

MINUTES

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

June 9, 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; Nicole Grewe, Ben Haight, Michael LeVine, Paul Voelckers

Commissioners absent: Dan Miller, Bill Peters

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

II. APPROVAL OF MINUTES

- March 24, 2015- Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the Regular Planning Commission meeting minutes of March 24, 2015, with any minor modifications or corrections by Commission members or by staff.*

The minutes were approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Subdivision Ordinance and Land Swap

Assembly Liaison Loren Jones reported that the Subdivision Ordinance was introduced at last night's Assembly meeting. It will be before the Assembly for public hearing on June 29, (2015). The Assembly also approved the land swap with the church to provide access to Pederson Hill, and it also approved an LID (Low Impact Development) at McGinnis subdivision.

Sign Fine Ordinance

The Assembly tabled the Sign Fine ordinance until the June 29, 2015 meeting. Mr. Jones reported that the Assembly was confused about the nature of the ordinance, interpreting it to mean that a business in violation of the ordinance would be fined \$500 each day until the signs were brought into compliance. Mr. Jones said the City Attorney stated this could only happen if the business not in compliance was cited by the CDD (Community Development Department) every day. After an hour long discussion on this item it was tabled.

Affordable Housing Commission Grant Program

The Assembly also voted to reconsider an earlier decision to look again at the desire of the Affordable Housing Commission to come up with a grant program for accessory apartments, said Mr. Jones.

Planning Commission Member Appointment

On June 10, (2015) the Assembly will be deciding on the Planning Commission replacement for Mr. Jackson. There are five or six applicants for that seat.

Front and Franklin Public Meeting

The second public meeting on the Front and Franklin Street review is slated for June 17, (2015), said Mr. Jones.

Honsinger Pond/Bicknell Appeal

The Honsinger Pond/Bicknell appeal will be heard by hearing officer John Corso on June 15, (2015), said Mr. Jones.

Commission Comments and Questions

Chairman Satre asked if the Subdivision Ordinance would remain within the Assembly for action, or if it would be forwarded for additional committee work.

Mr. Jones responded that it may be going to the Assembly Committee of the Whole meeting on June 22, (2015), or it may just come up for public hearing before the entire Assembly on June 29, (2015).

Mr. Watson asked Mr. Jones if he was comfortable with the Subdivision Ordinance.

Mr. Jones responded that he still had some questions about the Ordinance such as allowing gravel streets within subdivisions.

V. RECONSIDERATION OF THE FOLLOWING ITEMS – None

VI. CONSENT AGENDA

CSP2015 0007: A State Consistency Review for Egan Drive, Glacier Highway, and Channel Drive at Salmon Creek, Intersection Safety Improvements (PRJ 67595 JNU), to include construction of acceleration and deceleration lanes.

Applicant: State of Alaska DOT&PF
Location: Salmon Creek Intersection

Staff Recommendation

Staff recommends that the Planning Commission find CSP2015 0007, a State Consistency Review for Egan Drive, Glacier Highway, and Channel Drive at Salmon Creek, Intersection Safety Improvements (PRJ 67595 JNU), to include construction of acceleration and deceleration lanes, consistent with Title 49 and the 2013 Comprehensive Plan.

CSP2015 0008: Review of State Project for 830 feet of new guard rail on Thane Road to shield on unrecoverable slope.
Applicant: State of Alaska DOT&PF
Location: Thane Road between mile points 3.2 to 3.3

Staff Recommendation

Staff recommends that the Planning Commission approve the proposed project, which would allow DOT&PF to install 1100ft of guard rail between Mile points 3.2 and 3.5 of Thane Road in accordance with the Project Description with the following recommendations:

1. DOT&PF consider future extension of the guard rail further south to given protection shoreline slopes.
2. Signage should be installed, at an appropriate distance before the end of the shoulder, to alert drivers, bicyclists and pedestrians that wall users much share the road. Shared road markings (aka sharrows) should be painted on the road surface at the same location.

USE2015 0006: A Conditional Use Permit for a State of Alaska licensed Child Care Center on existing church premises.
Applicant: Shamila Scalf
Location: 3220 Mendenhall Loop Road; 3209 Bresee 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 the development of State of Alaska licensed Child Care Center in existing church premises.

