MINUTES

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

April 14, 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; Bill Peters, Michael LeVine, Ben Haight, Nicole Grewe, Gordon Jackson, Paul Voelckers, Dan Miller

Commissioners absent:

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Laura Boyce, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner II; Chrissy McNally, Planner I; Tim Felstead, Planner I; Allison Eddins, Planner I; Rob Steedle, Deputy City Manager; Greg Chaney, Lands and Resource Manager; Amy Mead, City Attorney; Robert Palmer, Assistant City Attorney; Rorie Watt, Engineering and Public Works Department Director

II. APPROVAL OF MINUTES

- March 10, 2015 – Special Joint Assembly and Planning Commission Meeting
- March 10, 2015 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the March 10, 2015, Special Joint Assembly and Planning Commission meeting minutes and the March 10, 2015, Regular Planning Commission meeting minutes with any minor modifications by any Commission members or by staff.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison Loren Jones reported that the Assembly heard the Haven House appeal, with a decision from the Assembly due within the next 45 days. At the last meeting the Assembly approved the reorganization and subsequent creation of an Engineering and Public Works department, said Mr. Jones. The Assembly also granted authority to the City Manager to extend the Memorandum of Agreement with Goldbelt on the West Douglas road for another five years, said Mr. Jones. The zoning change on North Douglas was approved; this was rezoning the properties from D3 to D5, said Mr. Jones. The Hidden Valley zoning map change was also approved, said Mr. Jones. A tweak in the Subdivision Ordinance may be required for that, which was on the Commission's agenda for this evening, he said.

V. RECONSIDERATION OF THE FOLLOWING ITEMS – None

VI. CONSENT AGENDA

CSP2015 0004:	Land trade of 0.9 acres of land between Christ Evangelical Lutheran Church and the City and Borough of Juneau to provide right-of-way access for Pederson Hill Subdivision.
Applicant:	CBJ Lands and Resources
Location:	10300 Glacier Highway

Staff Recommendation

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

CSP2015 0005:	A City Consistency permit for a short telecommunication tower on Mendenhall Peninsula, north of Engineer's Cutoff.
Applicant:	CBJ
Location:	North half of Mendenhall Peninsula

Staff Recommendation

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

PDF2015 0001:	Final plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.
Applicant:	Corvus Design
Location:	5405 North Douglas Highway

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Final Plan for the Sunset Heights Planned Unit Development. The permit would allow the development of a 12 unit Planned Unit Development in accordance with the plans

submitted in this application. Approval of the final plan would also allow for the recording of the plat for Lot 7A1 & Lot 7B1 of USS 2950. Approval is subject to the following conditions:

1. Prior to final plat recording note #9 shall be amended to read "there shall be no disturbance or development within 25 feet of the exterior boundary of the Planned Unit Development on Lot 7B1 of this survey".
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons.

SMP2015 0002/	
SMF2015 0002:	A combined Preliminary and Final plat review for a major subdivision involving the consolidation of 6 lots into 2 along Jordan Avenue near Nugget Mall.
Applicant:	R & S Construction, LLC.
Location:	2035 and 2037 Jordan Avenue

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary and Final Plat review. The permit would allow the consolidation of six lots into two.

VAR2015 0004:	Variance request to side yard setback to allow a garage to be rebuilt.
Applicant:	Barbara Craver and Mark Kirchhoff
Location:	506 West Ninth Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2015 0004. The Variance permit would allow for the construction of a new garage in the same footprint as the existing garage, which is one foot from the street side property line with the following condition:

1. Provide an as-built survey to confirm the 1 foot setback prior to the issuance of a certificate of occupancy.

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

AME2015 0001:	A rezone request to change 5.13 acres from Industrial to Mixed Use.
Applicant:	Errol Champion
Location:	Mill Street and Eastaugh Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change 5.13 acres from Industrial to Mixed-Use.

Ms. McKibben stated that this a rezone request for 5.13 acres in the area of the large rock dump. The application was received in January, one of the two months when rezone requests can be received, the other month being July. Each piece of the land is over two acres, said Ms. McKibben. The lots in question are surrounded by industrial land, she said.

The land is identified as Heavy Industrial on the Comprehensive Plan future land use designation, noted Ms. McKibben. In this zoning residential, office, retail and personal service uses are not allowed, with the exception that a residential caretaker facility is permitted, she said.

In Development Guideline One, said Ms. McKibben, "Land designated for heavy industrial use of the Comprehensive Plan land use maps should not be converted to use. It is not allowed in the Heavy Industrial land use definition of Chapter 11, unless it is an essential public purpose as is deemed by the Planning Commission and the Assembly warrants such a conversion."

The long range Waterfront Plan calls for this area to continue on as an important economic engine and logistics point for the community, by preserving and encouraging a continuation of waterfront dependent and industrial uses, said Ms. McKibben. The Plan also calls for the removal of tourist related retail as a permissible use, with the exception of the uses that are necessary and located on the same lot as the cruise ship docks, she said.

The Waterfront Plan also calls for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant, reported Ms. McKibben. Mixed-Use zoning has no setbacks, said Ms. McKibben, in contrast to the Waterfront and Industrial zone designations, which require 10 foot side yard setbacks on all four sides. The biggest difference is that for Industrial zoned land only one caretaker residence is allowed per lot, said Ms. McKibben, in contrast to the Mixed-Use zoning district, where no maximum density is set.

