

Agenda  
**Planning Commission**  
***Regular Meeting***  
CITY AND BOROUGH OF JUNEAU  
*Ben Haight, Chairman*  
May 28, 2019

**I. ROLL CALL**

Ben Haight, 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 p.m.

**Commissioners present:** Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Shannon Crossley, Dan Hickok, Andrew Campbell, Travis Arndt

**Commissioners absent:** Ken Alper

**Staff present:** Jill Maclean, CDD Director, Alex Pierce, Planning Manager; Tim Felstead, Planner II; Laurel Christian, Planner I; Jane Mores, Assistant Municipal Attorney

**Assembly members:** Wade Bryson

**II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None**

**III. APPROVAL OF MINUTES**

A. April 23, 2019 DRAFT Minutes – Planning Commission Regular Meeting

**MOTION:** *by Mr. LeVine, to approve the Planning Commission April 23, 2019, regular meeting minutes with any minor changes by staff or Commission member.*

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

**IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

**V. ITEMS FOR RECONSIDERATION - None**

## VI. CONSENT AGENDA

*Items USE2019 0009, PDF 2019 0001, SMP2019 0002 and SMF 2019 were pulled from the consent agenda and placed under the regular agenda.*

**USE2019 0010:** A Conditional Use Permit for an accessory apartment above a detached garage on an undersized lot  
**Applicant:** Ronald Aline & Sandra Garcia-Aline  
**Location:** 19933 Cohen Drive

Both Mr. Voelckers and Mr. Arndt said they may have potential conflicts associated with this item.

Mr. Arndt said he is acquainted with the applicant and that he spoke with them about the project before they knew they needed a Conditional Use Permit.

*Neither the Commission nor the public voiced any objection to Mr. Arndt remaining on the panel for this item.*

Mr. Voelckers said the architect involved with this item is on his staff, but that he has no involvement with this item or any financial interest in the project.

*Neither the Commission nor the public voiced any objection to Mr. Arndt remaining on the panel for this item.*

### Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 600 square foot accessory apartment above a detached garage.

**MOTION:** by Mr. LeVine, to accept staff's findings, analysis and recommendations, and approve SMP 2019 0010.

*The motion passed with no objection.*

## VII. UNFINISHED BUSINESS - None

## VIII. REGULAR AGENDA

*At the suggestion of Mr. LeVine, the Commission agreed to hear items USE2019 0009 and*

*USE 2019 0013 sequentially as they are both located in the same area and connected through the same developers.*

***Mr. Arndt left the panel for this item, as he has a conflict of interest.***

**USE2019 0009:** A Conditional Use Permit for a 72-unit condominium development

**Applicant:** Travis Arndt

**Location:** Cinema Drive

### **Staff Recommendation**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 72-unit condominium complex in a D15 zone.

The approval is subject to the following conditions:

1. Sidewalk or a separated walking path along Cinema Drive for the length of the development shall be installed by the Developer. If a separated walking path is chosen, the developer shall record an easement for the public use of that path.
2. The applicant shall submit a revised parking plan including the following information to be reviewed during the building permit process:
  - a. Accessible parking spaces
  - b. Pedestrian paths within the development.
3. Parking spaces shall be striped and signed with required accessible signage prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a Certificate of Occupancy, the Developer shall submit a Homeowner's Association (HOA) Agreement that addresses the following:
  - a. Maintenance of the parking and circulation areas,
  - b. Maintenance of the required vegetative cover, and
  - c. Snow storage and disposal.
5. The applicant shall submit a lighting plan for review by the Department during the building permit process, the lighting shall be designed, located, and installed to minimize off-site glare.
6. The applicant shall submit a detailed drainage and snow storage plan to be reviewed during the building permit process.

Mr. Voelckers wanted to address traffic analysis on this issue. He said that is the primary concern he has with this project.

Ms. Christian told the Commission this development is on almost five acres located on Cinema Drive off the Mendenhall Loop Road. It is zoned D15. It is estimated this development will generate about five vehicle trips per condominium unit a day. That figure would equal about

418 vehicle trips per day generated by the condominium development, said Ms. Christian. When the threshold of trips per day is between 250 and 500 vehicle trips per day, the Director can determine that no Traffic Impact Analysis is required. It has been determined that no Traffic Impact Analysis will be required for this project, said Ms. Christian. They have also requested as a condition of approval that the developer install sidewalks on one side of the street, said Ms. Christian.

