

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Mandy Cole, Chair

June 25, 2024

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Pedersen.

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; Nina Keller; David Epstein, Jessalynn Rintala, Lacey Derr

Commissioners present via video conferencing – None

Commissioners absent: Travis Arndt, Clerk; Matthew Bell, Assistant Clerk; Adam Brown

Staff present: Jill Lawhorne, CDD Director; Irene Gallion, Senior Planner; Nicolette Chappell, CDD Administrative Coordinator; Daniele Gaucher, Administrative Officer; Ilsa Lund, Planner I

Assembly members: Paul Kelly

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

IV. APPROVAL OF MINUTES

A. May 28, 2024 Draft Minutes, Regular Planning Commission

MOTION: by Mr. Epstein to approve the May 28, 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** - None

IX. **UNFINISHED BUSINESS** - None

X. **REGULAR AGENDA**

AME2024 0001 Zoning Upgrade Request
Applicant: Gabe Dunham & David Klein
Location: 12400 & 12410 Glacier Highway

Director's Report

The applicants request a rezone for 1.96 acres from D1(T)D3 to D3 on Glacier Highway west of Auke Bay. In accordance with Title 49 and the Comprehensive Plan, transition zones are intended for higher density development after public water and sewer have been provided. The lots are connected to public water, but not public sewer. Additionally, CBJ 49.35.210(b)(3) prohibits direct access onto an arterial from a parcel of land with less than 500 feet of frontage, less than 350 feet in depth, or less than 36,000 in square feet. These requirements make subdivision of these lots impermissible.

Director Lawhorne added: Even if the rezone were adopted today, that other piece of code would not allow it to be permitted to subdivide.

Staff Recommendation

Staff Recommends the Planning Commission adopt the Director's analysis and findings and **DENY** Rezone Application Permit AME2024 0001

STAFF PRESENTATION – by Director Lawhorne

QUESTIONS FOR STAFF – Mr. Pedersen asked for clarification that the subdivision of the lots on the arterial would not be possible currently or after if the zoning upgrade is approved. Ms. Lawhorne

confirmed that, without changes to code within chapter 35, that was the case. She added this is a topic currently under review but discussions are paused at the moment.

Ms. Cole asked if rezones have been passed without planned sewer attachment in the past. Ms. Lawhorne could not think of an example where this had been the case.

Mr. Pedersen asked if the rezone is approved and the property owner decides to build another dwelling on one of the preexisting lots, what would be the process for approving an onsite septic system? Would CBJ have any oversight of the construction of the septic system? Ms. Lawhorne said DEC regulates septic systems.

APPLICANT PRESENTATION - Gabe Dunham – Property owner, presented his family purchased the property and they would like to build a second home on the property to accommodate his growing family. There are currently neighboring lots that are zoned D3. According to the staff report, the recommendation to DENY is based, in part, upon the lack of city sewer to the property. However, the CBJ does not appear to intend to bring sewer there anytime soon and there are already lots in D3 zoning that have city water but not city sewer. He feels this demonstrates that requiring city sewer is not necessary to support D3 zoning.

QUESTIONS FOR APPLICANT - Mr. Pedersen asked Mr. Dunham if he knew how the neighboring lot owners felt about the rezone. Mr. Dunham said they were in support of the rezone and had signed on as co-applicants. Ms. Cole asked if the co-applicants (Kleins) were planning on using the rezone to subdivide their property. Mr. Dunham was not aware of any such plans.

Mr. Epstein asked about the nearby D3 zoned properties. How do they compare in size, frontage, and other aspects to his property. In essence, is there a fairness issue at play? Mr. Dunham said the other properties he was talking about are immediately across the highway from his property and are roughly the same size and have similar frontage to the highway as his property

COMMISSIONER DISCUSSION – Ms. Lawhorne explained that the zoning districts across the street from the applicant are considered an expansion. The lots are zoned D3. The surrounding area is described as follows: Waterfront commercial around Auke Bay; Spaulding Meadows turns into D18 and passed that out to the gravel pit is all D3.

Mr. Epstein asked if it has always been D3. Ms. Lawhorne said she believes it has been since the 1987 rewrite.

Ms. Cole asked what would be the potential consequences if the PC were to grant this upgrade prior to the sewer line being installed. Would it set an unwanted precedent? Ms. Lawhorne said this would be best answered by an attorney. She said it did have a potential to set precedent. If the PC wanted to allow this one, they would need to take care to clearly state why this situation is different from others so they don't inadvertently allow all transitions zones the ability to automatically upgrade.

Mr. Pedersen felt that the PC should look at each rezone request on its own merits when considering what recommendation to make to the assembly. In this particular case, he felt the upgrade would be appropriate.

Ms. Rintala said she felt comfortable that they could approve this request without setting precedent based on three criteria. First, the applicant does not plan to subdivide. Second, the intent is captured by the parcels already being in a transition zone. Third, this is not an automatic process as each request must come before the PC.

Mr. Epstein pointed out this would potentially add a home to the market and in the current housing situation, that should be considered as one of the merits of the application.

Ms. Lawhorne cited 49.25.210 (b) Residential Districts –

The D-3, residential district, is intended to accommodate primarily single-family and duplex residential development D-3 zoned lands are primarily located outside the urban service boundary where public utilities are not provided. The density reflects the existing pattern of development of properties in the district. There is a limited amount of D-3 zoned lands located within the urban service boundary. ...

****AT EASE 7:34 – 7:41 p.m.****

Prior to making a motion, Ms. Cole spoke to the record that the comments and discussion regarding avoiding precedent was material to the motion to inform the assembly's decision.