Ms. McKibben reviewed the relevant portion of the Table of Permissible Uses for the Commission. She said that the City Assessor has concerns about the rezone request. In a portion of her assessment the CBJ Assessor stated that, "…a precedent of rezoning Industrial land to Mixed-Use is a disservice to the industrial base for which it is believed that Juneau needs to provide viable, useful space at attractive land rates…." The City Assessor expressed concern over the possible impact a rezone of this type would have on neighboring land and

values, said Ms. McKibben. The Director of Engineering and Public Works also expressed concern, said Ms. McKibben, particularly regarding its proximity to the Wastewater Treatment Plant.

There were quite a few public comments received, noted Ms. McKibben, a number of them expressing concern over the incompatibility of residential use with surrounding industrial uses. She said this includes comments from the Utilities Advisory Board for the City and Borough. There are also some comments in support of the project, said Ms. McKibben, primarily citing the need for additional housing.

The land is identified as Heavy Industrial on the Comprehensive Plan maps.

The staff recommends denial of the rezone request, said Ms. McKibben, because it is not in substantial conformance with the maps of the Comprehensive Plan.

Commission Comments And Questions
Mr. Watson asked if Ms. McKibben knew how many uses were designated for the land in the rock dump area.

Ms. McKibben said she did not know the exact number of uses.

Mr. Watson asked if the Assessor's Office comments were in response to the routine request for input from all of the various departments.

Ms. McKibben responded that this is true, and that it was part of the agency review.

Applicant
Mr. Errol Champion said that he represents North Pacific Erectors, which is developing Lot 2, and has plans to develop the remaining lots.

Mr. Champion said they began discussing the rezone of the seven lots last spring, and that they met with Community Development Department (CDD) staff in July. They had initially thought that a zone change of General Commercial was the right approach. However, said Mr. Champion, the CDD staff counseled them that it would be better if they requested Mixed-Use zoning.

Mr. Champion said housing development was part of the reason for the rezone request, but that this would also be for storage units, and that there is a dire need in the downtown Juneau area for storage.

Mr. Champion outlined the need for housing in Juneau by citing housing sales and prices over the past few years. For example in 2012 there were 197 single family housing sales, said Mr. Champion. The average sales price was $353,000, he noted. In 2013 there were 219 single-family homes sold with the average price of $373,000, he said. Prices continue to climb, said Mr. Champion, and so does the demand, with the exception of single-family housing sales in 2014.

The real demand in the community is for units that sell for less than the $200,000 price range, said Mr. Champion. The demand for housing is so high that many housing units are not even listed with the Multiple Listing Service, said Mr. Champion, and therefore do not show up in these numbers.

Today there are 41 single family housing units on the market, with the average asking price of $439,000, said Mr. Champion. There are currently eight attached homes on the market with the average list price of $281,000, he said. There are 23 condos on the market at $176,434, he added.

The rock dump area is not fully developed, said Mr. Champion. Most of the uses in the area are not Industrial, he said, they are Commercial. The rezone has a lot of support, said Mr. Champion, mostly from business owners in the area who lack storage. He said all of them would like the capability for residential use for the upper story of the buildings, he said.

Mr. Champion said in all of his experience both on the Planning Commission and as a realtor he has never experienced the Assessor commenting on a rezone request before. Mr. Champion read comments in favor of the rezone from the President of the Alaska Appraisal Association, which cited the need to provide housing in the area in order to attract a workforce. Housing within Industrial zoning is consistent with green growth goals, read Mr. Champion.

Mr. Champion said they understand that Alaska Marine Lines (AML) is opposed to the rezone request. He added that it is not uncommon to see residential areas behind waterfront commercial zones.

Heavy industrial development is not in Juneau's future, said Mr. Champion. He said there is not industrial development in Juneau's future as is defined in the code. He said as an Industrial zone, the property has sat idle for 65 years. The land will not be used and developed as long as it is Industrial, said Mr. Champion. He said that uses need to be created for land within the existing infrastructure so that funds are not needed for the provision of additional of services.

Granting the rezone would enable them to add to the housing inventory of Juneau, said Mr. Champion. It would also increase the assessed role, said Mr. Champion, because the buildings would not be assessed only as a storage unit but also as a residential dwelling.

Commission Comments And Questions
Mr. Voelckers asked if Mr. Champion has run into any storage limitations for the property with the current zoning.

Mr. Champion replied that the current zoning would allow for the storage units but that would be all; no mezzanines would be allowed.

Public Comments
Joan Cahill, who owns a rock dump storage condominium, spoke in favor of the rezone, stating that they had hoped that they could develop an apartment for the second floor of their

property. She said she is frequently in the area and that her impression of the area has never been that of heavy industrial use.

Jake Mampa, Terminal Manager for AML, said that AML is opposed to the rezone request. He said they have safety concerns if residents lived in the area. In the summer there are two bus businesses, and 90% of the Juneau fuel and commodities come through that area, he said. The area is already full of people off of the cruise ships walking the area in the summer, said Mr. Mampa.

He said they are constantly getting complaints from Douglas over the existing noise level created by AML, and that if there were residential dwellings in the area those complaints would increase, he said.

Commission Comments and Questions
Mr. Haight asked if AML has had the opportunity to measure its existing noise levels.

Those levels have been measured, but he did not have that information with him, responded Mr. Mampa.

Mr. Watson commented that since Northland used AML barges in the winter that there really was not a change in the traffic flow for the area. He said that AML is protected by interstate commerce regarding noise levels.

Ms. Grewe asked Mr. Champion how he would respond to AML's concern that there would be complaints about the nose noise level if there were residences in the area.

Mr. Champion responded that Juneau has a noise ordinance in effect. The barge traffic is not constant and is periodic activity, said Mr. Champion. These would not be starter homes with families with children, said Mr. Champion. People would like to be able to be absent from Juneau in the winter, while using the storage units to store their possessions, said Mr. Champion.