Mr. Voelckers said he had never seen saw any input from the DOT regional traffic engineer on this development, even though this was motioned by another DOT representative as being an item in the process.

Ms. Christian apologized for the confusion listed in the report. She said the opinion of DOT that this project would not generate too may average daily trips came out in the pre application conference meetings, where it was of the opinion that a development of this size would not generate the average daily trips to trigger a traffic impact analysis for DOT .

Ms. Maclean stated that this DOT opinion in the preapplication meeting is mentioned in the preconference materials before the Commission.

Mr. LeVine said that the other item on the agenda from the same developer in the same area will be generating its own trips per day. He said it seemed to him the trips generated by each use should be averaged together.

Ms. Maclean said that Mendenhall Loop Road is a DOT right-of-way, not a CBJ right-of-way. Therefor, they are very limited in imposing any conditions on that portion of property.

The Alaska Department of Transportation (DOT) does not think a Traffic Impact Analysis is required, said Ms. Christian. She said that DOT plans to construct a turn lane from the Mendenhall Loop Road onto Cinema Drive. It also plans to install a pedestrian light at this intersection. Ms. Christian added that most of the traffic at this intersection is through traffic. She said the one sidewalk or separated path on the side of Cinema Drive, which has no sidewalks today, which they suggest should be upgraded by the developer was a requirement that they could stipulate. They cannot require work along the DOT side of the right-of-way, she added.

Mr. LeVine asked if DOT had considered the cumulative impacts of both proposed developments on Cinema Drive on the traffic.

Ms. Christian said she sent both developments to DOT at the same time, but that she did not know if its traffic analysis addressed each development separately or together in terms of trips per day generated.

Mr. LeVine asked what “level F” service means.

Ms. Maclean said “level F” service is considered as “failing”. She added that DOT has a number of projects planned for the area, which will help address current and future traffic issues in the vicinity. She said DOT may be of the opinion that future work for traffic in the area will have a positive effect on this area as well.

Mr. LeVine asked if the Commission’s input on the level of service might have a positive impact on DOT’s traffic work in the area.

Ms. Maclean said she did not believe that a traffic impact analysis for this area would have any effect on DOT’s projected traffic work for the two primary Valley corridors.

Mr. Dye said he did not see any attendance comment from DOT listed in the preapplication materials. He said he wanted to be able to find the statement from DOT regarding the average daily trips being less than 100 for the peak times.

Ms. Maclean said those comments from DOT are on page 21. She said she also consulted with CBJ Engineering and Public Works to see if they thought a TIA (Traffic Impact Analysis) was necessary. They did not think that a Traffic Impact Analysis is necessary, she said. Since they have no right to require work on a DOT right-of-way, they thought it was better to ameliorate the area where they did have a right to see some positive changes made, which is why they listed the work on a Cinema Drive sidewalk as a condition, said Ms. Maclean.

Mr. LeVine said he is bothered that they have a “level F”, and that the response of the CBJ was that they cannot do anything about that level, so its response was to approve more trips for the area. He asked if there is something they can do within the purview of the Commission to not just continue to approve permits for an area already receiving an “F” grade in service.

Ms. Maclean said she would hesitate to go down that path, considering the increasing development on Douglas Island with just one bridge. She said any action the Commission takes now on this permit may have an effect on future decisions regarding traffic.

#### *Applicant*

Speaking for the applicants, Mr. Doug Trucano told the Commission that he and his partners have constructed condominiums in Juneau at two different locations: Breezy Street and on Riverside Drive. They are building these condominiums to keep them in the price range where more members of the public can afford them. He said he has not noticed any significant problems resulting from the traffic generated by these developments. He said they chose this site because of its proximation to the movie theater so that children in the proposed development could walk to the movies. He said he has driven through the area both at noon and quitting time, and that neither peak traffic time resulted in much diminished traffic flow in the area.