The approval is subject to the following conditions:

1. No more than 40 children at any one time be allowed to use the Child Care Center on the subject parcel.
2. Access to the Child Care Center will only occur via Breese Street.
3. The current gate splitting the site remain locked during operational hours of the Child Care Center unless vehicle access is required for snow removal or similar parking lot maintenance operations.

4. Rules regarding traffic circulation will be included in the Child Care Center Policies Handbook and be agreed to by all parents and employees. Parents and staff should be made aware that driving through the neighboring Lakeshore Condominium complex is not allowed.

MOTION: *by Mr. Watson, to approve the revised Consent Agenda as read with staff's findings, analysis and recommendations, incorporating the memorandum from Staff on CSP2015 0008 noting 250 additional feet of guard rail. He asked for unanimous consent.*

The motion was approved by unanimous consent.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

- Title 49 Amendments in regard to transitional housing.

Ms. McKibben noted that the Title 49 meeting will be this Friday (June 12, 2015), at 11:30 a.m. in the Community Development conference room. She verified with the Commission that enough members would be present at that meeting to constitute a quorum.

IX. REGULAR AGENDA

SMP2015 0004:	Montana Creek West Phase 2B subdivision creating 16 lots.
Applicant:	Bicknell, Inc.
Location:	Montana Creek Area

Staff Recommendation

Applicant's Preferred Street & Sidewalk Designs

Staff recommends that the Planning Commission adopt the Director's analysis and findings and deny the requested Preliminary Plat permit because it does not meet all findings.

Staff Recommendation

2005 PUD Subdivision Design

Staff recommends approval of the 2005 PUD (Planned Unit Development) street and sidewalk design, and the conditions stated in the SUB2005-00048 notice of decision.

Ms. McKibben noted that the lots in question are located off of the Montana Creek Road towards Skater's Cabin. Montana Creek subdivision is a Planned Unit Development (PUD) that was approved in 2005 and 2006. The land is zoned D3, the PUD allowed smaller lots, compensated by open space and park space.

There are 86 lots proposed after final construction with 114 dwelling units, said Ms. McKibben. There is a wet land preservation lot, a perimeter buffer, with a park, sidewalks and pathways. Phase 1 was completed with 28 lots, and Phase 2 with 12 lots, said Ms. McKibben.

The street and sidewalk layouts for the current proposal for Phase 2B differ from the original PUD proposal, noted Ms. McKibben. If the Commission approves the original PUD street design, the applicant would still like to alter the sidewalks within that design, she said.

The staff has found that the applicant's preferred alternative with the alternate street and sidewalk design results in only one access to Montana Creek Road, noted Ms. McKibben. It does not meet the fire code and does not provide access to the future proposed development. Since Finding 4 cannot be met, the staff recommends that the alternative proposal of the applicant be denied.

The original PUD plan provides both vehicular and pedestrian connections, while the applicant's preferred plan does not provide that internal connection to the future phase, including the park, said Ms. McKibben. Since the applicant's preferred plan does not meet fire code, does not provide access to the future subdivision and future park, and results in only one access to Montana Creek Road, the staff recommends that the alternative design be denied, said Ms. McKibben.

If the Planning Commission were to approve the applicant's preferred alternative, the staff would recommend some added pedestrian access added linking this phase to the future phase and park, noted Ms. McKibben. In the current version of the applicant's preferred sidewalk plan there are a number more street crossings in order to access the park, said Ms. McKibben, making the trip to the park less safe.

Commissioner Comments and Questions

Mr. LeVine asked if the Commission decided to adhere to its original recommendation, if there was any further action required of the Commission aside from denying the request to change the original PUD.

It does need approval, noted Ms. McKibben, because each individual phase of the project requires preliminary and final plat approval.

Mr. Voelckers noted that there has already been a partial approval by flipping the sidewalk to the upper option in phase 2A. An option would be to approve the overall street configuration of 2005 with an amended Option 3 of the sidewalk.

With option three the applicant had suggested that since they were being compelled to add a second route back to Montana Creek; that they would like the southwest corner piece of the property converted from a right-of-way to a lot.

