

# **DRAFT MINUTES**

## **Planning Commission**

### **Regular Meeting**

CITY AND BOROUGH OF JUNEAU

*Michael LeVine, Chairman*

August 23, 2022

#### **I. LAND ACKNOWLEDGEMENT – Read by Commissioner Voelckers**

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

#### **II. ROLL CALL**

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:00 p.m.

**Commissioners present:** Commissioners present in Chambers – Michael LeVine, Chairman; Paul Voelckers, Vice Chair; Travis Arndt, Clerk; Dan Hickok, Deputy Clerk; Joshua Winchell; Erik Pedersen; Mandy Cole; Matthew Bell

Commissioners present via video conferencing – Ken Alper

**Commissioners absent:** None

**Staff present:** Jill Maclean, CDD Director; Adrienne Scott, Planner I; Chelsea Wallace, CDD Administrative Assistant II; Sherri Layne, Law Assistant Municipal Attorney

**Assembly members:** Alicia Hughes-Skandijs

#### **III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA**

Chair LeVine noted two changes to the agenda. Swearing in of new Commissioner and the Assembly Liaison report will move to occur before the review of rules for public participation.

- IV. **SWEARING IN OF NEW COMMISSIONER** – Attorney Layne administered the oath of office swearing in new Commissioner Matthew Bell.
- V. **LIAISON REPORTS** – Assembly member Alicia Hughes-Skandijs reported last night’s assembly meeting was cancelled. In other news, the joint Assembly and Bartlett board met and the hospital is moving forward with the purchase of the family practice building in the Valley.
- VI. **APPROVAL OF MINUTES** – None
- VII. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Mr. LeVine explained the rules regarding participating in person and via zoom format.
- VIII. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
- IX. **ITEMS FOR RECONSIDERATION** – None
- X. **CONSENT AGENDA** – (Moved to Regular Agenda by the applicant)
  - ~~PAD2022 0002: A property acquisition and disposal review of land by the City & Borough of Juneau~~
  - ~~Applicant: Murray Walsh~~
  - ~~Location: 4305 North Douglas Highway~~

**Staff Recommendation**

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the acquisition and disposal of land by the CBJ.~~

**XI. UNFINISHED BUSINESS**

Prior to hearing **APL2021 0006**, Mr. LeVine excused himself, Ms. Cole, and Mr. Bell because they did not participate in the Appeal and, therefore, could not participate now. Mr. Arndt chaired this item.

**APL2021 0006:** Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD – Continued from the June 28, 2022 Planning Commission Meeting  
**Applicant:** Juneau Cooperative Christian Ministry, dba The Glory Hall  
**Location:** 247 S. Franklin Street

**MOTION:** *by Mr. Voelckers to accept the final decision on **APL2021 0006.***

**ROLL CALL VOTE:**

**YEA:** Arndt, Voelckers, Winchell, Hickok, Pedersen

**NO:** ---

Mr. Alper did not vote due to technical difficulties, but later stated he attempted to vote Yes.

***The motion passed 5-0 on Roll Call Vote.***

**XII. REGULAR AGENDA**

**PAD2022 0002:** A property acquisition and disposal review of land by the City & Borough of Juneau  
**Applicant:** Murray Walsh  
**Location:** 4305 North Douglas Highway

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the acquisition and disposal of land by the CBJ.

**STAFF PRESENTATION** – Director Maclean explained this is a proposed land swap whereby the applicant will purchase 140,394 square feet of land from the CBJ and sell 105,347 square feet of land to the CBJ in order to subdivide and create buildable residential lots on the purchased land.

**APPLICANT PRESENTATION** – Murray Walsh explained the planned subdivision of small houses on small lots with shared driveways. He said he will need to come back before the PC to request a rezone from D5 to D18 for a portion of the land.

**MOTION:** *by Mr. Winchell to accept staff's findings, analysis, and recommendations, and recommend approval to the Assembly of PAD2022 0002.*

***The motion passed with no objection.***

**USE2022 0010:** A Conditional Use Permit modification for Juneau Youth Services  
**Applicant:** Juneau Youth Services (JYS)  
**Location:** 10685 Mendenhall Loop Road

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit Modification. The permit would allow for the development of Juneau Youth Services' conversion of Montana Creek House dorm rooms into

administrative offices with USE2022 0010 superseding USE2000-00003, USE2004-00018, and USE2006-00028.

