

Minutes  
**Planning Commission**  
***Regular Meeting***  
CITY AND BOROUGH OF JUNEAU  
*Michael LeVine, Chairman*  
April 12, 2022

I. **LAND ACKNOWLEDGEMENT** – Read by Vice Chairman Dye.

II. **ROLL CALL**

Michael LeVine, 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, virtually via Zoom Webinar, and telephonically, to order at 7:01 p.m.

**Commissioners present:** All Commissioners present in Chambers – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

**Commissioners absent:** Paul Voelckers, Clerk

**Staff present:** Jill Maclean, CDD Director; Irene Gallion, CDD Senior Planner; Breckan Hendricks, CDD Administrative Officer; Ryan Roguska, CDD Administrative Assistant I; Sherri Layne, Law Assistant  
Municipal Attorney

**Assembly members:** None

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

IV. **APPROVAL OF MINUTES**

A. Draft Minutes December 14, 2021, Planning Commission Regular Meeting

**MOTION:** *by Mr. Arndt to approve the December 14, 2021 Planning Commission Regular Meeting minutes.*

B. Draft Minutes February 22, 2022, Planning Commission Regular Meeting

**MOTION:** *by Mr. Arndt to approve the February 22, 2022 Planning Commission Regular Meeting minutes.*

C. Draft Minutes March 8, 2022, Planning Commission Regular Meeting

**MOTION:** *by Mr. Arndt to approve the March 8, 2022 Planning Commission Regular Meeting minutes.*

V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Chair LeVine explained the procedures and rules for public to participate either via Zoom or in-person.

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

VII. **ITEMS FOR RECONSIDERATION** – None

VIII. **CONSENT AGENDA**

~~CSP2022 0001: CBJ Land Disposal – 1 Acre to Brian Maller  
Applicant: City & Borough of Juneau and Brian Maller  
Location: Fritz Cove Road~~

**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 approximately one-acre land disposal.~~

IX. **UNFINISHED BUSINESS** – None

X. **REGULAR AGENDA**

CSP2022 0001: CBJ Land Disposal – 1 Acre to Brian Maller  
Applicant: City & Borough of Juneau and Brian Maller  
Location: Fritz Cove Road

**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 approximately one-acre land disposal.

**STAFF PRESENTATION** – Director Maclean presented CSP2022 0001.

### **QUESTIONS FOR STAFF**

Ms. Cole asked why the parcel would be marked 'retain or dispose' rather than one or the other. Ms. Maclean explained many CBJ parcels are marked 'retain or dispose' and those marked for disposal are often disposed to adjacent development. This particular parcel is 400 acres and some portions may be marked retain while others are available to be considered for disposal.

Mr. Hickok asked if the purchase will create a single continuous lot. Ms. Maclean said the purchaser would be expected to consolidate the lots but could later subdivide or exercise other options under the land use code. Mr. Hickok asked if the owner could later have the parcel rezoned. Ms. Maclean said it would be a possibility but it would have to be two acres, which this parcel may be, and would have to conform to the comprehensive plan.

Ms. Maclean explained **CSP2022 0001** is a disposal and not a conditional use permit. The CBJ Lands Department is the applicant as they are applying to dispose of the land and Mr. Maller is the purchaser. Ms. Maclean clarified the responsibility of the PC is to look at it through the lens of the comprehensive plan, land management plan and housing action plan and not under Title 49.

### **APPLICANT PRESENTATION**

Dan Bleidorn, Lands Manager, explained the assembly received an application to purchase this lot and offered to answer questions.

### **QUESTIONS FOR APPLICANT**

Ms. Cole asked if a request for purchase from other adjacent landholders would be treated similarly to this application. Mr. Bleidorn said the only thing that would prevent them from working with landowners would be if there was something unique that would force the CBJ to want to retain a piece of land. He gave examples of stream corridors or wetlands.

Mr. Winchell asked does it make sense to direct negotiation for additional proposals. Mr. Bleidorn explained if there was some feature, such as a road frontage, that made it adjacent to other lots, then they might be allowed to also apply.

