. Each of the four lots is approximately 80 feet wide, he said. The buildings will be three stories tall with exterior entry ways into each of the units. Every building will have a carport, said Mr. Feldt. The new drive for the development would be located across from an existing vegetated retaining wall, he said. A sidewalk would only be required for the west side of the road, he said. This site would be at a higher density than the surrounding land which is composed primarily of single-family homes, said Mr. Feldt. For the D-15 zone, the Land Use Code allows condominiums and apartments, said Mr. Feldt. None of these zones allow commercial uses, said Mr. Feldt. They are strictly residential zones, he said.

The proposed project is composed of eight buildings, said Mr. Feldt, with the original proposal from the applicant being a total of 46 dwelling units. However, said Mr. Feldt, the applicant is applying for a "density bonus". According to the Land Use Code, he said, if the applicant meets certain criteria, then they may file for more dwelling units than the maximum allowed.

All residents of the condominiums will use one driveway on to Riverside Drive. There would be a total of eight buildings. The development will be composed of six two-bedroom, two bath units per building except for one building, said Mr. Feldt. Parking will be placed in the middle of the site to mitigate the impacts from the headlights and noise on the neighbors, said Mr. Feldt. This development will be very similar to the applicant's completed development on Breezy Street, said Mr. Feldt.

Parking and Daily Trips

The parking requirement for 46 units is 81 parking spaces, said Mr. Feldt. If the density bonus was approved, the number of dwelling units could be increased to 51 units, said Mr. Feldt, which would increase the parking requirement to 89 spaces. The applicant is providing 100 spaces, he said, exceeding both parking requirements.

Traffic is estimated at 267 daily trips, said Mr. Feldt, for the basic proposal without any bonus. With the density bonus, he said, the daily trips would rise to 296 daily trips. The Land Use Code states that when daily trips are estimated to be from 250 to 500, that the Director has the discretion to whether a Traffic Impact Analysis is required. Over 500 daily trips would require a Traffic Impact Analysis, said Mr. Feldt. The CDD found that Riverside Drive in its current condition can accommodate the daily trips, he said.

Potential Impacts

The staff recommends that the applicant install a buffer that could consist of either a fence or vegetation, said Mr. Feldt.

Density Bonus

A density bonus is a fairly unique part of developments which tests the Land Use Code and Title 04, said Mr. Feldt. This is where subdivision, platting and standards exist, said Mr. Feldt, which is where the density bonus can be found. To decide on how many density bonus points the project could accrue, staff needed to look at both the Land Use Code and Title 04, said Mr. Feldt.

The applicant is required to provide a certain amount of amenities to accrue the necessary number of bonus points, said Mr. Feldt. The 10 percent increase in allowed density units is the lower end of the points which one could obtain, said Mr. Feldt.

There is no increase between the base line of dwelling units allowed and a 10 percent increase, said Mr. Feldt. Seven points are required to meet the minimum density bonus requirements, he said.

All but one of the eight buildings contains six dwelling units, said Mr. Feldt. One building contains only four dwelling units, he said. Those additional two spaces are proposed as a

commons room for the residents, he said. If the density bonus is approved, then the applicant would replace the commons space with two dwelling units, so that all eight buildings would contain six dwellings, said Mr. Feldt. Answering a question which he had received via an email from a Commissioner, Mr. Feldt said if the density bonus was granted and the applicant constructed 51 units, it would be under the conditions that they could all fit within the site while upholding all of the conditions within the Conditional Use Permit, he said.

Bonus points:

- ❖ (2) The applicant will preserve the area between the 50 foot streamside setback from Mendenhall River and the back of the four buildings facing the river
- ❖ (5) A new pedestrian connection to the adjacent property to the south where Bethany Baptist Church is located, and a new sidewalk from the project's driveway southward to the church's driveway connecting to a new crosswalk at Pinedale Street and Riverside Drive
- ❖ (2) Maintain more than the required 30 percent of the site in vegetative cover at 45 percent

The above bonus points as configured by staff would give the applicant a total of nine points, said Mr. Feldt, two points over the required amount.

The proposed new sidewalk would not interfere with existing mailboxes, said Mr. Feldt.