Mr. Levine asked Mr. Champion to relate the reasons given to him by the CDD staff to seek Mixed-Use rather than Commercial zoning for their property.

The staff felt it was a more fitting zone for the downtown general area, said Mr. Champion. He said he yielded to the expertise of the staff.

Mr. Jackson said that he disagreed with the assessment that there are no children living in the more recent condominiums. He said he notices plenty of children outside in the Jordan Creek Condominium area, and that there is no place for them to play.

Mr. Watson asked how many feet the property in question is from AML.

Mr. Champion responded that it varies, but that their property is located probably 500 feet from the AML area with the most activity.

MOTION: *by Mr. Voelckers, that the Commission adopt the Director's analysis and findings, and deny the proposed rezone request to rezone 5.13 acres from Industrial to Mixed-Use.*

In support of his motion, Mr. Voelckers stated that although he is highly sympathetic to the arguments raised about the need for housing and the values of Mixed-Use zoning, that he felt very firmly this was the wrong place to enact this zoning. He said he felt the staff did a good job outlining the issues, and that there is a very good reason that Heavy Industrial zoned land is valuable in its own right, and that there is a reason why there is that type of zoning separation. He said the property under consideration is surrounded by a tank farm on one side, an active barge company on the other, with the sewage treatment plant on the third side.

Mr. Miller spoke against the motion, citing the dire housing situation in Juneau, and stating that the need for housing is so great that these condominium projects with housing attached to them are very popular. He said that the Costco area where land in the Industrial area was mostly commercial, was similar in this area. People need to be able to develop commercial uses, said Mr. Miller. Mr. Miller said that he did not perceive noise being an issue for future residents in the area. Most industrial areas get extremely quiet at the end of the workday, noted Mr. Miller. Mr. Miller said he feels that the rezone request does comply with the policies and guidelines of the Comprehensive Plan. The Comprehensive Plan is in support of the location and growth of locally-based basic sector industry that provides year-round full-time employment and provides tax revenues that support public services, said Mr. Miller.

The Development Guideline for 5.11 does provide for this type of rezone if an essential public purpose as deemed by the Planning Commission and the Assembly warrants such a conversion, said Mr. Miller. Mr. Miller said he did not think there is any use more essential than housing for the people that live and work in the community.

Ms. Grewe asked where else in the Borough approximately five acres of industrial land is available.

Ms. McKibben responded that she believes there is a similar parcel on Sherwood Lane.

Ms. Grewe commented that these potential units would be placed between a tank farm, shipping business and a wastewater treatment plant. She said when she is in other cities and sees the condo residential mix that they are typically located within warehouse districts that are being redeveloped.

She asked the staff if they had given any thought to the trend for these types of developments.

Ms. McKibben said that she has not given a lot of thought to the issue currently but that it is potentially an issue that can be addressed once the industrial land inventory is completed.

Mr. Hart noted that this is a trend that is taking place up and down the West Coast. They have also noted the trend of more office use in industrial areas because the nature of manufacturing has changed, he said.

Thousands of cruise ship passengers each season walk up the street in this area, said Mr. Watson. He added that eventually the sea walk will run up against this area. There is also a gentleman planning a marina for the area, said Mr. Watson. He added that this is one of the slowest growth areas in Juneau. Mr. Watson said that he feels Mr. Champion made an excellent presentation, and that he would vote against the motion.

Speaking in the in favor of the motion, Mr. LeVine said that while he agreed with Mr. Miller that the need for housing is an essential purpose which could lead the Planning Commission to rezone this property, just because the Commission has the ability to approve the rezone request, it did not mean that this land was the right choice for a rezone. Mr. LeVine said he felt this was the wrong location for a residential development, and that if the area were rezoned it could lead to the development of other projects such as a hotel.

Mr. Haight said he saw the merit of both arguments, for both the need for housing in the community and also the merits of the integration of housing into a Mixed-Use zoning district. Mr. Haight said the Commission has received complaints in the past about the Mendenhall Sewage Treatment Plant and its odor impact on neighboring residents. They have also received complaints about the noise in the industrial Costco Lemon Creek environment, said Mr. Haight. Mr. Haight said because of the number of conflicts in the area, that he would vote in favor of the motion.

Speaking in support of the motion, Ms. Grewe said the request is not in compliance with the Comprehensive Plan land use map and associated policies. She said that Industrial land composed of five acres is very difficult to acquire in this community, and she did not think enough thought had been given to the future of this area. The surrounding land use activities are not compatible with residential development, said Ms. Grewe.

Mr. Jackson said he was in favor of the motion, and that this Industrial area would be needed for future industrial use.

Mr. Peters said he saw merit to both sides of the argument for the rezone request, but that having observed similar developments in Anchorage, that he spoke against the motion and was in favor of rezoning the area to enable residential use.

Chairman Satre said that while he is very open to housing in Industrial land, that he did not feel that rezones were up the way to accomplish this. He said that he would be voting in support of this motion, and that perhaps it was time to open up the code to enable the construction of housing units in Industrial areas.

Roll Call Vote:

Yeas: Voelckers, Jackson, Grewe, Haight, LeVine, Satre

Nays: Miller, Peters, Watson

Motion Passes.

AME2015 0002:	A rezone request to change 4.5 acres from Waterfront Industrial to Industrial.
Applicant:	CBJ
Location:	Juneau Douglas Wastewater Treatment Plant on Thane Road

Staff Recommendation

Based upon the proposed project (Attachments 1-3) and the findings and conclusions stated above, staff recommends the Planning Commission adopt the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for the rezone of the subject 4.5 acres of the parcel from Waterfront Industrial to Industrial.