Mr. Watson noted that Staff is recommending that a pedestrian path traversed two lots which will have more than single-family occupancy. Mr. Watson said this did not make a lot of sense to him.

The path is only being recommended if the Planning Commission chooses to not require the street access as required in the PUD, said Ms. McKibben.

Mr. Watson said no matter where the sidewalk was located, that the same number of people would be crossing it. Because of this he noted that he saw no problem with allowing the applicant to place the sidewalk in an alternate location.

Ms. McKibben noted that with the applicant's preferred plan multiple crossings would be required to get to the park.

Mr. Voelckers said if there is a letter from the Fire Marshall indicating that two access roads would be a code requirement, he was surprised that not fulfilling this requirement was presented as an option to the Commission.

Chairman Satre said the applicant has the right to advocate the request, and then asked for clarification from Ms. McKibben as to why the staff was presenting an option which did not meet the fire code.

Once the applicant was told that their plan did not meet Fire Department access requirements, they revised their proposal to provide street access, at the same time requesting a change in the sidewalk design, answered Ms. McKibben.

Mr. Watson asked why an access road to an undeveloped area was proposed.

This was needed to provide Fire Department access for the future phases, answered Ms. McKibben.

Mr. LeVine noted if the Commission was to insist upon the original sidewalk design, that the results would be sidewalks that did not meet. He said there was no way to make the process binding unless the original 2005 plat is amended.

Mr. LeVine asked if there was any explanation for why or how the earlier change was justified.

Applicant

Jacob Graves, who works for R & M Engineering, spoke on behalf of the applicant.

Chairman Satre asked Mr. Graves if he had any knowledge of the original request to change the sidewalks.

Mr. Graves responded that he did not have that information. He added the applicant prefers to go the shortest route with the sidewalk because less sidewalks saves on costs and maintenance.

Mr. LeVine asked Mr. Graves if he was aware of the timing of the future phases of the project. Mr. Graves responded that he believed it would be at least a few years before the next phase of the project was implemented.

Mr. Voelckers said according to information from the Fire Marshal that a development of 30 or more homes required two apparatus approaches. He asked if it could be a serious negligence issue with only one road.

Mr. Graves responded that according to the Fire Code if there is a second access which is planned for future development then it qualifies as the second access required by code.

Mr. Watson asked how wide the street was.

The right-of-way width is 60 feet, answered Mr. Graves.

Mr. Haight said the preferred alternative would put the additional phases in jeopardy because they would only have one access point. He said in his opinion that option is not fully developed at this time for consideration by the Commission.

Chairman Satre noted that the Commission had spent a lot of time and effort approving the initial PUD. There was a lot of public testimony from neighbors and the Commission did its best to balance the needs of the greater neighborhood with those of the developer. He said he felt the original PUD worked well.

Mr. Watson asked where the fire access would be located for this phase of the project.

Ms. McKibben showed Mr. Watson on a map where the access would be located.

MOTION: *by Mr. Voelckers, that the Commission follow the staff's recommendation on SMP2015 0004 which denies the applicant's current modification to the PUD and reaffirms the 2005 plan as amended to include Option 3 on the sidewalk routing as proposed by the applicant. To amend the statement about the applicant's sidewalk design in Finding 4, there may be some slight additional crossings which provide an alternate way to get to the park area and exit to the street following the continuity of the sidewalks which have already been approved, which does not result in endangerment of the public health or safety.*

Mr. LeVine said that he was troubled by the sidewalk portion of this action. He said he would support the motion, but that he felt this was an inefficient way to do business and that it would be better to go back and have a full discussion of the 2005 PUD if the sidewalks throughout all of the phases are to be amended.

Chairman Satre asked the staff if it would be possible to insert an advisory condition strongly suggesting to the applicant that subsequent sidewalk designs be tied into the existing sidewalk for this phase of the project.

Ms. McKibben suggested that the Commission may want to recommend that the applicant bring back the PUD for review for an amendment to the sidewalk plan, and the Commission could then review the entire development to which subsequent phases could then be compared.