### *Public Comment*

Mr. Chuck Cohen, the manager of Kodzoff Acres, told the Commission that he was here on another agenda item, and that he was not aware this item would be on this agenda. He said that the two items on the agenda concerning added traffic to Mendenhall Loop road should be considered together when considering the traffic effects. The cumulative effects of the traffic on Mendenhall Loop road will add up to a major issue, he said.

### *Commission Comments and Questions*

Mr. Voelckers asked Ms. Mores (attorney) what the Commission's role is in decisions that may involve vehicular safety. He said on a broad level the Commission is to assure that they do no harm, and that public welfare is protected.

Ms. Maclean said she did not want to give the Commission the impression that they were not interested in public safety. She said she consulted City staff and past decisions of the Commission to come to her determination about traffic in the area.

Ms. Mores said there are jurisdictional issues that are appropriate to be addressed by the Commission. She said she did feel the Commission should be cautious in proceeding in proposing conditions to an individual developer. It would be within the Commission's purview to direct the staff to request a meeting with DOT, or invite them to give a presentation about how traffic and its ramifications are addressed, said Ms. Mores.

Mr. LeVine asked if the decision about whether a TIA is required can be made by the Commission.

Ms. Maclean said the Commission does have the authority to override the Director's conditions. She said the Commission does have the authority to require a TIA.

Mr. Campbell asked the staff if they are aware of planned improvements that DOT will be making in the area.

Ms. Christian said she has some idea, which includes two roundabouts for Mendenhall Loop road, plus a pedestrian beacon on Cinema Drive, a crosswalk on Mendenhall Loop road, and a turn lane onto Cinema Drive.

Mr. Campbell asked if there had been mention about additional lanes.

Ms. Christian said she is not aware of whether or not there had been mention about additional lanes.

Mr. Campbell said he had seen mention in DOT tentative advertising on a planning improvements list generated by DOT that vehicular lanes had been mentioned.

Ms. Christian said she was not aware of that.

Mr. Dye asked if DOT had provided a timetable for the Cinema Drive project.

Ms. Christian said she believed the dates may be 2020 or later. She said she thought the Cinema Drive work was bundled with the two roundabouts it had scheduled for 2020.

**MOTION:** *by Mr. Dye, to approve USE2019 0009 and accept staff's findings, analysis, and recommendations.*

Speaking in favor of his motion, Mr. Dye said that reading over the DOT analysis, that he did not think that a TIA was warranted at this time. He said their comments were that they did not expect a significant negative impact on the area with this anticipated additional traffic on Cinema Drive. In addition, said Mr. Dye, the DOT expects to improve traffic flow in this area at a later date. Mr. Dye added that the CBJ cannot do any traffic improvements of its own on DOT right-of-way's.

Speaking in favor of the motion, Mr. Campbell said he feels the Director has done a good job with her analysis, and that he agrees with her decision. It is up to DOT to solve this problem, not the Planning Commission, said Mr. Campbell.

Mr. Voelckers said he would be voting in favor of the motion as well, but with some misgivings. He said he would like to follow up with the suggestion that they have DOT appear before the Commission and give a presentation. He said he would like the Commission to be given the opportunity to express its concern about the traffic situation to the DOT. Mr. Voelckers said it is a problem for him to continue to incrementally increase traffic at an intersection already at "level F" for service.

Chairman Haight said he would also support this motion. In its discussion with DOT, Chairman Haight said he felt it would also behoove the Commission to discuss other roads that have a level F status.

Ms. Maclean said that DOT will have a presentation before the Planning Commission on June 11, 2019, for the Stephen Richards, Mendenhall Loop and Floyd Dryden intersections. At that time, they could also be invited to speak more generally about traffic issues within the community.

Mr. LeVine said they will be adding numerous trips to this intersection, which already has a failing grade. He said it appears the Commission is doing this because only DOT can do something about the traffic situation in this area. He said he has significant misgivings about the incremental additions of traffic to an area already deemed substandard for handling its traffic.