This land is owned by the City and Borough of Juneau and the rezone request comes through the Department of Engineering and Public Works, said Ms. McKibben. The land is adjacent to Industrial land, she noted. The rezone request is for more than two acres and it is adjacent to an existing zoning district, said Ms. McKibben. In the Comprehensive Plan maps the land is designated for Institutional and Public Uses (IPU). Rezones must substantially conform to the maps of the Comprehensive Plan, she noted. Land of this type would include the University of Alaska, community gardens, along with schools, libraries and fire stations, said Ms. McKibben.

The public use of these lands would vary widely, and IPU designated lands can be under any zoning district with uses that are appropriate to the zone as dictated by the Table of Permissible Uses, said Ms. McKibben. A Public Use must be in the same district as the surrounding or abutting lands, she added.

Policy 5.10 is, "To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program", cited Ms. McKibben. She cited policy 5.11, which states, "To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services."

Lands designated for heavy industrial use would not be converted unless the Planning Commission or the Assembly found a central public purpose, noted Ms. McKibben. Deepwater ports and navigable waters are valued assets and are critical to the sustainability of the economy and livability of Juneau, said Ms. McKibben, reading Development Guideline One.

The difference between Waterfront Industrial and Industrial zoning is the fact that Waterfront Industrial zoning must have water-focused uses, explained Ms. McKibben. The rezoning request has come forward in order to allow a wider variety of uses in the area, said Ms. McKibben.

Mr. Watson asked why amending the Table of Permissible Uses was not the approach taken for this piece of property. He added that he is apprehensive about taking away rare, waterfront

property with the rezone. Mr. Watson said he did not recall the removal of waterfront land through a rezone being done in the community before.

Ms. McKibben responded that she found an ordinance from the nineties that did amend the Comprehensive Plan maps from Waterfront Industrial to Industrial. She admitted it is unusual. She said it was her understanding that there is no Waterfront Industrial or Commercial land that is not zoned Waterfront Industrial or Commercial.

Mr. Voelckers asked for verification that some of the wastewater treatment functions that occur are now allowed within Waterfront Industrial zoning.

Mr. Watt said he is fine pursuing any option that would provide the City flexibility in its use of the land. He added that as the community grows, the City needs the use of all of the available Industrial land that it can access. If the Waterfront Industrial zone is left on the periphery of the property, Mr. Watt said he feared a ribbon of Waterfront Industrial zoned land which would never get used for any purpose. It could be a possible potential site of the future biosolids plant, noted Mr. Watt.

Commission Comments and Questions
Mr. Voelckers asked if the City would own the Waterfront Industrial strip of property in perpetuity.

Mr. Watt responded in the affirmative.

Public Comment
Howard Lockwood said his primary business has always been Juneau contracting and land development, and that he was appearing before the Commission as the owner of Alaska Metal Extraction Mining company. He said that this business holds the current operating agreement on state mining claims in this area. He said they have an agreement with the City to build a harbor in the area and that they have title to the mineral estate.

Speaking in opposition to the rezone request, Mr. Lockwood said zoning this particular piece of property from Waterfront Industrial to Industrial would nearly destroy all of the years of work that have gone into planning construction of a harbor in the area. The harbor is designed to accommodate the larger private vessels that come to the area that are too large to use the other harbors, said Mr. Lockwood. The rezone request did not follow due process, and they were not given a chance to comment on it, said Mr. Lockwood.

Commission Comments and Questions
Mr. Voelckers asked Mr. Watt for his understanding of how the mining claims overlap with the City's legal interest in the property.

This is a legal question, said Mr. Watt, adding that the City attorneys disagreed with Mr. Lockwood's assessment of property rights.

Mr. LeVine asked Mr. Watt if the change that they are requesting would affect a legal lease held by Mr. Lockwood for the property.

Mr. Watt said his answer was no, and that Mr. Lockwood's lease was complicated. There were a number of steps Mr. Lockwood was required to take under the initial lease which has been extended several times, noted Mr. Watt. One of those steps involves surveying the property to determine the actual location of the lease boundary, said Mr. Watt. The survey has not taken place, he added. There is a lease, and Mr. Lockwood has some rights to pursue his project, said Mr. Watt. He said their request did not affect the lease.

MOTION: *by Mr. Watson, that the rezone request be denied.*

In support of his motion, Mr. Watson said that this is waterfront property and there is precious little of that type of property available in the community. He added that he felt a rezone would further compound the problems of two entities which seem to disagree.

Mr. Haight said that he was in support of the motion. He said that it appears the rezone may enter the City into a conflict. He said he felt the existing treatment facility could continue to operate in the area without the rezone, and that the Table of Permissible Uses could be amended if needed, such as for a biosolids facility.

Mr. Miller also spoke in favor of the motion, stating that a rezone is not the right approach.

Mr. Levine said he also supported the motion. He said they did not appear to be an imminent need for the rezone at this time, which gives the City time to come up with a better solution.

Ms. McKibben reminded the Commission that to pass the motion denying the rezone request that the findings would need to be amended.

The motion passed with no objection.

Chairman Satre said to amend the findings he felt they should recognize the existing findings, while adding; "Waterfront Industrial zoned land is in very short supply, and the Commission does not see the need to change the zoning at this time."

AME2015 0003:	Text amendment to CBJ 49.45.410, increasing the sign enforcement fee.
Applicant:	CBJ
Location:	Borough-wide

Staff Recommendation
Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

This is a text change to Title 49 and to Title 3, said Ms. Boyce. This request comes from the Historic Resources Advisory Committee (HRAC) of the City, she explained. One of their tasks is giving advice on historical resources, including development in the Historic District of Juneau, said Ms. Boyce. Signs are a type of development, she added.

