MINUTES

Regular Planning Commission Meeting
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

August 25, 2015

I. ROLL CALL

Mike Satre, 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 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman (telephonic); Bill Peters, Michael LeVine (telephonic), Ben Haight, Nicole Grewe Matthew Bell, Paul Voelckers, Dan Miller

Commissioners absent:

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager; Tim Felstead, Planner I

II. APPROVAL OF MINUTES

- July 28, 2015 – Regular Planning Commission Meeting Minutes

MOTION: *by Mr. Miller, to approve the minutes for the July 28, 2015, Regular Planning Commission meeting with any minor modifications by staff or Commission members.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Jones reported that the Subdivision Ordinance has been reviewed through the Assembly Committee of the Whole several times, and it should be on the Assembly agenda Monday night (August 31, 2015). They will soon review the Senior Tax Exemption, and the final written report with suggestions on downtown parking and the Willoughby District Parking Plan. The Housing Action Plan will come up before the Assembly in September.

Commission Comments and Questions
Mr. Voelckers asked if it was the intent that the City and State work together on the Willoughby District Parking Plan.

Mr. Jones said the CBJ was given $1.2 million through a state appropriation to look at Willoughby District parking including the State parking needs. Mr. Jones said there is discussion about whether to expand the state parking garage, or whether to do a separate parking garage; to address future needs in the Willoughby District if the Juneau Arts complex is constructed in the area, consideration of the flat area behind the Juneau Economic Development Council could serve both state and federal parking needs. Mr. Jones said it was the desire of the State to share a parking area in the Willoughby District among state and federal employees and the public. The other option is the parking that the construction workers have been using for the construction of the State Library, Archives and Museum (SLAM) located across Egan Drive from the Willoughby District, he added.

Mr. Watson asked if there have been any substantive changes made to the Subdivision Ordinance.

Mr. Jones responded there were was discussion about the private access roads on a right-of-way in within subdivisions. He said he believed the substantive change was to allow that access only outside of the roaded service area. Privately maintained access would not be allowed within the roaded service area of a subdivision.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

CSP2015 0011:	Consistency review for new salt and sand storage structure.
Applicant:	City and Borough of Juneau
Location:	7100 Glacier Highway

Staff Recommendation
Staff recommends that the Planning Commission recommend that the Assembly **APPROVE** the proposed project, as prescribed by CBJ 49.10.170(c).

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with staff's findings, analysis and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA – None

The Planning Commission adjourned and reconvened as the Board of Adjustment.

X. BOARD OF ADJUSTMENT

VAR2015 0027:	A modification to a condition of VAR2010 0023 in regard to the front yard setback.
Applicant:	Debbie & Christopher White
Location:	2130 Fritz Cove Road

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2015 0027. The Variance permit would modify the condition of VAR2010 0023 which requires a 150 foot front yard setback and allow for a front yard setback of 60 feet

Ms. McKibben informed the Commission that this is a request to modify an existing variance to the front yard setback. The property is located on the waterfront on Fritz Cove Road, said Ms. McKibben. The lot size is .79 acres.

The applicant is requesting a modification to a condition of VAR2010 0023 which would require any new dwellings constructed on the lot to be set back 150 feet from the front property line bordering Fritz Cove Road, said Ms. McKibben. Ms. McKibben noted that the standard setback for the district is 25 feet. Ms. McKibben said the note requiring the 150 foot setback was left off of the plat note when it was recorded.

The applicant was not aware that the front property line was set back significantly from Fritz Cove Road. As a result from a call about this property the planner on call discovered the 150 foot requirement from VAR2010 0023. The staff subsequently called the applicant and found out that the applicant had already dug the foundation for the home, which was set back 60 feet from the front property line, said Ms. McKibben. It was determined that the best way to rectify this situation was to request a modification to the 150 foot setback requirement to 60 feet. She added that the variance request meets all the requirements.

Applicant

Applicant Debbie White asked that the Commission take note of the materials in the packet from the Department of Environmental Conservation (DEC). She said that the DEC has not approved any waterfront homes to have a new outfall system this calendar year. She said this is causing problems with finances and resales. She said that is why for their home they decided to install a leach field instead of an outfall system. Ms. White said they would have preferred to build closer to the water but that due to various considerations such as lack of subsoil they had to build closer to the road.