**Roll Call Vote:**

***The motion passed by a unanimous vote.***

<b>USE2019 0013:</b>	A Conditional Use Permit for a 5,000 sq. ft. indoor recreational facility
<b>Applicant:</b>	Juneau Condos LLC

**Location:** Mendenhall Loop Road

***Mr. Arndt is recused from participating on the panel for this item as he has a conflict of interest.***

**Staff Recommendation**

It is recommended that the Planning Commission adopt the director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an approximately 5,000 square foot recreation facility.

The approval is subject to the following conditions:

1. The applicant must submit a lighting plan during the building permit process for review by the Community Development Department; the lighting shall be designed, located, and installed to minimize off-site glare.
2. The applicant shall submit a parking plan during the building permit process for review by the Community Development Department; the parking plan shall include:
  - a. accessible and van-accessible parking spaces
  - b. off-street loading areas
  - c. standard parking spaces
3. The parking spaces shall be striped or wheel stops shall be placed, and spaces shall be signed with required accessible and van-accessible signage prior to the issuance of a Certificate of Occupancy.

Ms. Christian said the proposed 5,000 sq. ft. recreation center for a nonprofit wrestling group is located on Mendenhall Loop road, with access only from Mendenhall Loop Road. Duck Creek, an anadromous waterbody, runs through the parcel. She said the project is expected to generate an estimated 29.2 Average Daily Trips (ADT's). The site is around twenty acres, with a zoning of D15, said Ms. Christian.

She said plans for drainage and grading are typically reviewed under the building permit process. The building will be constructed above the flood plain, in accordance with the existing 2013 flood plain maps, which will be changed soon. This facility is a conditional use within the Table of Permissible Uses, said Ms. Christian.

***Commission Comments and Questions***

Mr. Voelckers asked if the hard line displayed on the map represents the property line.

Ms. Christian said the hard line represents the base flood elevation transect. It is a coincidence that it is also located near the property line, she added.



Mr. LeVine noted the staff analysis calls for 20 parking spaces, but that the parking plan provided by the applicant is for over twice that many parking spaces. He asked if the staff had given thought to actually requiring more than 20 parking spaces for the facility.

Ms. Christian said the staff had not given thought to requiring more parking spaces.

Ms. Maclean said she wanted to make it clear that the CBJ is not holding up the adoption of the 2018 flood maps. FEMA adopts those maps, and they are late in providing the update, she said. Adoption of the updated plan is probably about a year out, said Ms. Maclean.

Mr. Voelckers said he is frustrated that the drawing shows where the driveway is intended, and that it is relatively close to Cinema Drive. He asked if DOT had expressed any reservations about that location.

Ms. Christian said DOT did not make any comment about the drive location. It was interested in where the curbs would be situated, the appearance of the drive, and how crossing the bike path would look, she added. She said they wanted more information on these items before providing comments on the driveway.

Mr. Voelckers said he did not think it was a typical practice of DOT to allow incremental property driveways at this point.

Ms. Christian said it is her understanding that if a property's only access was on to a DOT highway, that it would issue a driveway permit. Every legal lot can be granted a driveway, she said.

Mr. LeVine asked if the lot fronted Cinema Drive.

Ms. Christian said it did not front Cinema Drive.

Mr. Dye asked if the contour lines on the current map correspond to the new FEMA maps.

Ms. Christian said she was not sure what FEMA used to accomplish its current mapping.

Ms. Maclean said she thought that FEMA used LIDAR for its draft FEMA maps for 2018.

Ms. Mores clarified that even though Mr. Arndt has interests in two items on the agenda, that since he is the primary landowner on this item that he is free to testify before the Commission.

*Applicant*

Mr. Arndt told the Commission their goal is to build a home for the wrestling club in town. He said it is very difficult to find locations for their club to practice. Gym space in the schools is

typically only available late in the evening after the school programs have finished, he said. This is difficult especially for younger children, and also the parents. Mr. Arndt said there has been some concern of the public over the impact to property values in the area. He said the recreational facility should instead be a boon to property values, which he learned after speaking with numerous appraisers. He handed out a letter to this effect from a local appraiser.

Wrestling club secretary Summer Baxter said the club is a nonprofit entity. She said their club is also a financial support for wrestling in the schools. They utilize many sources of donations, which helps to offset the costs for gear and travel, she said. They had over 80 youth from Kindergarten through 12<sup>th</sup> grade in their program, she said.