The Advisory Committee has been concerned about the image of the Downtown Historic District over the years, and they have noticed that signage is becoming more of an issue, especially in the Downtown Historic District, said Ms. Boyce. They formed a signage subcommittee to address this issue, said Ms. Boyce. The proposed change would be Borough-wide, said Ms. Boyce, not just for the Downtown Historic District.

The existing code calls for a $25 fine for the first offense, a $50 fine for the second offense, and a $100 fine with a mandatory court appearance for the third offense, said Ms. Boyce. The change would change the criminal infraction piece of this enforcement to a civil fine, said Ms. Boyce.

The proposed change calls for 15 days for the owner to come into compliance after being cited. On a first offense the fine would be eliminated if the business owners came into compliance within 15 days, noted Ms. Boyce. The proposed change for a sign violation would be $500 a day per sign until compliance with the code, said Ms. Boyce.

Because of the current fine structure, it is currently cheaper to put up a sign without a permit than it is to pay for the permit, said Ms. Boyce.

The Title 49 Subcommittee is in support of the proposal, said Ms. Boyce. This request is in support of the goals and policies of the Comprehensive Plan, she said.

Commission Comments and Questions
Mr. Watson asked if the fines collected would go into the general fund or into the CDD's fund.

The collected fines would not go into the CDD fund, answered Ms. Boyce.

Mr. Watson asked how this would be enforced.

The staff would enforce this, said Ms. Boyce.

Mr. Watson asked if sign infractions could not be enforced before, then how would they be enforced now.

Currently they send a certified letter notifying the business that a sign has been erected without a permit, and to contact the CDD office, said Ms. Boyce. They include an application with the letter, she said. If they received no response the offender would receive another letter notifying them that they had 15 days to come into compliance before they were fined.

With the proposed change a letter can still be sent initially, but they could also be issued a citation giving them 15 days to rectify the situation, said Ms. Boyce. There were at least 22 businesses in the Downtown Historic District last summer that did not apply for a signage permit, noted Ms. Boyce.

Mr. Miller asked what the signage requirements entailed.

To be compliant the business would need to contact the CDD office and submit their application, said Ms. Boyce.

Mr. Miller asked if a realtor for-sale sign required a permit.

While they are considered signs, they are exempt from the signage requirements, said Ms. Boyce.

Mr. Levine asked how the 15 day compliance time frame was selected, and if a business began the application process if that brought the business into compliance, even if it left up a noncompliant sign over that time frame.

Code dictates that a sign be approved within three days of the application, said Ms. Boyce. Approving the application for a sign in the Historic District takes a little more time, she added. Ms. Boyce said the 15 day time period offers enough time for the application process.

Mr. Watson said he would feel more comfortable with this change if it were directed just at the Downtown Historic District.

Mr. Voelckers asked how long the signage compliance requirements have been in effect.

The Downtown Historic District standards were approved at the end of 2009, and they have been in effect since 2010, said Ms. Boyce.

Mr. Miller asked if a sign could remain standing while it was determined if the sign was in compliance or not. He also asked if the 15 day deadline was enforced while the business was getting its sign fabricated to be in compliance.

Ms. Boyce replied that it is a 15 day window with noncompliant signs being taken down at the end of that period, or the sign was approved during that period.

Public Comment
Zane Jones, Chair of the HRAC Committee, spoke in support of the enforcement change. He said with the current fee structure it was cheaper not to apply for a permit. They plan on the process being self-regulating to a major extent, said Mr. Jones. He said notice of receiving a $500 fine would encourage the business to want to comply with the code.

Downtown business owner Michael Tripp spoke in favor of the enforcement change. He said preparing a sign application for the District is not overly demanding or laborious. Once his application for signage within the Historic District was complete, said Mr. Tripp, it only took a few days for it to be approved. He said the current $25 enforcement fee is absolutely powerless. The staff needs a tool that it can use to bring businesses into compliance quickly, said Mr. Tripp.

Commission Comments and Questions
Mr. Watson asked Mr. Tripp if he knew what the fines were for hocking.

Mr. Tripp said he did not know what the fines were for hocking.

Ms. Mead said the hocking findings were $150 for the first offense and $300 for the second offense. The third offense within two years requires a mandatory court appearance, said Ms. Mead.

Public Comment
Daryl Miller, owner of Commercial Signs and Printing, spoke against the fine change. He said that he believes requesting permits from the CDD in Juneau on behalf of his clients has made him very familiar with the process. He said he has reservations about the level of the fee structure. The $500 a day proposed fee for noncompliance would require all sign products for the downtown area to use methods and materials that are not contemporary. The proposed materials are not as durable and would not last as long in the Juneau environment, said Mr. Miller. He said he was a proponent of current vinyl materials for sign construction. As the owner of his business he said it felt it put him at huge risk if the business that he fabricated a sign for was issued a $20,000 fine because the sign was not in compliance. He suggested changing the code to a civil infraction as was discussed, and then to have a fee for noncompliance, but not to go “crazy” with the fee.

Commission Comments and Questions
Mr. LeVine asked if the signage rules were changed to Mr. (Daryl) Miller’s satisfaction, if he would still object to the fine structure as it is currently proposed.

Mr. (Daryl) Miller said under those circumstances he would not object because the City and Borough of Juneau would have made every effort to allow improvements in the Historic District.