Commission Comments and Questions
Mr. Voelckers commented that had they been able to construct their home closer to the water, it would have put them in closer proximity to the neighbors, so that he felt the neighbors were probably content that the applicant was building closer to the road.

Ms. White responded that the neighbors are satisfied with the location of the home, and that they enjoyed their improved views when the applicant had cut some trees down on their property.

MOTION: *by Mr. Miller, to approve VAR2015 0027, with staff's findings, analysis and recommendations.*

The motion passed with no objection.

The Planning Commission reconvened after adjourning as the Board of Adjustment.

XI. OTHER BUSINESS

A. Update regarding CBJ emails for Empowered Boards and the Planning Commission.

Municipal Clerk Laurie Sica said as a result of a board training session in the earlier part of the year, discussions on board emails ensued. Also the CBJ changed to a different email server, she noted. Subsequently all of the Assembly members received new CBJ emails at juneau.org. At this time the staff realized they should be offering these emails to their board members, the Planning Commission and to enterprise board members who do a significant amount of work for the CBJ, said Ms. Sica.

With CBJ email the Commission emails would be saved on the CBJ server, and a distribution list could be added to include all CBJ board members listing their staff liaisons. These emails could then be provided to the public so that they could send one email to the entire board rather than each individual board member, said Ms. Sica. Ms. Sica shared the following information with the Comission:

- ✓ Email to an individual or the full board is considered a public record and the subject to public disclosure.

- ✓ Board members will be issued a CBJ email account after they have read the CBJ Telecommunications Policy 14 – 04 and signed the board member acknowledgment form.

- ✓ Board members should only use their CBJ email accounts when conducting CBJ related business.

- ✓ Never use the reply all feature when responding to emails that are sent to the full board. Multiple messages of substance that are shared with the quorum of members can be considered a violation of the Open Meetings Act.

- ✓ The group distribution list will include board members, Assembly member liaisons, and key staff members. The staff will file and retain copies of the emails sent to the full board in accordance with CBJ records retention policies.

- ✓ CBJ emails automatically disappear after a 90 day period.

Mr. Voelckers said it seemed to him that any email which was sent to all nine board members would create a problem with the Open Meetings Act.

Ms. Sica said she felt it was support important for everyone to receive the information, but that when communications began going back to all the members that is when an Open Meetings Act issue could be raised. Communicating with one or two members should not be a problem because they did not consider it a meeting if three or less board members were communicating.

Emails older than 90 days would be archived but not immediately accessible, said Ms. Sica.

Ms. Grewe said that she would accept the new email, but asked if board members would have the option of turning down the email if they did not want it.

Ms. Sica responded that the staff had not really considered that scenario.

Mr. Voelckers expressed concerns that this additional email may not function with the same immediacy as a person's work or personal email.

While acknowledging that Planning Commission members have a large amount of work, Ms. Sica stated that monitoring the CBJ email was part of the job.

Mr. LeVine suggested that while the board members acclimated themselves to the new email, if something of an immediate nature came up that they be given a call by the staff.

The goal for the Community Development Department was September 1, (2015) said Ms. Sica.

Mr. Watson said he appreciated the Borough providing the emails for the board members.

XII. DIRECTOR'S REPORT

Building Permits
Mr. Hart reported that the value of building permits for this year exceeds $85 million. Forty four new homes have been constructed, he said, with over $4 million in permits issued within the past week. A lot of the construction has been in home additions and remodels, but a lot of it is occurring, noted Mr. Hart.

Ms. McKibben stated that the senior citizen housing to be constructed by St. Vincent de Paul has not yet completed the permit process.

Other Development
Sportsman's Warehouse is busy moving into its new location in the Nugget Mall, said Mr. Hart. The same developers are looking at other opportunities in Juneau, he added. He added that several other developers have committed to 19 new single family homes in the community. There are an additional 36 new pre-fabricated housing units being constructed in the Valley, said Mr. Hart.

Auke Bay
Mr. Hart reported that over the next five days the staff would be meeting with 19 interested parties to inform them of the options available in the community for development. There is a party interested in constructing 38 townhomes in Auke Bay based upon the changes that the Commission has recommended in the Subdivision Ordinance. Mr. Hart reported that in the past week he has also been contacted by three other groups regarding apartment and condominium construction as well as senior retirement options in the Auke Bay area.

At the first Auke Bay Steering Committee charrette, said Mr. Hart, there were approximately 50 people in attendance. Attendance was down a bit at the second charrette with attendance increasing again at the third charrette, he noted. It is notable that there were a lot of different people attending each charrette, said Mr. Hart.