Ms. McKibben said this particular item is for preliminary approval for this specific phase of the project, and if the Commission wished to review the entire PUD, it would need to amend that through a different process. She added that for the current motion Finding 4 would also need to be amended to support the motion.

Chairman Satre asked if the sentence: "The applicant's sidewalk design requires multiple street crossings and can increase pedestrian injury." could simply be eliminated from the findings.

Mr. Watson spoke in favor of the motion, adding he felt the Commission should look more closely at future plans, with the recognition that changes in plans do sometimes need to occur.

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS – None

XII. DIRECTOR'S REPORT

Housing Action Plan

On July 1 and 2 the consultants working on the Housing Action Plan with the Affordable Housing Commission will be in town, said Ms. McKibben. One of the consultant team would like to speak with representatives from the Commission about maps. Ms. McKibben will poll the Commission members by email to see who is available for this meeting. In addition, the Affordable Housing Commission will be meeting with the consultants on July 2, at 5:15 p.m. in the conference room of the Tlingit and Haida Regional Housing Authority.

Auke Bay Multi Housing Construction

Next week there is a second pre-application meeting for 43 townhome units in the Auke Bay area, noted Mr. Hart. People are already calling and attempting to preregister for ownership of one of those townhomes, he said.

All of the Cannery Cove condominiums currently under construction in Auke Bay have been sold, said Mr. Hart.

- Downtown Update

Mr. Hart told the Commission there is a lot of development going on in the downtown area. Foodland grocery has been totally remodeled by IGA, said Mr. Hart, including the addition of the hardware store.

On June 17, (2015) at Centennial Hall discussion will be underway regarding a \$53 million project, addressing how people depart the docks in Juneau and enter the community, said Mr. Hart. Construction on this project will begin this fall and take a couple of years to complete.

A bank, Ron's Apothecary and a liquor store are all slated for additions to the downtown area, said Mr. Hart.

The empty property adjacent to the downtown library now allows vendors to line Franklin Street which is leading to a more profitable business for those summer vendors, said Mr. Hart. There is a little pedestrian congestion in this area which needs to be smoothed out, noted Mr. Hart.

Mr. Hart gave Commission members a list of 41 projects either underway or scheduled for completion in the downtown area, including:

- ✓ Front and Franklin streetscape projects
- ✓ The circulator study
- ✓ Egan Drive upgrades

Sculpture

Mr. Hart shared with the Commission pictures of the proposed whale project sculpture comprised of stainless steel which would be overlooking the channel from a park area.

Gastineau Apartments

Both parties who have interest in the Gastineau Apartments have been civilly served by the City at the end of May. He said he believes they have 30 days to respond.

Housing Incentives

There has been discussion initiated by an Assembly member regarding the concept of using housing incentives within the downtown area, said Mr. Hart. This item would probably first come to the Commission for recommendations to the Assembly, he said.

Ice Skating Rink

A small ice-skating arena for the downtown area is being considered, said Mr. Hart, to promote development and participation in the downtown area during winter months.

Urban Retail Books

Mr. Hart has made several books available in town on urban retail to be passed around amongst the retail community. A goal is to make businesses more successful in the downtown area, he said.

Commission Comments and Questions

Mr. Voelckers asked if he had interpreted the information correctly that there may be partial traffic closures on Seward and Front streets.

Mr. Hart answered that what he has seen in the plans thus far are the creation of more pedestrian sections but not the closure of streets. He said he also expects pedestrian pathways from the State Library Archives and Museum (SLAM) building to the hotel and perhaps even to the roadway.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Marijuana Task Force

Chairman Satre reported that the Marijuana Task Force met and forwarded recommendations on zoning maps and the Table of Permissible Uses to the Assembly. The next scheduled meeting is June 18, (2015).

Mr. Watson volunteered to fill the empty seat on the Marijuana Task Force.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers said he felt it would be smart for the CDD staff and the Fire Department to address more thoroughly the question of access points. He said that he found it unpersuasive that simply showing a small road arm leading to an empty forest as a viable access point. He added that he would like to have clarification if road access was an issue or not.

This information requested by Mr. Voelckers will be presented to the Commission during the Director's Report at a future meeting.

XV. ADJOURNMENT

The meeting was adjourned at 8:25 p.m.