Mr. LeVine clarified with Mr. (Daryl) Miller that one of his concerns was ultimately being held liable for noncompliant signs.

Having his clients receive a $500 a day fine for having a matte surface or vinyl letters on their signs is what concerned him, said Mr. (Daryl) Miller.

Mr. (Commissioner) Miller asked if there was a fine amount for a sign deemed in danger of falling and potentially hurting a citizen.

Ms. Boyce said she did not know the answer to that question.

MOTION: *by Ms. Grewe, that the Commission adopt AME2015 2003 with staff's findings, analysis and recommendations, and that the amendment as written in the staff report be forwarded to the Assembly with a recommendation for approval.*

In support of the motion Ms. Grewe said sign standards, policies and guidelines were fully vetted in 2009, and if there are problems that remain in that section of the code that it be dealt with as a separate issue. The issue is enforcement of what is currently within the ordinance, said Ms. Grewe.

Mr. Voelckers said he was in support of the motion, and that he recognized that parts of town have become an "anarchistic mess". Mr. Voelckers said he felt it was appropriate to begin the process by tightening the fine structure within the ordinance.

Mr. (Commissioner) Miller said he felt that raising the fees was a good first step in sign enforcement, but that he did have issues with the $500 a day fine for every day a business was without compliance. He said he felt this was true especially in light of testimony that there is still a requirement for painted signs in the Juneau climate, said Mr. Miller. People hardly put paint on houses anymore, let alone on signs, said Mr. Miller.

Mr. (Commissioner) Miller said he would like to submit a friendly amendment removing the $500 fine for each day of noncompliance and instead have a flat $500 fine, with the knowledge that the Commission has work to do on the code requirements in this area. This would give the fine more teeth for the coming summer, and give the Commission a year to remedy any weaknesses in the code, said Mr. Miller.

Ms. Grewe said she would not accept the friendly amendment. She said she felt that the 15 days given to businesses to come into compliance was fair.

MOTION: *by Mr. Miller, to amend Ms. Grewe's motion to a single flat offense fee of $500.*

Roll Call Vote:

Yeas: Miller, Watson

Nays: Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

Motion fails.

Mr. Peters spoke in favor of the main motion saying he felt this was the correct first step in enforcing the code. It has teeth, and those in noncompliance have 15 days to come into compliance, he said.

Mr. Watson spoke against the main motion saying that after tonight's testimony that he has some concerns. He said he felt work needed to be done cleaning up the code before businesses were issued a daily $500 fine for noncompliance.

Roll Call Vote: *(on main motion by Ms. Grewe)*:

Yeas: Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

Nays: Miller, Watson

Motion Passes.

AME2015 0005:	A rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
Applicant:	RH Development
Location:	7400 Glacier Highway

Staff Recommendation

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcel from D-5 to D-18.

However, if the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to a mix of D-18 (12.71 acres) and Light Commercial (7 acres), staff recommends the following condition be considered:

1. Adequate buffering should be considered at the time of development proposal and or subdivision, in order to buffer the multi-family residential development and commercial uses from the adjacent D-5 subdivision.

Mr. Lange described this land as a D5 parcel surrounded by D5 zoning. It is located on Old Glacier Highway located between Walmart and Fred Meyers on the uphill side. To the west of the property is land zoned D15 Light Commercial (Fred Meyers, Humane Society and doctor's office), and to the east of the property there is land zoned D 18 Light Commercial, said Mr. Lange.

It is the front portion of the property which the owner proposes be developed into Light Commercial, said Mr. Lange, with the back portion of the parcel proposed to be D 18 zoning. Mr. Lange said the applicant is requesting the Light Commercial zoning to act as a buffer between the noise from Egan and Old Glacier Highways and the residential property.

This area is Medium Density Residential in the Comprehensive Land Use plan, said Mr. Lange. Medium density residential has the characteristics of multi-family dwellings with densities of five to 20 units per acre. Light Commercial zoning carries with it a density of 30 units per acre, said Mr. Lange. Areas currently zoned Light Commercial are in land use designations that are Commercial, Traditional Town Center, and Marine Mixed-Use, said Mr. Lange. These areas allow for high density, multi-family residential developments ranging from 10 to 60 units per acre, said Mr. Lange.

With its current D5 zone, this parcel of land could have up to 99 dwelling units, said Mr. Lange. If it was rezoned to D18 it could have up to 355 dwelling units, and a mix of D18 and Light Commercial Zoning could result in up to 439 dwelling units, he added. The D5 zoning district is intended to accommodate primarily single family and duplex residences, with the D 18 definition addressing multi-family developments at 18 units per acre, said Mr. Lange. The definition for Light Commercial zoning states that it is generally located adjacent to residential areas, but with less intense development than a General Commercial zoned district, said Mr. Lange.

Hotels, day care centers and restaurants are all allowed in the Light Commercial zoned areas, said Mr. Lange. To the west of the parcel is the Vista Del Sol housing development which is zoned D5, said Mr. Lange.

Commission Comments and Questions
Mr. Voelckers asked about the extent of wetlands on property.

The wetlands maps do not indicate that there are wetlands in this area, said Mr. Lange, but the applicant has stated there are four listed wetlands which the Army Corps of Engineers would regulate.

Mr. Watson asked what the CDD would consider “adequate buffering”.

Staff needed to research the answer to that question.

Chairman Satre noted that the meeting will proceed past the 10:30 p.m. threshold when the Commission is allowed to consider additional items on the agenda. The remaining items on the agenda barring any motions from the Commission will need to be pushed to the next agenda, noted Chairman Satre. He proposed that TXT2009-00001, Proposed Title 49 and Title 4 changes regarding the subdivision of land be referred to back up to the Subdivision Review Committee to address several issues which the staff was going to present to the Commission this evening,

and that the remaining items on the agenda be moved to Unfinished Business on the next agenda.