The project does conform with the Comprehensive Plan, said Mr. Feldt, as well as the Non-Motorized Transportation Plan and the Safe Routes to School Program. Acquiring a Conditional Use Permit will be the first step in the process for the applicant, said Mr. Feldt. If that permit is approved with or without the density bonus, the applicant would then consolidate the four lots, said Mr. Feldt.

Staff received some public comments expressing concern with traffic which would be generated from the project, said Mr. Feldt. Other neighbors expressed concern about the incompatibility of the building size and scale in relation to the surrounding single-family neighborhoods, said Mr. Feldt. The footprint of each building in the proposed project is about 3,000 square feet, said Mr. Feldt, which is larger than the average size home in the neighborhood. The applicant designed the site composed of eight smaller buildings rather than one large building to help maintain the residential scale within the neighborhood, said Mr. Feldt. Other neighbors said they felt the use of the land was inappropriate for the neighborhood, said Mr. Feldt. This is a permitted use within the zoning district, he said. Other neighbors have stated they had a concern about their property values being lowered, said Mr. Feldt. He said the staff felt with the recommended conditions that the property value of existing residences would not be lowered. There is also concern expressed about limiting access to the Mendenhall River, said Mr. Feldt. There is a standard in the Land Use Code that stipulates that a development adjacent to a water body has to provide public access through an easement, he explained.

If the Conditional Use Permit is approved, said Mr. Feldt, construction of the units will go through the building permit process where zoning review takes place and a general engineering review, as well as building code review. Every building will be sprinklered, said Mr. Feldt.

The applicant will be using pervious pavement in the parking lot to , said Mr. Feldt, allow water to percolate through the pavement. Any drainage which may proceed towards the river would be required to go through a filtration system using Best Management Practices, said Mr. Feldt. There is a new bonus condition, said Mr. Feldt, (Number 13) which is to provide access from Riverside Drive to the Mendenhall River area. This must be provided prior to the Certificate of Occupancy for the first dwelling unit, said Mr. Feldt.

Commission Comments and Questions

Mr. LeVine asked if the staff had considered making the most recent condition more general in nature rather than to dictate to the applicant how to ensure access to the river. He said he felt if an easement was going to be recorded that it could better be accomplished during the subdivision or property division process. He said he felt it may be better to require the developer to ensure that there is public access from Riverside Drive to Mendenhall River, and to allow the developer to discern how best to accomplish this.

Mr. Feldt said he did not see a problem with this as long as it was clear from the record that the intent meets the purpose of that code citation.

Mr. LeVine asked how the staff determined how many points were allotted to each of the additional conditions to obtain the density bonus.

Density bonuses are not a common occurrence, said Mr. Feldt. Staff had to weigh how valuable a condition was to the general public, and to decide if the density bonus elements have some sort of relation to the investment the applicant proposes for each amenity. Those plans are determined by staff in a rather subjective manner, said Mr. Feldt. A goal for the future would be to make the process more objective, he said.

Mr. Frisby asked how big the buffer was between the road and the development.

The project itself does not have a required buffer between the buildings and the street, said Mr. Feldt. There are recommended buffers at the locations of the trash and snow storage, he said. Staff has not specified buffers between the building and the street, he said.

Mr. Frisby said he traverses that street quite frequently and that if he was walking by the constructed development that he would feel like he was almost walking into someone's living room, without any buffers.

Mr. Feldt said the required setback for the zoning district is 20 feet and that from the road to the right of way line it would be an additional 10 to 15 feet.

Mr. Frisby said he was satisfied with the quoted distances.

Mr. Voelckers asked what the width of the road right-of-way was along Riverside Drive.

The right-of-way width could be between 50 and 60 feet, answered Mr. Feldt. Sixty feet is more the standard CBJ right-of-way width, he added.

Mr. Voelckers asked if there was a surveyed site plan for the project at this juncture.

Mr. Feldt responded that they have not received one from the applicant at this time.

Mr. Dye asked for a clarification on the location of the trash and snow storage for the project.

Mr. Feldt responded that the applicant could clarify which specific areas would be used for the location of the trash and snow storage.

