

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Mandy Cole, Chair

April 9, 2024

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Epstein.

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

Mandy Cole, Chair, 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 – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Matthew Bell, Deputy Clerk; Nina Keller; David Epstein, Jessalynn Rintala,

Commissioners present via video conferencing – None

Commissioners absent: Adam Brown; Travis Arndt, Clerk; Lacey Derr

Staff present: Jill Lawhorne, CDD Director; [via Zoom] Irene Gallion, Senior Planner; Nicolette Chappell, CDD Administrative Coordinator; Lily Hagerup, CDD Administrative Assistant; Attorney III

Assembly members: Paul Kelly

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – None

IV. APPROVAL OF MINUTES

A. March 26, 2024 Draft Minutes, Regular Planning Commission

MOTION: by Mr. Epstein to approve the March 26, 2024, Planning Commission Regular Meeting minutes.

The motion passed with no objection.

V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – by Chair Cole

VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VII. **ITEMS FOR RECONSIDERATION** – None

VIII. **CONSENT AGENDA**

USE2024 0003: Pulled from Consent to Regular Agenda by Commissioner Rintala

IX. **UNFINISHED BUSINESS** – None

X. **REGULAR AGENDA**

(Moved from Consent Agenda by Ms. Rintala)

USE2024 0003: Conditional Use Permit application request for the expansion of the existing food court on Franklin Street

Applicant: PND Engineers INC

Location: Franklin Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of pet grooming, walking and dog daycare services in a D3 zone.

The approval is subject to the following conditions:

Condition #1: Prior to issuance of Temporary Certificates of Occupancy (TCO) for temporary or permanent structures, Lots 1A, 2A, 7, 8, and 9 must be consolidated.

Condition #2: Use of the sound systems, amplifiers, audible signaling, or voice at louder than conversational level shall not be permitted between the hours of 10:00 pm and 8:00 am Monday through Thursday, or 12:00 am and 8:00 am on Friday and Saturday.

Condition #3: Prior to issuance of a Temporary Certificate of Occupancy for BLD2024 0073, the applicant will provide the following for outdoor lighting not associated with permitted structures:

- A site plan showing the location of fixtures.
- Cut sheets for lighting fixtures used.

Condition #4: Prior to issuance of a building permit, temporary structures requiring a building permit will provide documentation of shielded lighting that is downward cast and shines light only on the project parcel.

STAFF PRESENTATION – Director Lawhorne presented USE2024 0003 and explained the traffic impact analysis (TIA) was not necessary.

QUESTIONS FOR STAFF

Ms. Rintala asked whether the Director had authority to waive the TIA. Ms. Lawhorne said she would not normally have the authority to waive the TIA. However, in this circumstance, the department gave the applicant mistaken information and the applicant relied on that information. The department has honored good faith errors in the past and felt they should in this instance as well.

APPLICANT PRESENTATION

David McCasland said he is available for questions

QUESTIONS FOR APPLICANT

Mr. Epstein asked for clarification that this will be outdoor dining. Mr. McCasland confirmed that is the intention. Mr. Epstein asked what the target customer base would be. Mr. McCasland said locals make up 35% of the sales and in 2020-2021, they were 100%.

Ms. Cole asked where the parking lot will be located. Mr. McCasland said it will be above the retaining wall and will have 20-30 parking spaces.

PUBLIC COMMENT

Zane Jones – Mr. Jones is the chair of the Historic Resource Advisory Committee (HRAC) and spoke to the letter from the committee. Mr. Jones said the Committee felt the development could be approved as a temporary development with an expiration date (suggested 10 years) at which time it would be used in accordance with the historic district.

Mr. Epstein asked what expectations the HRAC has for the 10-year time period. During the 10-years, what would they like to see done or is the option to do nothing until the 10th year and then meet the expectations. Mr. Jones said there are currently no guidelines but they would be willing to work with the owner/developer to keep the historic feel.

Ms. Keller asked what suggestions the HRAC has and how they would work with the owner to find agreement. Mr. Jones said the HRAC does not have a clear recommendation at the moment but would like to work with the applicant on that.

Ms. Cole asked what are the elements of 'harmony of scale' that they are trying to achieve. Mr. Jones said it is normally structured around buildings rather than around open areas. There are not really good guidelines regarding open spaces. He suggested benches and site lighting to give a park-like feel.

Ms. Keller asked if he had design suggestions they should consider. Mr. Jones said the guidelines offer some flexibility with new construction. He suggested keeping with the streetscape.

ADDITIONAL APPLICANT COMMENTS

Mr. Jones said the point of the retaining wall is to make the lot flat to help with drainage and make the site ADA accessible. The fence is necessitated due to State of Alaska Alcohol regulations.