The Commission voiced no objections to Chairman Satre's proposal.

Applicant
Applicant Richard Harris said that Light Commercial zoning can be and has in the past been allowed within Mixed Density Residential designations regardless of density. There will be a fair amount of wetlands involved with this property, said Mr. Harris. The lot location and the streets will all be dictated by the location of the wetlands, said Mr. Harris.

As they were reviewing the property, they noticed that the portion of the property along Glacier Highway is very loud, said Mr. Harris. He said that is why they changed their initial application for all D 18 zoning to Light Commercial zoning along the Highway. He said he feels that is a far better use for that portion of the land.

Mr. Harris said the Comprehensive Plan does state that there should be Light Commercial development along busy thoroughfares and high visibility areas. 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 Plan encourages support of neighborhood-based small business growth that creates jobs and provides services, said Mr. Harris, reading from the Plan.

The Juneau Economic Development Plan survey showed that lack of land for commercial and residential use was the biggest concern of the community. With the above concerns, said Mr. Harris, he said he found it difficult to believe that density would be a reason for denying a rezone request.

Commission Comments and Questions
Mr. Watson asked if Mr. Harris found that due to wetlands he could not construct as many dwellings as he had planned for the land behind the Light Commercial zone, if he would consider reducing the amount of space in the Light Commercial zone in favor of residential development, or would the Light Commercial land remain that way regardless of how many units could be constructed on the residential land abutting it.

They want to block sound coming up to the residential lots from the roads, said Mr. Harris, and he said that he believed Light Commercial zoning was the best zone selection for that property along Glacier Highway.

Public Comment
Mike Ban, Associate Broker for Exit Realty, spoke in support of the rezone request. He said the residential lots were important but that options could remain open with the Light Commercial

zoning that was proposed.

Commission Comments and Questions
Mr. Haight asked from a marketing perspective when speaking of Light Commercial zoning, what type of development would Mr. Ban consider for this particular area.

Mr. Ban said he would think of Commercial zoning that would encourage walkable neighborhoods as supported by the Juneau Economic Development Plan. He said he envisions smaller businesses and professional offices for the proposed Light Commercial portion of the land.

Public Comment
Greg Stopher, President of the Southeast Alaska Building Industry Association, said he fully supported the rezone request. He said if he lived in the area, he would like to be able to walk to a yoga studio, which is the type of development he envisioned for the Light Commercial portion of the property. He added that Juneau needed the density in zoning. Higher density results in lower cost to the buyer for their homes, he said.

Resident Doug Wesley said that higher density housing for the community may be needed, but that it was needed in a different location. He said that the area is composed of primarily single family residences, and that he hears the same argument that single-family dwellings are needed for the community. Regarding the claim by the applicant that the commercial zoning strip was needed as a buffer, Mr. Wesley stated that to him a buffer is composed of open space. He said there was no guarantee that high density housing would equal affordable housing.

Marciano Duran, developer of the adjacent Vista Del Sol housing development, spoke against the proposed rezone. He said the noise along the road is not that loud and that Commercial Light zoning was not the way to lessen its effects. Mr. Duran said the zoning should remain at its current D5 zoning.

Josette Duran, a co-developer of the adjacent Vista Del Sol housing development, also spoke against the proposed rezone. Ms. Duran said in the past the Commission had placed a least a 200 foot buffer between D15 zoning and multi-family housing on a parcel of land in the area. There are ways to mitigate noise which do not include the necessity of erecting a commercial building, said Ms. Duran. Ms. Duran questioned how the Assessor could make the assessment that the rezone would have no impact on the area when there were not yet plans to show what the development would entail.

Area resident Steve Havig spoke against the proposed rezone request. He said there do currently exist small business concerns in the area which do not negatively impact the residents by increasing traffic or noise such as a small charter operation and electrical business.

MOTION: *by Mr. Watson, to extend the meeting until 11:15 p.m.*

The motion passed with no objection.

Resident in the area Roger Sams said he has lived in the area for 40 years and that his property is adjacent to the parcel up for rezone. He said he is opposed to the project, and that he does not feel the density levels of the requested zoning are appropriate for the area. They would like to maintain a stable environment for their neighborhood, said Mr. Sams.

Dave Hannah also spoke against the proposed development, stating that he is usually in favor of development in Juneau, but that zoning changes were a different situation than when discussing particular uses in already approved the zoning districts. People buy property and homes expecting that their land will remain the zone it was when they purchased it, said Mr. Hanna. D5 zoned property is actually getting difficult to obtain, said Mr. Hannah, adding that he felt Mr. Duran has showed that successful developments can occur within D5 zoning. If higher density is desired, Mr. Hannah suggested that the Commission consider D10 single-family residential zoning.

Real estate agent Marciano Duran Jr. spoke against the rezoning request. He expressed concern about the potential "500 units" [sic] which would be allowed on the rezone property contributing to an already heavy traffic problem. He said that development should occur on land already zoned for those purposes, and that rezoning this land was not necessary.

Applicant
Mr. Harris said there is currently no proposed project, because at this juncture they are following standard procedure for assessing the viability of a parcel of land. The first step in land development is to obtain the proper zoning, said Mr. Harris. Mr. Harris said their proposal follows the guidance of both the Comprehensive Plan and the Juneau Economic Development Plan which state that Juneau should encourage, promote and provide for Commercial and Mixed-Use zoning. Mr. Harris stated that he feels the proposed rezone would fit nicely within the area.