Applicant

The applicant, Travis Arndt, indicated on a map where the snow and trash storage would be located. He said the pervious pavement on their most recent project is working so well that there is no runoff from the pavement. In answer to Mr. Frisby's question, Mr. Arndt said the structures will be located 45 to 50 feet from the road. Instead of locating the buildings closer to the river, which would result in parking facing the road, they located the buildings further from the river and kept the parking in between the buildings resulting in less impact to the neighbors, he said. These will be condominiums, not apartments, he added. They lined the buildings up so that the eight buildings would appear as only four buildings from the road, and four buildings from the river, he said. There is roughly 20 feet between the buildings, he said, which is further than the setbacks within the single-family neighborhoods, since the side yard setback is only five feet, he said.

Mr. Voelckers asked where the carports would be located and how the units would be approached from the carports.

The applicants would follow a short covered walkway from the carports to access the stairs to their individual dwellings, explained Mr. Arndt.

Assuming they were granted a density bonus, Mr. Voelckers asked how the additional three units would be placed on the property.

Mr. Arndt responded that he is currently focused on 48 units, not 51 units. He said the 10%

minimum is 51 units, but that he only plans on constructing 48 units.

Mr. Voelckers asked how big Mr. Arndt expected the pavilion to be and could it fit into the configuration considering fire and setback regulations.

Mr. Arndt responded that they have not yet specified a location for the pavilion. He said between two of the buildings the space is wider than between the other buildings.

Public Comment

Claudia Cook told the Commission she owns the property across the street from the proposed condominium development. She asked why the foliage in front of the parcel along Riverside had to be removed. She asked why the proposed sidewalk for the project was located when the safe route was away from school. She said most children will not walk away from the school to cross the road to go back down to the school. Ms. Cook said she has visited the condominium complex built by the applicant both in the day and in the evenings. She said at night that complex is lit up bright like a football stadium. She also expressed concern related to the poor drainage she said has experienced on her end of Riverside Drive.

Mr. Voelckers asked if the bright lights she perceived at the existing condominium emanated from the parking lot or from the units.

She said the light came out of the units as well.

Dean Blood, pastor at the neighboring church, said that he has two concerns about the project. He said the applicant has not contacted them on any issue. He said if they constructed a walkway from the condominium to the church property that he feared the church would be liable. He said he also feared that condominium dwellers would use the church parking lot to gain access to their dwelling. He said the church has been affected several times by drainage coming from the road system. He asked if they would be responsible for maintaining that portion of the walkway and if they could be held liable from events occurring on the sidewalk.

Dora Prince, treasurer for the Riverside Baptist Church, said the correct name for the church was "Riverside Baptist Church". She said in the Breezy Street neighborhood, where the applicant constructed the first condominium, located near the Glacier Valley Elementary School, there were no less than 21 multi-family units. She said that is a far different neighborhood than the neighborhood located near the proposed development on Riverside Drive. She said the homes in her neighborhood are single level or two-story homes. She said she felt the design should better conform to the neighborhood such as zero lot lines and duplexes. In contrast to the CDD Director, Ms. Prince said she felt that the additional traffic would prove to be a negative impact on Riverside Drive and that the street could not comfortably handle the additional vehicles. She said the core Valley roads between the times of 7:00 a.m. to 9:00 a.m. or the hours of 4:00 p.m. to 6:00 p.m. have heavy traffic. She said she did not feel the additional trips generated by condominium vehicles would help the situation.

Mr. Peters asked what the traffic impacts were estimated for the church.

Ms. Prince said she did not remember.

Area resident Theresa Ullmayer said she did not understand the plan for the condominium project which combined the trash storage adjacent to the snow storage. If the snow were stored in that location, she asked how the garbage trucks would reach the dumpsters in the winter. She asked where the developer would put the easement. She said she visited the Bresee Street condominiums that the developer said were similar to this project. She said looking at the constructed condominium project made her feel "claustrophobic". Approving the Conditional Use Permit at this juncture was premature. She said she felt they needed more information about the project. She said the Bresee Street condominium project was the ugliest condominium project that she has seen in a long time. She said she would be embarrassed for the Planning Commission if it were to approve the project as presented with its cheap appearance and three floors. She said that 46 units were enough, and that the Commission should not even consider bonus units.