They have the Auke Bay plan in place and now they are at the point where they are receiving input from the community on its priorities for moving forward with the Plan in terms of the design for the central commercial Mixed-Use area, said Mr. Hart. The three charrettes were designed for this community input as well as to create relationships and bring the community together, said Mr. Hart.

Mr. Hart stated that he was surprised that the feedback about overhead canopies was not that positive from the community. At the past meeting individuals expressed their concern about eminent domain, said Mr. Hart. Other members explained to each other that there would not be a taking of an individual's property without their permission, said Mr. Hart.

The overriding theme among the community was the water which connected them all, said Mr. Hart. He added that the Commission needed to keep in mind this was a small area with the

potential of perhaps seven or nine more businesses. The bypass threat had initially been a large issue said Mr. Hart, but it is important to keep in mind that it can have negative effects on the core business community not located along that route. He said the main issue for the next 20 years would probably be the speed on the current road through the core Auke Bay neighborhood. The DeHarts convenience store reports a significant increase in revenue following the conclusion of the construction in the immediate area, reported Mr. Hart.

The retention of the natural resources in the area such as salmon in the streams and the connection of the community with Auke Bay is of prime importance to consider when moving forward with development in this area, said Mr. Hart. There are 43 multi-family units scheduled to be constructed across the road and up the hill from DeHarts convenience store, said Mr. Hart.

Unfortunately, said Mr. Hart, bus service to the area is being reduced. There is the current idea of developing an access road shared by the fire Department at its current location and the Alwine property owners, said Mr. Hart. This access road could also provide access to City-owned land adjacent to these parcels, he added. It is a priority with the community that green and natural space be preserved, said Mr. Hart. The community would prefer several small parks over one larger park, noted Mr. Hart.

It will be a challenge to fit all of these priorities of the various community members into one small area, commented Mr. Hart. The site potential of the University property would be approximately 121 units, said Mr. Hart. The nature of the lots enables only about half of the potential development, he said. The amount and the nature of the parking will have a huge impact on how future development proceeds, said Mr. Hart.

Mr. Hart reported that the bottom line is that the staff will be asking basic questions of the community for three weeks in a row, and then show them some examples of their ideas, which will be brought forward to the Commission in the form of an ordinance with pictures to illustrate the ideas.

Title 49 Committee Meeting Change
Ms. McKibben asked if the Title 49 Committee meeting could be moved to Friday, September 18, (2015).

Ms. Grewe (Chairman of the committee) responded in the affirmative.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lands Committee
Mr. Peters reported that the Lands and Resources Committee met last night and approved the motion to move the Land Management Plan into public comment through the public meeting process.

Title 49 Committee
Ms. Grewe reported that the Title 49 Committee met last Friday (August 21, 2015) to discuss changes to the Table of Permissible Uses related to marijuana growing, processing, testing and selling. They passed a recommendation which should be before the Planning Commission at its September 8, (2015) meeting, said Ms. Grewe.

Wetlands Review Board
Mr. Haight reported that the Wetlands Review Board met last Thursday (August 20, 2015). They reviewed VAR2015 0016 which is the Jordan Creek stream setback variance. This is the portion of Jordan Creek adjacent to the Central Council building, explained Mr. Haight. They also reviewed SMP2015 0008 which is a Silver Bay planned unit subdivision, said Mr. Haight. They want to modify their property in the wetlands common area, he explained. This did pass through the Wetlands Review Board, but there was definitely concern with some of the protocol, noted Mr. Haight. They were notified that apparently the airport has been doing some clearing along Jordan Creek in violation of the code, said Mr. Haight. This is being addressed by the Community Development Department, he added. Several of the board members commented favorably on the action taken by the Planning Commission on the Armstrong stream-side setback variance.

Marijuana Task Force
Chairman Satre reported that the Marijuana Task Force met earlier in the month after the last Planning Commission meeting, and had a long discussion about the potential for limiting licenses in Juneau. He said there were many differing opinions on the subject. They will be waiting to see what recommendations come from the Title 49 Committee and also to see what the State dictates, said Chairman Satre. Some questions did arise because the Assembly moratorium on accepting any sort of land use permit for marijuana use is supposed to expire in October. They did make some recommendations that the Assembly extend that moratorium, said Chairman Satre.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 8:01 p.m.