COMMISSIONER QUESTIONS

Ms. Keller asked if there was some room in the plan for type of fence. He affirmed he is flexible as to the type of permanent fence but in the near-term, he will install whatever is fastest and most affordable. Ms. Keller asked if it would be open year-round. He said water is an issue but if he can, he would be open for events so long as it is above freezing.

Ms. Cole asked if they would be coming back for another permit. Mr. Jones said the long-term plan is to add housing when he is able.

Ms. Rintala asked if the lot consolidation and noise regulation conditions are a problem with him. Mr. McCasland said he is comfortable with the conditions and added the retaining wall should help to cut down on the noise.

COMMISSIONER DISCUSSION

Ms. Cole expressed concern with approving a CUP that will only apply to some of the existing lots and wondered what happens when the other lots are consolidated. Ms. Layne said the applicant may have to come back to the PC at that time. Ms. Lawhorne did not have any concerns and added if they were to make a major modification, that could come back to the PC. Adding housing or changing the plan to a building or adding a parking garage would all require another permit.

Mr. Pedersen asked Ms. Layne and Ms. Lawhorne for their opinion on the 'appropriateness' of putting an expiration on the permit. Ms. Lawhorne said it is difficult for a business to develop a business plan if they do not know that they will be allowed to function beyond ten years.

Ms. Lawhorne advised the PC that the historic guidelines are *guidelines*. They are not regulations. However, the commission is allowed to encourage the guidelines be followed.

MOTION: *by Mr. Epstein to accept staff's findings, analysis, and recommendations, and approve USE2024 0003 with the addition of condition #5 "Prior to issuance of a building permit the applicant and HRAC will work together to develop a mutually acceptable development solution that conforms with historic guidelines.*

Mr. Epstein spoke to his motion saying he would like to see a condition that obligates the applicant and HRAC to work together.

Mr. Epstein withdrew his motion.

MOTION: *by Mr. Pedersen to accept staff's findings, analysis, and recommendations, and approve USE2024 0003.*

MOTION TO AMEND: *by Mr. Epstein to add a Condition #5 "Prior to issuance of a building permit the applicant and HRAC will work together to develop a mutually acceptable development solution that conforms with historic district guidelines.*

Ms. Cole spoke against the motion saying she is not comfortable mandating them to conform to unclear guidelines. Mr. Pedersen also spoke against the motion saying it is not specific enough. Mr. Bell liked the idea of the amendment but could not support it as proposed. Ms. Rintala thanked the HRAC for their work but said she would not support the motion. Ms. Keller felt it would be hard to condition them to work together.

Roll call on amendment

YES: Epstein

NO: Keller, Rintala, Bell, Pedersen, Cole

Motion to amend fails 1-5

Mr. Epstein thanked Ms. Lawhorne for being forthright and explaining the department error on the TIA.

The original motion passed on Roll Call with no objection.

USE2024 0008: Conditional Use Permit application request to renovate ground floor patio and add a second-floor deck to existing commercial building for use by bar
Applicant: Northwind Architects
Location: Admiral Way

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of over 10,000 square feet in a MU zoning district for a bar without drive through service.

The approval is subject to the following conditions:

Condition 1: Prior to Temporary Certificate of Occupancy (TCO), a foundation setback verification form must be completed, and an as-built survey submitted for BLD2024-0098.

Condition 2: If the director, in consultation with the Juneau Police Department, and AKDOT&PF, finds that the project results in the queuing of pedestrians within the public ROW, sidewalk or crosswalk, the Use Permit may be suspended until the applicant addresses the safety concern by re-designing pedestrian circulation on site to eliminate the hazard.

Condition 3: Use of the sound systems, amplifiers, audible signaling, or voice at louder than conversational level shall not be permitted between the hours of: ~~10:00 pm and 8:00 am Monday through Thursday, or 12:00 am to 8:00 am on Friday and Saturday.~~ [changed in Motion to match additional materials]

10:00 pm on Sunday and 8:00 am on Monday

10:00 pm on Monday and 8:00 am on Tuesday

10:00 pm on Tuesday and 8:00 am on Wednesday

10:00 pm on Wednesday and 8:00 am on Thursday

10:00 pm on Thursday to 8:00 am on Friday

Midnight and 8:00 am on Saturday

Midnight and 8:00 am on Sunday

Condition 4: Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development for review by Community Development. Exterior lighting shall be designed and located to minimize offsite glare.

Condition 5: The ground floor patio shall be reserved for purposes of storing snow between, but not including, the dates of October 31 to April 1.