Mr. Walter Ullmayer said he wanted to emphasize that Stephen Richards Drive and Riverside Drive are backed up with traffic during morning and evening rush hours. He said he was also surprised that the applicant purchased the property in May of this year and submitted an application for a multi-family development just a few weeks later. With this issue already before the Planning Commission, he said he felt this project was moving too quickly. He said he felt traffic from the proposed condominium development would negatively impact the neighborhood. Neighbors in the neighborhood have also experienced problems with their sewage backing up, he said. He said he did not feel the existing sewer line was built to support the condominium project.

Applicant

Mr. Arndt said even before they purchased the property they had been trying to get a hold of Dean Blood, as pastor of the adjacent church. He said he has dialed the phone number several times that is on the sign and that it goes to voicemail. It then asks for a PIN and requests the caller leave a message, he said. He said he received a different number for Mr. Blood at 3:00 p.m. today, and that he called him at 4:00 p.m. today. Mr. Arndt emphasized that he wants to work together with the church because they are neighbors.

Mr. Arndt said if the church does not like the access being provided from the condominium units then they do not need to construct the walkway. He said they would still have sufficient number of points to proceed with construction of the condominiums. They had initially designed the crosswalk to proceed from the driveway, said Mr. Arndt. Subsequent conversations with CDD indicated to him that the natural place for a crosswalk is at an intersection. Therefore, they were planning to put in a couple hundred extra feet of sidewalks

so that the students could proceed down the street and use the crosswalk at the logical intersection location, said Mr. Arndt. He said he had no problems moving the current crosswalk back to its original location. He said it would save him a lot of trouble.

The lighting for the project is all down-lighting as is required, he said. The Breezy Street project is shaped in a horseshoe towards street, said Mr. Arndt. The current project will have light on the carports and the stair towers which will be located between the buildings.

Commission Comments and Questions

Mr. LeVine asked Mr. Arndt if he had some idea of where the public access easement to the river could be located on the property.

Mr. Arndt responded that it would be on the north lot line or the south lot line. Mr. Arndt responded that this is a new feature, and that he just heard about it at 5:00pm today.

Mr. Voelckers stated that these are very deep lots, and that he wondered if the applicant had considered shifting the complex closer to the river. He stated that it may make more sense to situate the condominiums closer to the river leaving a larger road frontage for bonus points.

Mr. Arndt stated that is a possibility. He said it is a steep drop to the water and the closer they build to the river the more they face problems and erosion since it is such a large drop-off to the water. He added he wants to keep the units in alignment and there is less room on the north side than on the south side. They could push the buildings closer together and still meet the requirements for parking and turnaround space but they upped the width and depth of the parking spaces, he said.

Mr. Voelckers asked if there has been a traffic analysis relative to any other projects on that end of Riverside Drive.

Mr. Feldt said he is not aware of any traffic studies in this general area.

Mr. Steedle responded that the four-way stop on Riverside is infamous for holding up traffic. The City has an agreement with the Department of Transportation and has set money aside to rectify this situation, he said. Several of the options include a small traffic circle or a traffic light, he said.

Mr. Voelckers asked if the staff could elaborate on the sewer capacity for the area.

Mr. Feldt said in his communication with the City Engineering staff that the sewer could accommodate a project of this size. He said because of the feedback from the public, that they will speak with the Engineering Department and see what issues with the sewer have been raised in the past, and whether it was issues with the storm sewer or the regular sewer. He

said this issue certainly warrants additional investigation and that it would also be addressed during the building permit process by the Engineering Department as part of its normal protocol.

Mr. Voelckers asked about the issues raised by the public about the crosswalk, and whether it was in a counterintuitive location for public use. He asked if it had been considered to take the crosswalk closer to the school or if there was a rationale locating the crosswalk further from the school.

Mr. Feldt said the CDD staff had originally felt that a crosswalk at the driveway entrance to the project would be the most effective since it was the shortest route. He said the General Engineering staff was opposed to a crosswalk that was not located at an intersection because the crosswalk is not perceived by drivers as easily when it is located between intersections. The engineering staff felt the crosswalk located at Pinedale would be safer for the public. He said they have required from the applicant only a sidewalk in front of the site and some sort of connection to the existing sidewalk across the street. If the Commission finds that the current crosswalk location proposed is not satisfactory, then perhaps the installation of a mid-block crosswalk could also be accomplished, he said. The maintenance of the sidewalk in front of the church would be the responsibility of the church, said Mr. Feldt. The liability question for pedestrians passing from the site to the church would be up to the Law Department, said Mr. Feldt.