The approval is subject to the following conditions:

1. Maximum number of residents approved on site is ~~29~~ **24**, the total maximum previously approved for Lighthouse and Black Bear House.
2. The applicant shall clear brush and small trees along Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway to the Montana Creek Bridge as required by the Alaska Department of Transportation and Public Facilities. The applicant will be responsible for maintaining safe driveway sight distance ~~as long as the site is occupied~~.
3. **The applicant and CDD shall undertake a nonconforming situation review in accordance with 49.35.272**

#### STAFF PRESENTATION by Ms. Maclean

Mr. LeVine noted for the record that he, Ms. Maclean, and Ms. Shields had held a discussion regarding the role of DOT in this item and that there was no indication that standards are not being met.

#### QUESTIONS FOR STAFF

Ms. Cole asked for clarification of the piece of land that connects from Back Loop Road to the properties in question. Ms. Maclean explained under certain circumstances, private drives may be constructed on right of ways.

Mr. Pedersen disclosed a potential conflict of interest as he is an employee of DOT. He had no knowledge of DOT involvement, and has no financial interest in the item. He felt he can remain impartial and was allowed to remain.

Mr. Arndt disclosed he was one of the persons noticed within 500 feet of the project. He had no interest, financial or otherwise, in the project and felt he could remain impartial. He was allowed to remain.

#### APPLICANT PRESENTATION

Brent Fischer, JYS Facilities Director; Amy Simons-Taylor, JYS Executive Director; Emiliano Reece, JYS Maintenance Coordinator came forward as applicants.

Brent Fischer spoke for the applicant and presented their proposal. The plan includes consolidation of services and converting seven dorm rooms into staff office space.

#### QUESTIONS FOR APPLICANT

Mr. Voelckers noted one of the conditions was to allow a maximum bed count of 29 but the applicant proposal has 16 beds and asked why the condition was held at 29. Mr. Fischer answered they have narrowed their scope currently but would like to keep the original number as a maximum in case they expand later. Mr. Voelckers asked if growing back to the original 29 would require an additional building and permits. Mr. Fischer speculated that it likely would require a new building. Mr. Voelckers then asked if 16 or 29 is the correct number. Ms. Simons-Taylor responded their current long-term plan is to stick with the 16 residential treatment units. They plan to grow the therapeutic foster care program in the future. This would not require an increase in residential units.

Ms. Cole asked if the consolidation includes moving other properties in or just converting. Mr. Fischer explained they would move the services from the Jordan Avenue property and would sell the Jordan Avenue property.

Mr. Arndt asked what the staff moving from the Jordan Avenue property would be doing. Mr. Fischer explained all staff receive training to be part of the youth treatment program.

Mr. Winchell asked if 'residents' refers to the number of people staying at the facility or the number of units. Mr. Fischer explained 'units' refers to the buildings and 'residents' is the number of participants in residence treatment at the facility.

Ms. Cole wanted clarification how decreasing youth residents and increasing staff would lead to a decrease in traffic to the area. Mr. Fischer told the PC that when they ran three facilities, they maintained a 4:1 staff to resident ratio. Fewer facilities and fewer residents will require fewer staff. Even with the increased staff to resident ratio, they will have a net three fewer staff. Additionally, when there were more residents and facilities, they owned and utilized twenty-three vehicles. That number has been reduced to nine.

Mr. Hickok pointed out there are two entrances to the property. According to Mr. Fischer, that is correct. However, they use it as a one-way drive through so enter on one side and exit the other.

Ms. Cole asked how the road maintenance would be accomplished between them and their neighbor. Mr. Fischer said there is no formal agreement. When there is a snow event, they remove the snow without regard to whose side it is. They just make sure the road is safe.

Mr. Voelckers pointed out the neighbor had expressed some concern about the safety of the driveway direction and asked how they would address that. Mr. Fischer said in the winter they often reverse the direction of the one-way as that is safer in winter conditions. He was not sure it would work to reverse it year-round.