Condition 6: *Prior to a temporary certificate of occupancy, provide verification to Community Development Department that the resulting public sidewalk is a minimum of 5 foot in width.*
[Added by amendment]

STAFF PRESENTATION – By Ms. Lawhorne

AT EASE 8:15 p.m. – 8:34 p.m.

APPLICANT PRESENTATION – Shannon Crossley, Northwind Architects, presented on behalf of the applicant. The applicant plans to add an upper deck to an existing outdoor business.

QUESTIONS FOR APPLICANT

Ms. Keller asked how the sidewalk would be impacted by the new construction. Ms. Crossley said it would go to 4.27 feet and is an easement in keeping with the existing use. Mr. Pedersen said he interprets the 4.27 feet is from the easement and the distance in total is at or exceeds the 5 feet.

Mr. Bell asked if the upper deck would be ADA accessible. Ms. Crossley said it is not required to be ADA but the downstairs is accessible. She reminded the Commissioners that ADA is not building code.

QUESTIONS FOR STAFF

Prior to questions, Ms. Lawhorne spoke to the sidewalk question and said many of the sidewalks in the downtown area are narrow and do not meet the 5-foot requirement.

Ms. Keller noted the narrow sidewalk in this corner and asked for clarification of the 5-foot requirement for vendors. Ms. Lawhorne said it would be hard to require the applicant widen sidewalks as sidewalks are under state DOT purview. If the PC wants to require wider sidewalk space, they could require a setback.

Ms. Cole asked what prompted Condition #2. Ms. Lawhorne explained it is a crowded area for pedestrians and vehicle traffic and the department wanted to be able to correct a problem if it crops up. Ms. Keller reiterated her concerns regarding the sidewalk and the ambiguity of whether or not it met the 5-foot requirement. Ms. Lawhorne pointed out the state DOT office did submit comments in the agency review and they did not note any concerns or identify sidewalk width as an issue.

MOTION: *by Ms. Keller to accept staff's findings, analysis, and recommendations, and approve USE2024 0008 including conditions 1, 2, 4, and 5 and suggesting the use of modified condition #3 as presented in the additional materials.*

Mr. Epstein read the recommended Condition #3 into the record.

Condition #3: Use of the sound systems, amplifiers, audible signaling, or voice at louder than conversational level shall not be permitted between the hours of:

10:00 pm on Sunday and 8:00 am on Monday

10:00 pm on Monday and 8:00 am on Tuesday

10:00 pm on Tuesday and 8:00 am on Wednesday

10:00 pm on Wednesday and 8:00 am on Thursday

10:00 pm on Thursday to 8:00 am on Friday

Midnight and 8:00 am on Saturday

Midnight and 8:00 am on Sunday

MOTION TO AMEND: *by Mr. Pedersen to add Condition #6 that reads: Prior to a temporary certificate of occupancy, provide verification to Community Development Department that the resulting public sidewalk is a minimum of 5 foot in width.*

ROLL CALL VOTE ON MOTION TO AMEND

YES: Pedersen, Bell, Epstein, Rintala, Keller

NO: Cole

Motion to amend passes 5-1

The amended motion passed on Roll Call with no objection.

XI. OTHER BUSINESS – None

XII. STAFF REPORTS – Ms. Lawhorne reminded Commissioners there is a Special Meeting including public testimony on April 23 at 5:30 p.m. followed by a Regular meeting at 7:00

p.m. The agenda for the regular meeting is scant and may be a short meeting. The commissioners have the option to continue public testimony after the regular meeting if they so choose.

Staffing update: A new planner has started. There remains to be vacancies in the department.

Title 49 rewrite, Telephone Hill and City offices planning will be heard at an upcoming Assembly COW meeting on April 15. Ms. Layne added the Assembly COW may also include short-term rentals.

Ms. Keller asked when the design review board was sunset and why. Ms. Lawhorne said it was removed before she came to CBJ nine years ago but she will look in to it. Ms. Keller asked what it would take to bring it back. Ms. Cole said it would require an ordinance and referred to Liaison Kelly for details.

XIII. COMMITTEE REPORTS - None

XIV. LIAISON REPORTS – Assembly member Kelly reported recent Assembly topics have included the sale of two lots in Renninger Subdivision, relocation of the Mill Campground, and the Assembly has recently concluded tours of Floyd Dreyden, Marie Drake and the Burns Building.

Regarding Ms. Keller’s question about restarting the design review board, he confirmed it would need a new ordinance.

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT

Having no other business, the meeting adjourned at 9:19 PM. The next Regular meeting will be held Tuesday, April 23, at 7:00 p.m. which will be preceded by a Special meeting at 5:30 p.m.

Respectfully submitted by Kathleen Jorgensen Business Assists (907)723-6134 🍷