Mr. Arndt said the proposed elevation in the new FEMA maps is actually lower than the elevation on the current map.

Mr. Hickok asked where the current location for the club was located.

Mr. Arndt repeated for Mr. Hickok that they had no club location, which is why they are building their own facility. He said they rent space and sometimes use space at the gymnastics academy.

Mr. Voelckers asked for more information on how they anticipated to use their building.

Mr. Arndt said the facility would not be big enough to host a tournament. They would have to use a larger school space for that, he said. Mr. Arndt said they do want to plan for those occasions when there would be a larger number of participants at the facility, which is why they plan to install over twice as many of the parking spaces required by the staff.

Ms. Crossley asked if there are also condominiums and mobile homes adjacent to the gymnastics academy.

Mr. Arndt said the gymnastics academy is in an area of single-family homes.

#### *Public Comment*

Charles VanKirk told the Commission there have been numerous athletes in his family over the years, and that wrestling has served them well. He said it would be wonderful to have their own facility, and that it would help participants when competing in the state.

Ken Brown said he is the previous secretary of the club. He added that he is the former coach for Juneau Douglas High School wrestling, and he now coaches middle school students. He said the facility would be a great opportunity for the wrestling club.

Dana Richards told the Commission she is in support of the new wrestling facility, and that

wrestling is a great sport for children. She said the new site would make life easier for youth and their parents.

Austin Quintero said he is involved with another club for the grappling arts, and they often share participants with Juneau Youth Wrestling. He said his daughter, who is five, will be starting wrestling next year, and that the recreational facility will be a benefit for the community, and that it is within walking distance for many youth, and is within proximity to several schools.

Janet Lassiter said she is the site manager for Kodzoff Acres Mobile Home Park. She spoke against the location for the facility, stating that they had concerns about the facility being the cause of future flooding, that it would have a negative impact on home value in the area, and that they were also concerned about the additional traffic generated by the facility. She said the postcards sent out about the facility wrongly marked Cinema Drive as its entrance, that posted signs were hidden from residents, that there was no drainage plan, and no green space proposed between Kodzoff Acres and the proposed facility.

Jim Erickson said his son has been involved with the Tornadoes wrestling program for many years. He said this program is composed of dedicated parents and participants. He said there will not be 80 participants at the facility at one time, and that typically there would be 15 to 20 participants.

Mr. Gerald Wilson said he lives on Glacierwood Drive and that this property would be located against his back yard. He said this seems like it is a great program, but that he would like to see a buffer between his property and the proposed facility.

Joe Lassiter said he is in favor of any sports program for the benefit of youth. He added that he feels this is the wrong lot for the facility, as it will take away the drainage area for Kodzoff Acres, and create problems for anyone living next to the creek.

Jan Cummins told the Commission that she is the mother of five children who have wrestled with the club, and that her husband has been a coach in Juneau for a number of years. She said wrestling teaches children self-discipline and self-control, and that the children are positively guided by physical activity.

Carson Cummins said the facility would give the participants more space and alleviate the odd hours they were often forced to practice due to a lack of space of their own. He said wrestling gives kids a "legal way to roughhouse", and that the proposed facility is in a good location for access by the community.

Club participants Jaeger and Dane Hubert told the Commission they were in favor of the facility. They said they would not need to stay up as late at night to participate in practice, and that

there would be adequate parking at the facility as opposed to the gymnastics academy, which has a very small parking space.

Camden Erickson said he has been wrestling for 11 years. He said that sometimes they have had to cancel practice due to a lack of space to practice. He said he felt the advantages of the facility outweighed the disadvantages.

Kerra Baxter said this is her third year of wrestling, and that she loves it. She said it teaches participants how to win and lose gracefully.

Stephanie Harvey said she is the vice president of the wrestling club. She said her two children, a first grader and a sixth grader, have participated in wrestling since preschool. She said the sport teaches children good sportsmanship and self-confidence, and that the late hours often required so that there would be a space available for practice, turned off parents who would otherwise want to have their children participate in the sport.

Lynn VanKirk said for many years she has ferried children to multiple locations so they could participate in wrestling. She said the recreational center would provide a permanent location, and that there would be adequate parking, unlike the parking at the gymnastics academy.

