

MINUTES

Regular Planning Commission Meeting

CITY AND BOROUGH OF JUNEAU

Mike Satre, Chairman

May 26, 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 7:01 pm.

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

Commissioners absent:

Staff present: Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Eric Feldt, Planner II; Chrissy McNally, Planner II; Amy Mead, City Attorney; Robert Palmer, Assistant City Attorney; Greg Chaney, Lands and Resources Manager

II. APPROVAL OF MINUTES

- April 14, 2015 Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the Regular Planning Commission meeting minutes of April 14, 2015, with any minor modifications or corrections by Commission members or by staff and the recommended change forwarded to the Commission by Mr. Harris.*

The April 14, 2015 minutes on Page 19, the second sentence of the third paragraph under "Applicant" have been modified to read: "He referenced the newly adopted Juneau Economic Development Plan which states that an adequate supply of properly zoned land should be made available for commerce and industry as well as residential development."

The minutes were approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison Loren Jones reported that he and Mr. Kiehl attended the Title 49 Subcommittee meeting and he thinks the daycare changes have been accomplished. That item should be coming to the Commission soon, said Mr. Jones.

Mr. Jones said there are also additional items which need to be dealt with by the Assembly regarding transitional housing for women. The Assembly denied the appeal of the Commission Haven House recommendation so subsequent changes need to be dealt with in the Table of Permissible Uses (TPU), said Mr. Jones.

The last three zoning requests denied by the Commission have been protested to the Assembly, said Mr. Jones. On June 11, (2015) at 5 p.m. in the Assembly chambers, there will be a special Assembly meeting to review the three protests, said Mr. Jones. There will be time for the applicants to speak followed by an open public hearing, said Mr. Jones. Following the public hearing the Assembly will discuss whether to move forward with an ordinance or not, he said. If they do decide to proceed with ordinances, they will be introduced on June 29, (2015) on a regular Assembly agenda for a public hearing, he said, with subsequent action on July 20, (2015).

Mr. Watson asked when the Assembly would decide on a new Planning Commission member.

Mr. Jones said they have three applicants for the Planning Commission position, and that the Assembly will be taking action on June 10, (2015) or June 15, (2015). He added the City Clerk will also be contacting those individuals who applied for the seat in December to see if they were still interested in the position.

V. RECONSIDERATION OF THE FOLLOWING ITEMS – None

VI. CONSENT AGENDA

The two variances listed under the Board of Adjustment were moved to the Consent Agenda.

Mr. Voelckers requested that CSP2015 0009 be removed from the Consent Agenda and placed under the Regular Agenda for purposes of discussion.

SMP2015 0005:	Preliminary plat review for an eight lot subdivision in a D-15 zoning district.
Applicant:	CBJ Lands and Resources
Location:	1598 Renninger Street

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary Plat permit. The permit would allow Preliminary Plat approval of an eight lot subdivision in Lemon Creek.

We further recommend that the approval be subject to the following conditions:

1. Prior to Final Plat approval, the applicant shall submit a Traffic Impact Analysis to the Community Development Department consistent with the Land Use Code (49.40.305(c) (1-8)). Any improvements recommended in the TIA shall be analyzed by staff and put into project design, where required.
2. Prior to Final Plat approval, the applicant shall submit construction drawings showing a crosswalk or similar feature on Renninger Street that connects the existing northern middle school driveway to Jackie Street.
3. Prior to Final Plat approval, the applicant shall submit construction drawings showing the extension of the eastern sidewalk on Renninger Street connecting with the future sidewalk along Jackie Street.

VAR2015 0012: Variance request to reduce the side yard setback from 10 feet to 5 feet.

Applicant: Peter Strow

Location: 3919 North Douglas Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2015 0012. The Variance permit would reduce the side yard setback from 10 feet to 5 feet to allow construction of a shop and garage with an apartment.

VAR2015 0012: Variance request to reduce the side yard setback from 20 feet to 10 feet.

Applicant: Peter Strow

Location: 3919 North Douglas Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2012 0013. The Variance permit would allow for a reduction to the front yard setback from 20 feet to 10 feet to allow construction of a garage and shop with an apartment above.

MOTION: *by Mr. Miller, to approve the revised 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

CSP2015 0009 A City review of subdividing CBJ property into eight lots near Dزانتكي Heeni Middle School.
Applicant: CBJ Lands and Resources
Location: 1598 Renninger Street

Staff Recommendation

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

Mr. Voelckers said he wanted an overview of what was intended with the plans for the project.

Mr. Feldt said the proposal consists of eight lots with the first lot being a very large piece of CBJ property that spans to the far east. Lot Eight is a wetlands preservation property, noted Mr. Feldt, which will not be developed. Lots Two through Seven would be prepared for immediate development, said Mr. Feldt.