MOTION: *by Mr. Pedersen to recommend to the assembly that they approve **AME2024 0001** with the following modifications to staff's findings, analysis and recommendations:*

#5: Changing zoning from D1(T)D3 to D3 would not substantially change the land use, and would conform to the rural low density residential designation. D1(T)D3 clearly demonstrates the intention to upzone.

Finding: Yes. The proposed rezone is in substantial conformance with the land use maps and policies of the comprehensive plan.

#6: Zoning district is in harmony with adjacent zoning.

Finding: Yes. The proposed rezone is in substantial conformance with Title 49 Land Use Code.

The motion passed on roll call vote with no objection.

ARF2024 0001

Applicant:

Location:

Ridgeview Building B: Shift east and provide underground parking.

Glacier Heights LLC

7400 Glacier Highway

Director's Report:

The applicant requests a modification to ARF2024 0001. This application is in response to soil conditions, leveraging the shift to respond to market desires for underground parking and three-bedroom units. The shift increases the distance between the development and the established Vista del Sol neighborhood to the west. Parking requirements remain the same, and parking provided is increased. During final plat approval in April 2023, a Vista del Sol comment requesting definition of the setback details was missed, but can be considered under this case.

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings, and approve the modifications to ARF2022 0001

STAFF PRESENTATION – by Director Lawhorne

Prior to discussion, Director Lawhorne asked for feedback on packet content. Specifically, recent packets have been very large and printing them leads to a lot of waste. The department would like some guidance on how much or how little should be provided in hardcopy as compared to online content.

Ms. Kerr suggested including links to packet materials in the email that is sent out informing commissioners their hardcopy binders are ready for pick up. Additionally, background information from many years ago could be left online with more current items included in the binder. Ms. Cole said that while some things could be left out, she would like pictures in hardcopy.

QUESTIONS FOR STAFF

Ms. Derr noted this is one of a number of modifications to this project and asked how often phased projects come back and how a decision today might affect future phasing. Ms. Lawhorne pointed out that this project is unique in that it is an alternative residential subdivision. Traditional subdivisions maximize the lots and there is not much that can change over time. Most subdivisions around town are around 10-14 lots and are not to the magnitude of this one. Alternative residential subdivisions are intended to be flexible and changes can be expected.

APPLICANT PRESENTATION – Garrett Johnson, Glacier Heights, explained the project could have been planned and permitted piecemeal but he felt that would not have been efficient. He put together the original plan knowing that things might change as the project went forward. The revisions in this amendment serve to make the development less intrusive on the neighborhood but are significant improvements to the development.

QUESTIONS FOR APPLICANT – Mr. Pedersen asked how many spaces would be accommodated in a basement parking garage. Mr. Johnson said 34 spaces are required. There will be 20 underground and a minimum of 14 spaces above.

Ms. Keller referred to the \$1.2M from the Juneau Affordable Housing Fund for 24 market rate units and asked where those 24 units will be and how much will they sell for. Mr. Johnson said those units were located in Building A. Building A is not before the PC with this ARF so will not be considered.

Mr. Epstein asked if the basement parking would be assigned or first come/first served. Mr. Johnson said that has not yet been decided.

MOTION: *by Mr. Pedersen to accept staff's findings, analysis, and recommendations, and approve ARF2024 0001.*

The motion passed with no objection.

XI. OTHER BUSINESS

ARF2024 0001 PROCEDURE MEMO – Ms. Lawhorne presented the memo asking PC to consider delegating review authority to the Director for certain activities for the Ridgeview project.

Ms. Cole asked Ms. Lawhorne if she has received feedback from applicants that the current process is onerous or costly or impeding progress substantially. Ms. Lawhorne said that it does cause time delays to bring the cases before the PC. Additionally, with the staffing challenges at the department, it is burdensome on staff to prepare full cases for each minor modification request.

Ms. Derr said she feels it is important to give the public every opportunity to come before the PC when aspects of the project change.

Ms. Keller asked if there are any ways recipients of the Juneau Affordable Housing Fund are held accountable to ensure they actually build affordable housing. Ms. Cole suggested contacting Planner Meyer about the affordable housing program. Ms. Lawhorne gave a brief history of this project and explained that while there was a loan from the affordable housing fund, the affordability requirement was removed by a former city manager.

XII. STAFF REPORTS – Director Lawhorne reported:

- July 9 meeting is cancelled
- July 23 will have a couple of cases
- She will be on leave through July 11. In her absence, please reach out to Scott Ciambor or Irene Gallion with any questions
- Charlie Ford, Building Official, is retiring Friday
- Jeff Hedges is promoting from Chief Building Inspector to Building Official
- Interviewing for the Chief Building Inspector position will begin this week
- Current job postings include Planner I/II; Admin Assistant and will soon post for Permit Center Manager

- It would be advantageous for PC to have tablets or iPads so they can access the packets directly

XIII. COMMITTEE REPORTS

Ms. Cole reported she had a meeting with the City Manager to gather information regarding the Title 49 process and the PC role in the process

XIV. LIAISON REPORTS – Mr. Kelly reported recent assembly activities include:

- The assembly adopted a resolution renaming the mobile home down payment assistance program to the manufactured home down payment assistance program and increased the cap to \$20,000
- The purchase of Juneau Bone and Joint fell through so the assembly authorized BRH to return the \$8.1M back to their savings
- The Huna Totem appeal will be back before the assembly on July 22

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 8:33 p.m.

The next Regular Planning Commission meeting will be held July 23, 2024 at 7:00 p.m.

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