MOTION: *by Mr. Watson, to extend the meeting until 11:30 p.m.*

The motion passed with no objection.

Commission Comments and Questions
Ms. Grewe asked Mr. Harris if he had thought of D10 or D15 zoning instead of the D18 zone request.

The D18 zone is where they want to be for creating the maximum amount of housing in relation to the cost of the land, said Mr. Harris.

Mr. Watson asked Mr. Harris if they understood there may be additional buffer requirements for the property.

Mr. Harris said he understood that buffers may be required.

Mr. Jackson said his biggest concern was an adequate buffer between the Light Commercial and D18 zones. Mr. Jackson said he was not in favor of the rezone request at this time.

Chairman Satre asked Mr. Harris if he would be comfortable if the Commission followed the staff's recommendation for zoning the entire parcel D18.

Mr. Harris said they would have to evaluate if they could proceed if the entire parcel was zoned D18 with no Light Commercial property. Zoning will dictate what they build, said Mr. Harris, and the Light Commercial and D18 zones are what he thinks are the best options for the property.

Commission Comments and Questions
Mr. Watson said Vista Del Sol had been required to put in an access road, and he asked how that abutted the applicant's property line.

Mr. Lange said it appears that the Vista Del Sol road would connect to the parcel of land in the reserve portion, not at the housing portion of the development.

Mr. Watson repeated his question earlier for the staff regarding what the Department considers an adequate buffer between either Light Commercial or D18-zoned land.

One of the requirements for adjacent zoning districts is that the abutting district have a setback where it abuts the other zone equal to the less densely zoned land that it abuts, said Mr. Lange.

Mr. LeVine asked if D18 zoning was approved for the entire parcel, if additional adequate buffers potentially in addition to the setback requirements could be recommended.

Buffers can be added as a condition on a rezone when it is approved, said Mr. Lange.

MOTION: *by Mr. Voelckers, on AME2015 0005, to rezone the 19.71 acres from D5 to D10.*

In support of his motion Mr. Voelckers stated that he agrees with a lot of the testimony against Light Commercial zoning for this particular area. He added that he feels even D18 zoning is too abrupt a change from the existing residential D5 zones. While saying that he is fully in support of walkable communities, Mr. Voelckers said those types of communities are contingent upon a more urban structure.

MOTION: *by Mr. Watson, to extend the meeting until 11:45 p.m..*

The motion passed with no objection.

Mr. Watson spoke against the motion, stating he felt the applicant has made a good argument for D18 zoning, and that it is consistent with the Comprehensive Plan. Mr. Watson said he was not in favor of the Light Commercial rezone request.

Mr. Peters also spoke against the motion, stating that he felt D18 zoning was appropriate for the area.

Ms. Grewe stated that she supported the motion in favor of rezoning the entire parcel to D10, and that D18 zoning would be too abrupt of a change for the adjacent property owners. An informed buyer when buying their home checks the zoning of the area, and they assume a certain consistency of that zone, said Ms. Grewe.

Mr. LeVine said he agreed with Ms. Grewe; that a D10 zone would be a fair compromise.

Neighborhood harmony is an important component of any rezone, said Mr. Haight. He said he feels this area is comprised of single family housing and that there are other areas defined for multi-family dwellings. Mr. Haight said he felt with D10 zoning, the harmony and balance of the neighborhood could still be maintained.

Chairman Satre said on the topic of buffers, that they do not work. He said in his 10 years on the Planning Commission that the proper way to buffer is by zoning appropriately. One should not put buffers in place to correct zoning mistakes, said Chairman Satre. Even though D18 zoning may be consistent with the land use maps of the Comprehensive Plan, when you look at the actual area it is not appropriate, said Chairman Satre. Chairman Satre said that he felt D5 zoning at this time was the correct zoning for the area. He would vote in favor of the motion if he was the deciding vote simply to let it progress for the Assembly's review, said Chairman Satre.

Roll Call Vote:

Yeas: Voelckers, Grewe, Haight

Nays: Miller, Jackson, LeVine, Peters, Watson, Satre

The motion fails.

MOTION: *by Mr. Levine, that the Commission deny the zoning request and that the Commission recommend to the Assembly that the land remain zoned D5.*

Speaking in opposition to the motion, Mr. Watson said that he maintains his position of D18 zoning for the entire parcel.

Roll Call Vote:

Yeas: Miller, Voelckers, Jackson, Grewe, Haight, LeVine, Satre

Nays: Peters, Watson

The motion passes.

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.

To be referred to the Subdivision Review Committee.

X. BOARD OF ADJUSTMENT *(The following two items will be taken up at the next Regular Planning Commission meeting under "Unfinished Business" on April 28, 2015.)*

VAR2015 0006:	Variance request to reduce the street side yard setback from 13 feet to 4 feet.
Applicant:	Northwind Architects
Location:	635 Alder Street

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0006. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until any requirements of the building inspection are complete.
2. A lot consolidation shall be required to eliminate setback encroachments by the deck and new structure.

3. Without a lot consolidation, no Certificate of Occupancy will be issued until the deck receives a Variance to the required setbacks.
4. During construction the driveway shall be realigned with the new garage four feet to the south.

VAR2015 0007:	Variance request to reduce the rear side yard setback from 20 feet to 6 feet.
Applicant:	Northwind Architects
Location:	635 Alder Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0007. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until all requirements of the building inspection are complete.
2. Without a lot consolidation, no Certificate of Occupancy shall be issued until the deck receives a Variance to the required setbacks.
3. During construction the driveway shall be realigned with the new garage four feet to the south.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT - None

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 11:36 p.m.