Lot One is not being used, and it consists of several hundred acres of CBJ land, explained Mr. Chaney. The land extends far beyond DZ to the east and to Lemon Creek to the west, said Mr. Chaney. For a development of this size two accesses would be needed, said Mr. Chaney, which is why there is the long road shown in the plans.

Mr. Voelckers asked what kind of timeframe for this project would be involved.

Mr. Chaney responded that lots Two through Seven would all be made available for development, but that they are not sure at this time how the land disposal would be accomplished. He said that would be up to the Assembly.

MOTION: *by Mr. Voelckers, to approve CSP2015 0009 and asked for unanimous consent.*

The motion was approved by unanimous consent.

TXT2009-00001: Proposed Title 49 and Title 4 changes regarding the subdivision of land.
Applicant: CBJ
Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward proposed TXT2009-00001 to the Assembly with a recommendation for adoption.

These are proposed changes to Title 49 regarding the subdivision of land, said Ms. Boyce. The rules that apply to subdivisions have been spread throughout Title 49 and Title 4, said Ms.

Boyce, and they are often in conflict with one another. The proposed changes will reside within Chapter 15 of the Code, said Ms. Boyce.

There is now an application cancellation process, said Ms. Boyce, which does not currently exist within the Code. This will apply to all applications, not just subdivisions, said Ms. Boyce. Public notice is being requested for minor subdivisions, she said. The construction plan and approval process has been clarified, said Ms. Boyce. There is also now a Notice of Decision for minor subdivisions, she said.

Minor subdivisions which are currently defined as one - four lots are being proposed to be expanded to one to 13 lots, said Ms. Boyce. Those will all be subject to Director approval, she said. It will be a clear two-step process with both a preliminary and a final plat, said Ms. Boyce. The developer will be given a written decision, she said.

Major subdivisions are currently defined as five or more lots, and the proposal is to expand that to 14 or more lots, said Ms. Boyce. That will require Planning Commission approval, with both the preliminary and final plat coming before the Commission, she said. Major subdivisions will no longer be reviewed like a Conditional Use Permit, she said.

Common wall subdivisions have been clarified, said Ms. Boyce, to relieve confusion regarding Common wall setbacks. The common wall line will be a zero setback, she said.

The street vacation section has been expanded and clarified to include all ways and easements, said Ms. Boyce. No matter how many lots are proposed, those will be reviewed under the minor subdivision process, she added. The Planning Commission will need to approve these requests if the taking of those properties creates a lot which would have a nonconformity, she said.

Lot consolidations will be reviewed as a minor subdivision, said Ms. Boyce. The lot design requirements for public use lots can be waived by the Director for minor subdivisions, she said, and by the Planning Commission for major subdivisions. Public use lots could be created which do not meet the minimum zoning standard requirements, she said.

There is a proposed change to panhandle lots limiting the length of the panhandle, said Ms. Boyce. The section of the Code called the Director's Discretion Lot Design is proposed to be deleted, said Ms. Boyce. These types of lots look panhandle-like, said Ms. Boyce, and they are not an efficient way to subdivide land.

Regarding lot design and access, all lots are still required to have 30 feet of frontage on a right-of-way, said Ms. Boyce. If the minimum standard is 20 feet, such as in an industrial district, then that is the frontage requirement which would be adhered to, she explained. The Department will still designate one right-of-way as the principal access to a subdivision, said Ms. Boyce. A new addition to the Code regards remote subdivision access which can be by

right-of-way, she added. The concept of access within a subdivision has been expanded regarding privately maintained driveways with a right-of-way, said Ms. Boyce. Remote subdivisions accessible by navigable water have been expanded to also allow remote subdivisions accessible by a pioneer path, said Ms. Boyce. All lots within those types of subdivisions must have direct and practical access on the right-of-way, she added.

The Table of Roadway Standards now allows options for street standards for minor subdivisions that would generate 250 trips or less per day, said Ms. Boyce. Projects that would generate more than 250 trips per day (and less than 500) would require sidewalks on one side of the road, and the road would have to be a minimum of 24 feet wide and paved, said Ms. Boyce. The requirements increase as the average daily trips increase, commented Ms. Boyce. There are areas within the Borough such as locations within the Mendenhall Valley which cannot be gravel because of air quality standards, said Ms. Boyce. The Director, with certain findings, may reduce the required right-of-way width, said Ms. Boyce.

Private access driveways and rights-of-way are currently allowed within the City, said Ms. Boyce. These types of permits only apply to existing situations and subdivisions cannot occur on any of those lots until the streets are brought up to current standards, said Ms. Boyce.

Mr. Miller clarified that for collector streets, the right-of-way width may be reduced up to 10 feet, for streets with less than 500 average daily trips, or a privately maintained access road in a right-of-way, the width may be reduced by up to 25 feet. In addition, where the dedicated right-of-way abuts and runs parallel to the exterior property line, it will serve as a half street, and will be developed as a low-volume street, or a driveway in a right-of-way in which the width may be reduced by up to 30 feet. Alleys and stairway right-of-ways may be reduced by up to five feet.