Mr. Peters asked if this crosswalk would be similar to the crosswalk closer to Rotary Park which is lit with lights.

Mr. Feldt responded that the crosswalk would be marked with signs on either side, not a light.

Mr. Dye asked if the staff could clarify the responsibility within Juneau of sidewalk maintenance, not just for this site.

It is up to the private property abutting a sidewalk to maintain it, said Mr. Feldt. Mr. Feldt added that regarding the density bonus point criteria that the applicant had mentioned they felt they had enough points even if the connection from the site to the church was not created with the walkway. The applicant would still have seven points, which are enough points for the density bonus, said Mr. Feldt.

Mr. Peters asked if the crosswalk and the sidewalk were located further up north and it was a mid-street crosswalk, if it would then be abutting the condominium site and not the church.

Mr. Feldt said whatever crosswalk was being proposed that he would send it to the City Engineering Department for an assessment.

MOTION: *by Mr. Peters, to accept the findings, analysis and recommendations of the staff and to adopt USE2016 0018. It should be noted under the conditions that they accept all conditions except Number 11, and that they accept all 48 units as presented.*

As a friendly amendment to the motion of Mr. Peters, Mr. LeVine said that he would like to replace Condition 13 as staff presented it with the following language: “The developer shall ensure dedicated access for the public from Riverside Drive to Mendenhall River via a dedicated access that satisfies the provisions of CBJ Code §49.35.620”.

Mr. Peters accepted the friendly amendment.

Mr. Voelckers said this is a hard decision for him, and that he will have to vote against the motion. Speaking against the motion, Mr. Voelckers said that he supports the project and the density of condominiums. He said he also agrees with some of the testimony heard on this issue and that it did seem fairly rushed and lacking in specificity. He said he would like to see what he was actually voting for. He has not yet seen a surveyed site plan, said Mr. Voelckers. He said he did not feel that he would be doing his due diligence to approve a permit for a project which at this point is still conjectural. That aside, said Mr. Voelckers, he said he is in favor of the 48 units and in general approves of the project.

Roll Call Vote:

Ayes: Peters, Frisby, LeVine, Bell, Dye

Nays: Voelckers, Shelton-Walker, Haight

The motion carries.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. DIRECTOR’S REPORT

Lemon Creek Steering Committee Appointment

Mr. Steedle said due to staff oversight an application from an extremely qualified applicant was misplaced. This individual is the current president of the neighborhood association, said Mr. Steedle. He recommended that Daniel Collison be appointed to the Lemon Creek Steering Committee.

The appointment of Daniel Collison to the Lemon Creek Steering Committee was approved by the Commission with no objection.

Front Yard Setback

Ms. McKibben said the variance the Commission heard at its last meeting regarding the front yard setback which had been continued, would need to come up before the Commission again on July 26, (2016) as the party does not yet have that information for the Commission.

Committee of the Whole

Mr. Steedle said the Committee of the Whole meeting has been moved to July 12, (2016) at 5:00 p.m.

XII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lands Committee

Mr. Greene said the Lands Committee met last evening. The major topic was the CBJ involvement in housing. He said there was a presentation by the Director of Housing.

Ms. McKibben said the Commission will be hearing that presentation at its next meeting.

Mr. Greene said the Committee also discussed the Second Street and Franklin property. It recommended that the City proceed with negotiations with the party interested in purchasing the property.

The Lands Division of the CBJ has developed a standard CBJ film permit, said Mr. Greene. Film companies will be able to go to one location online to fill out the permit, said Mr. Greene.

XIII. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers asked the staff if they had an update on the establishment of the Rules Committee which had been approved by the Commission.

Mr. Steedle said he would discuss with Mr. Voelckers when Mr. Voelckers would like to hold the first Rules Committee meeting.

XIV. ADJOURNMENT

The meeting was adjourned at 9:29 p.m.