Ben Ny said he is in favor of the facility. He said he has had two children go through the program. He said building codes are already in place and that as the property development proceeds, that the questions posed by the neighbors would be answered.

Logan Harvey told the Commission that he has been a coach for youth wrestling for six years. He said if there are concerns by the neighbors regarding the facility, that the parents in the club have many talents in the building trade, and that they would be willing to help out with any problems.

Chad Scussel said he is in favor of the program and the proposed facility location.

Mr. Chuck Cohen said he is the managing member of Kodzoff Acres. He said his concerns are for the residents of the mobile home park. He said they have sent 18 letters against the facility to the Planning Commission. He said he is in support of wrestling, but not at this location, which has no proposed vegetative barrier between the proposed facility and the mobile home park.

#### *Commission Comments and Questions*

Mr. Dye asked Mr. Cohen how he would like the use regulated.

Mr. Cohen said there has to be a legal entity identified with the use so that it could be regulated in the future. He said there was no public meeting on this facility, that there had been no opportunities for the neighbors to provide input, and that the application does not have floor plans, elevations, or drainage information supplied. He said the conditions specified in the permit have nothing to do with the actual problems that would be created by the facility.

Mr. Dye clarified that the drainage from the Kodzoff Acres property drains to the property of the proposed facility.

Mr. Cohen verified that it did drain to the proposed property.

Mr. Voelckers asked Mr. Cohen what specific understanding he has about the proposed building site.

Mr. Cohen said the LIDAR data for the 2013 maps was incorrect, and that the surface grades were not correct. He said if the building is placed next to the road of Kodzoff acres, there will be nowhere for the water to drain. He said there is no water provided for the site and there remains the problems of access and buffering. The real problem is drainage, and the conditions specified have nothing to do with the actual problems.

Mr. Dye asked if there is a water collection site on the Kodzoff Acres property.

Mr. Cohen said that there was one on the site.

Mr. Hickok asked if ascertaining if a property is viable for the permit request is not required at the beginning of the process.

Ms. Maclean said this is true, but that if the project were approved there would be further permit requirements. Ms. Maclean apologized that all of the boxes of the application were not checked, but showed that the following pages in the application had all of the information Mr. Cohen claimed was missing.

Adam Messner told the Commission that he has been a wrestling coach for ten years. He said that every year the participants pick up garbage from McDonalds to past Kodzoff Acres. He said a third of the garbage they collect comes form the trees near Kodzoff Acres, and that it is needles. He said he felt having the program located at a permanent location in the Valley, and being more accessible to more families, would help with the drug situation in town, by providing youth with a more healthy and positive activity.

Ms. Maclean said the CDD does take public notice very seriously, and that public notice was properly posted for this facility. She said it properly identifies the property in question.

Mr. Arndt said the public notice sign was not just for Kodzoff Acres, but also for all of the public. Mr. Arndt added that there is no drainage easement provided by Kodzoff acres between the two properties, and that after listening to Mr. Cohen, it appears that there is an issue of Kodzoff Acres drainage entering their property. He added that Kodzoff Acres has been storing snow on their property. The debris in the buffer area was removed before they purchased the property, said Mr. Arndt. He said the area where Kodzoff Acres wants the buffer is the area where they have been storing their snow.

Mr. Voelckers asked the applicant if they had thought of creating a larger buffer on the Kodzoff Acres side of the property by angling the site, slightly, to provide a little more buffer for the Kodzoff Acres residents.

Mr. Arndt said the area where the debris was removed from the buffer area is greater than the size of the building. They tried to leave a buffer of trees along Mendenhall Loop Road, said Mr. Arndt. If they move the building, it would make less space for the parking area, said Mr. Arndt.

Mr. Dye asked the applicant about the use of a type of pavement where water can go through. He asked if they had thought of that option for this property.

Mr. Arndt said they plan on a gravel parking lot for the foreseeable future, which would allow for water drainage.

Chairman Haight asked what their plans were for providing utilities to the site.

Mr. Arndt said they have several options for utilities, and that connection to the sewer is just down the street.