These width reductions may be made by the Director with certain findings, said Ms. Boyce.

It has been proposed in the Code that new subdivisions can occur with privately maintained driveways or access within a right-of-way, said Ms. Boyce, under certain conditions. A privately maintained road would not be approved if it would land-lock the lot behind it, she said. This would be limited to minor subdivisions with an average of less than 250 average trips a day, she commented.

The Subdivision Review Committee recently addressed remote subdivisions, said Ms. Boyce. Access by a pioneer path has been proposed in addition to access by navigable waters, she said. It is proposed that remote subdivisions must be located at least a half mile outside of the CBJ roaded service area, and must not be accessible by vehicular traffic of more than 1,000 pounds gross weight or an overall width of 48 inches, explained Ms. Boyce. A pioneer path is an access path accommodating vehicles of the above description and it may not be over 48 inches wide, she said.

Remote subdivisions accessed by a pioneer path are proposed to be composed of 13 or fewer lots, and they must be reviewed by the Planning Commission, said Ms. Boyce. They would be prohibited from subdivision within two years of creation of the remote subdivision, she noted. There would still be 60 feet of right-of-way required within the remote subdivision, she said.

The Subdivision Review Committee also recommended that all proposed Borough and State CIP projects (Capital Improvement Projects) estimated to cost more than \$500,000 would be presented to the Planning Commission for consistency review, said Ms. Boyce. At the Director's discretion those projects between \$250,000 up to \$500,000 could be presented to the Commission for review, she added. The Planning Commission may recommend modifications or conditions to the project through a Notice of Recommendation that would be forwarded to the Assembly for further action, said Ms. Boyce.

Ms. Grewe commented that it appeared that an ordinance was being created for review of CBJ projects in addition to State projects within certain specified dollar amounts. She commented that it seemed outside of the scope of the purpose of subdivision review.

Ms. Mead explained that while this was defined within the duty section of the Ordinance there was no subsection that corresponded to the duties. The purpose was to clarify the process, said Ms. Mead. Ms. Mead commented that she would not have recommended such a large bulk of modification to the Ordinance. She added that a phased approach where modifications could be accomplished more quickly would be preferable. She said she believes that such a large amount of modification has transpired because the process has been taking place for so many years.

Public Comment

Marlin Olson, of the Peterson Creek Landowners Association, commented that some of their lots are co-owned by two parties. They would like a way to subdivide those lots to clarify their interests, he said. He said he is hopeful that the Minor Subdivision Ordinance is going to provide them with a means in which to achieve that goal.

MOTION: *by Mr. Voelckers, to approve TXT2009-00001 proposed Title 49 and Title 4 changes with unanimous consent.*

Chairman Satre said he wanted to give credit to the staff and the Subdivision Review Committee for their hard work on this ordinance over the years. He said the Subdivision Review Committee and staff over the past two years have accomplished the bulk of the work on this ordinance.

The motion passed by unanimous consent.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Ms. McKibben commented that the Assembly has upheld the Planning Commission recommendation on Haven House transitional housing for women.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Wetland Review Board

Mr. Miller commented that the Board met last week and discussed the Salmon Creek intersection improvements on Egan Drive that are planned. There is a small amount of wetland impact on both the refuge side and the Twin Lakes side. The intersection improvements will make a huge difference in safety, and those improvements were passed by the Wetland Review Board with unanimous approval, he said.

Title 49 Committee

The Committee approved draft changes to the ordinance for child care facilities, said Ms. Grewe.

Marijuana Task Force

Chairman Satre reported that the Marijuana Task Force met last Thursday (May 21, 2015) and provided the staff with the parameters they need to come back with some final zoning recommendations. Many further City regulations on marijuana have to be withheld pending forthcoming State regulations, he said. They can work on zoning at this juncture, said Chairman Satre.

They are still considering buffers from retail establishments, adding that the State would most likely set those recommendations. They are currently considering recommendations similar to liquor establishment buffers, which are 200 feet, he commented. The buffers would be restricted to special areas such as schools and churches, said Chairman Satre. They are considering allowing marijuana retail in the normal commercial and industrial districts as well as waterfront commercial districts, he said. Also it appears the Committee may be recommending cultivation on D1 lands that are outside of the urban service boundary, said Chairman Satre.

In answer to Mr. Voelcker's question on this subject, Chairman Satre said the State plans on beginning to issue licenses in March or April, 2016.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

There is a seat which needs to be filled on the Subdivision Review Committee due to the exit

from the Commission of Mr. Jackson, said Chairman Satre. He said that he would like to appoint the new Commission member selected by the Assembly to that committee vacancy.

There is also an opening on the Marijuana Task Force which needs to be filled by a Commission member, said Chairman Satre.

XV. ADJOURNMENT

The meeting was adjourned at 8:11 p.m.