#### COMMISSIONER DISCUSSION

Mr. Arndt asked staff if there was an access agreement as required in CBJ 49.35.272. Ms. Maclean said there have been several updates to the code and may not apply. She additionally noted JYS was required to make improvements to Black Bear Road in 2006 when they had a development increase. However, the neighbors were not required to make improvement when they developed their property. Mr. Arndt asked if there would be benefits to requiring an agreement. Ms. Maclean said while there may be some benefits, she was not sure there is a legal way to require both parties to sign it. She continued saying if it were the will of the PC to require the agreement, she would recommend the applicant withdraw the application and resubmit it without consolidating all the other permits as this one does.

Mr. Hickok asked who originally developed Black Bear Road? Was it JYS or the private neighbors? Ms. Maclean was uncertain but JYS is the only one that has made improvements to it.

Mr. LeVine asked if this would be considered a nonconforming situation. Ms. Maclean answered the JYS access could potentially be nonconforming but it is a City street. She advised they could condition the applicant receive a nonconforming situation review as part of the permit.

**MOTION:** *by Mr. Voelckers to accept staff's findings, analysis, and recommendations, and approve **USE2022 0010** with an amendment to Condition #1 to change the maximum number of residents from 29 to 18.*

Mr. Voelckers spoke to his motion saying the applicant was clear that 16 is the maximum they are planning. He felt allowing 2 additional units allows some flexibility without substantially changing the program.

Ms. Cole spoke to say she could not support the motion as amended saying that when the applicant originally opened the CUPs they were for a total of 29 units. They have been combined into a single permit request and she was not comfortable making such a programmatic decision for JYS.

Mr. Winchell also was not supportive of the motion.

**MOTION TO AMEND:** *by Mr. Pedersen to amend the original motion changing Condition #1 to set the maximum number of residents from 18 to 24.*

Mr. Arndt spoke against the motions saying the applicant had requested 29 and it seemed the motions were arbitrarily choosing numbers without the applicant's agreement.

**ROLL CALL VOTE ON MOTION TO AMEND**

YES: Pedersen, Hickok, Alper, Voelckers, Bell

NO: Winchell, Cole, Arndt, LeVine

***The motion to amend passed 5-4 on Roll Call Vote.***

Mr. Arndt spoke saying if the applicant was pursuing a new building or new function then a conditional use permit would be needed. However, they are currently performing the function they are already permitted to do. Therefore, he felt a CUP should not be required.

**MOTION TO AMEND:** *by Mr. Arndt to amend the amended original motion changing Condition #2 delete the phrase "as long as the site is occupied."*

***The motion to amend passed with no objection.***

**MOTION TO AMEND:** *by Mr. Arndt to amend the amended original motion by adding a Condition #3 to require the applicant and CDD to undertake a nonconforming situation review in accordance with 49.35.272*

***The motion to amend passed with no objection.***

***The amended motion passed with no objection on Roll Call Vote.***

**XIII. OTHER BUSINESS – Juneau Douglas Second Crossing Study**

Ms. Maclean reported that due to the work between CBJ Engineering and CDD personnel, especially that of Director Koester and Senior Planner Gallion, they have \$7 Million in funding to support the study.

**XIV. STAFF REPORTS**

Ms. Maclean reported:

- Breckan Hendricks, CDD Admin Officer has been promoted to Admin Officer II at the Engineering and Public Works department. This will be effective in September
- One of the other admins has submitted resignation
  - Please respond timely and early. Chelsea Wallace is the main contact, but please CC: the Director, too.
- CDD is interviewing for an Admin Assistant and a Planner I/II this week
- The Long-Range Senior Planner position is still vacant
- The pre-joint meeting will be Monday at 6:30 p.m.

**XV. COMMITTEE REPORTS**

- Mr. Arndt reported Title 49 will meet Thursday at noon
- Mr. Voelckers reported JCOS met and discussed electric vehicle charging throughout the state

**XVI. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None**

**XVII. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. LeVine welcomed Mr. Bell to the Planning Commission.

**XVIII. EXECUTIVE SESSION – None**

**XIX. ADJOURNMENT – 8:16 p.m.**

Next meeting is scheduled September 13, 2022 at 7:00 p.m.