Chairman Haight asked if they had thought of providing a provision to the existing pathway to Mendenhall Loop Road.

Mr. Arndt said he thought that was a great idea.

Mr. Dye asked if the use of the property was changed if a new Conditional Use Permit would be necessary.

Ms. Maclean said if the facility was sold, that a new permit would not be necessary for the new owners and the current permit could be modified if it was for a similar use. If the use were substantially different, then the new owners would have to acquire a new Conditional Use Permit.

Mr. Campbell asked if the wrestling club could rent their facility to other activities to keep the costs down.

That would be fine if the use was in line with the wrestling club's Conditional Use Permit, said Ms. Mores.

Mr. LeVine said the Commission may want to keep the use for the facility fairly open so that other activities could make use of the facility. He said it seemed to him that a youth facility would suit the purpose.

Mr. Voelckers said there appear to be divergent opinions on the watershed. He asked if the Commission should be addressing the hydrology of the site, or if this was a mechanism taken

care of at a different stage of the development.

Ms. Maclean said if the permit is approved, the applicant will need to apply for a grading permit, and then the engineering staff would review it for drainage, and the staff would evaluate it for the flood plain.

Mr. Voelckers asked if there is a mechanism to sort out the hydrology of the site if the threshold is not met, at 40 yards of fill, for example.

Mr. Campbell said he could guarantee there is no way this project could be accomplished for less than 50 yards of fill.

Ms. Christian said when the building permit is reviewed, that a survey is required in order to receive a certificate of elevation.

**MOTION:** *by Mr. Levine, to approve USE 2019 0013 and accept staff's findings, analysis and recommendations.*

Speaking in favor of the motion, Mr. Campbell said the applicant has provided documentation that property values would not be negatively affected. There is no proof that there is a drainage issue, he said. They have already discussed the traffic issue, which DOT has deemed would not significantly effect the area. There are numerous ways that utilities can be brought to the site, he said. The placement of the building on an awkward corner lot seems to be putting the land to good use, said Mr. Campbell.

Speaking in support of the motion, Mr. Dye said he agrees with the assessment of Mr. Campbell.

**Roll Call Vote:**

***The motion passed by unanimous vote.***

<b>PDF2019 0001:</b>	A major amendment to Montana Creek West Planned Unit Development (PUD) to allow subdivision of two (2) lots into four (4) lots
<b>SMP2019 0002</b>	Preliminary plat approval for a major subdivision within Montana Creek West Phase 2B PUD
<b>SMP2019 0001</b>	Final plat approval for a major subdivision within Montana Creek West Phase 2B PUD
<b>Applicant:</b>	Roscoe G Bicknell III & Roscoe Bicknell IV
<b>Location:</b>	Timberwolf Lane

*Ms. Crossley disclosed that she is the first cousin of Mr. Felstead, the staff in charge of these items, but that she has no financial interest in these items.*

***Neither the Commission nor the public voiced any objections to Ms. Crossley remaining on the panel.***

### **Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Final Plat. The permit would allow Final Plat Approval for the subdivision of Lots 5 and 11, Montana Creek West Phase 2B.

Mr. Felstead told the Commission the applicants are proposing to further subdivide two lots into four lots within the Montana Creek West Planned Unit Development (PUD). This would be an amendment to the existing PUD approval, he said.

Mr. LeVine said he felt the conditions could be shortened as the explanations are already in the staff report. He asked if Mr. Felstead would be amenable to shortening some of the conditions.

Mr. Felstead said that would be no problem.

### ***Public Comment***

Jared (no legible last name provided) told the Commission that his wife has a disease that makes his wife very sensitive to mold. Their only option is new construction, he said. In order for this to be affordable for them, the lots need to be subdivided, he said. They would then contract with Bicknell Construction, which would build them a house, he said.

Mr. Felstead said they need the final plat preliminary approval and final plat approval on this item.

If they provide these approvals, they can strike all of the conditions from SMF2019 0002, said Mr. Levine, and from SMF2019 0001, if they do them in order.

Chairman Haight voiced no objection to the suggestion of Mr. LeVine.

Mr. Felstead agreed with Mr. LeVine, and said that first the Commission must approve the PUD amendment, then the preliminary plat, and then the final plat.

Mr. LeVine suggested that they change Condition 2 to: *Planned Unit Development, Plat Note 1, shall be amended to accurately reflect the number of dwelling units per lot.* He suggested that Condition 4 be changed to: *Planned Unit Development Plat Number 5 shall be amended to make clear that the restriction to one dwelling unit does not preclude accessory apartments.* The plat note should additionally state: *That accessory apartments may be allowed in accordance with accessory apartments.*



**MOTION:** *by Mr. LeVine, to accept staff's findings, analysis and recommendations, and approve PDF2019 0001 subject to the small corrections to the conditions named above.*

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

**MOTION:** *by Mr. LeVine, to approve SMP2019 0002 and SMF2019 0001 and accept staff's findings, analysis and recommendations, striking all of the conditions written into the staff report as they are unnecessary.*

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

**CSP2018 0012:** Planning Commission review of Fiscal Year 2020 Capital Improvement Program

**Staff Recommendation**

It is recommended that the Planning Commission report to the Assembly that the CIP projects recommended for funding in FY2020 as listed in Resolution 2845(c) conform to the policies of the Juneau Comprehensive Plan.

Mr. Felstead told the Commission that this version of the CIP, which will be presented to the Assembly on June 3, 2019, has very few changes to the previous version reviewed by the Commission.

**MOTION:** *by Mr. Dye, to move CSP2018 0012 favorably to the Assembly with the recommendation that this CIP is in conformance with the Comprehensive Plan.*

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

Mr. LeVine commented that he thinks this CIP process is slowly improving. He said he wanted to note that at least one of the items recommended by the Commission, which is the money to begin the study for the Capital Avenue improvements, has remained in the CIP. He said his neighbors in the Flats have commented on this favorably and he said that he appreciates that it has remained in the CIP.

**VIII. BOARD OF ADJUSTMENT - None**

**IX. OTHER BUSINESS - None**

**X. STAFF REPORTS**

Ms. Maclean reported that May 29, 2019, is the neighborhood meeting for the Auke Bay zoning. She said this is the second to the last meeting.

The Title 49 committee meeting is May 30, 2019, at noon at CDD offices to discuss shared access. She said that the Title 49 committee might want to consider that accessory apartments on substandard lots do not need a Conditional Use Permit provided they can meet the parking requirements. She said a request of this nature has not yet been turned down by the Commission.

Ms. Maclean said there will be a Committee of the Whole meeting on June 11, 2019, at 5:45 p.m., prior to the regular meeting, to discuss the rules of order.

#### **XI. COMMITTEE REPORTS**

##### *Downtown Blueprint Juneau*

Mr. Dye reported that Downtown Blueprint Juneau met and decided they need to meet in a larger venue. The main subject at the meeting was the need to identify sub areas early in the process.

##### *Lands Committee*

Mr. Voelckers reported the Lands committee met and identified that the City has a few leased properties up for auction. There was also some discussion about a gravel site across from Skater's cabin dumping some refuse in that area.

##### *Public Works and Facilities*

Mr. Campbell reported that the Public works and Facilities committee met on May 20, 2019. They had an update on the Centennial Hall remodel, and a presentation by Michelle Elfers on the playground CIP.

#### **XII. LIAISON REPORTS**

Mr. Bryson reported that on May 15, 2019, the Assembly finance committee did pass the City budget for \$375 million. That includes Bartlett Hospital, the airport, and the school district allocations, he said. The Assembly had a Committee of the Whole meeting on May 20, 2019, where they discussed a potential ordinance for nuisance properties. They had an update from the Valley Transit Center. Tax abatement is a forthcoming topic for the Assembly, said Mr. Bryson. Mr. Bryson said he was not sure if it was appropriate to ask the Commission to give its opinion on the topic to the Assembly.

Ms. Mores said she does not see where weighing in on the tax abatement issue really fits the duties assigned to the Commission within Title 49. She said if the Assembly requested an opinion from the Planning Commission, then that would be appropriate.

#### **XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. EXECUTIVE SESSION - None

XVI. ADJOURNMENT

*The meeting was adjourned at 10:42 p.m.*