### **PUBLIC COMMENT**

*Roger Healy, Fritz Cove Road* – spoke with concern that the additional acre will make this consolidated lot 72,000 or 76,000 square feet. The lot is basically a cliff off the existing lot. There will be 400 to 800 truckloads of rock debris that will need to be removed to develop the lot. Where is the debris going and is this the best example for housing? He is supportive of building

a house on this lot but has concerns with the excavation that would be necessary to develop for a second.

Mr. Dye asked if there is any specific comprehensive plan or other plan he can cite to support a Commission vote against the application. Mr. Healy said he could not off the top of his head.

Mr. Pedersen asked Mr. Healy whether his concern was based on the second dwelling being built or on the clearing of the land. Mr. Healy is not opposed to the concept of enlarging and developing the lots but this particular one will have a substantial impact.

#### **ADDITIONAL APPLICANT COMMENTS**

Mr. Bleidorn appreciated Mr. Healy's concerns but had nothing else to add.

Mr. Arndt asked about the sewer and city services along that property regarding the second dwelling. Mr. Bleidorn said he thinks there is city water but not sewer in that area. If the purchaser acquires the property, they will need to address that once the purchase is approved.

Mr. Dye asked if the Land department gives weight to the purchaser's plan for the lot when considering whether or not to dispose of it. Mr. Bleidorn explained in some instances, they do.

Mr. Dye asked if there is a claw back clause if the purchaser does not use the lot as they said they would. Mr. Bleidorn said in some circumstances they can do that.

Mr. Arndt asked if there was any sort of deed restriction in this case. Mr. Bleidorn said there was not.

#### **ADDITIONAL QUESTIONS FOR STAFF**

Mr. Dye asked how the code section cited in the packet [*CBJ 49.15.580(a)*] applies to this CSP.

Ms. Maclean said the code does not apply and the citation was mistakenly left in the packet.

**MOTION:** *by Ms. Cole to adopt the Director's analysis findings and forward the recommendation of approval of **CSP2022 0001** to the assembly for land disposal.*

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

<b>AME2021 0010:</b>	A rezone of 2.6 acres from D10 to <del>Neighborhood Commercial (NC)</del> or (removed by amendment) Light Commercial (LC)
<b>Applicant:</b>	Edward Rivera
<b>Location:</b>	Glacier Highway

#### **Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the Assembly for the requested rezone for 2.6 acres from D10 to Neighborhood Commercial (NC).

**STAFF PRESENTATION** by Senior Planner Gallion.

**QUESTIONS FOR STAFF**

Mr. Alper asked if Staff has a preference of one of the choices over the other to be approved. Ms. Gallion said the preference is for Neighborhood Commercial (NC).

Mr. Pedersen asked if there was any analysis whether the rezone should apply to adjacent properties. Ms. Gallion said they did send abutter notices and got no response.

Mr. Dye asked if it is important that the first NC proposed is not a TTC (Traditional Town Center). Ms. Gallion answered what is important is that this rezone meets the needs of the neighborhood and the comprehensive plan.

Mr. Arndt said this looks like it will be a commercial island in the middle of a residential area. Ms. Maclean answered according to the Code a zone has a minimum of two acres. This area meets that minimum and there are other similar instances of this.

Mr. Winchell asked if there is any point to medium density designation if they do not plan to go back to residential for the lot. Ms. Maclean explained that the medium density designation includes a variety of uses besides residential.

Mr. LeVine asked if what currently exists on the property is relevant to the PC determination. Ms. Gallion said if they were creating a non-conforming from a conforming use then it would apply. However, it is not relevant to this situation. Mr. LeVine asked is there any advantage to the landowner to be NC rather than Light Commercial (LC). Ms. Gallion said the mission of the Catholic Community Services (CCS) is to provide what is needed in the community. Ms. Maclean explained the NC designation would provide appropriate flexibility to the applicant if they want to expand in the future.

**APPLICANT PRESENTATION**

Erin Walker-Tolles, Executive Director, Catholic Community Services (CCS), spoke, saying they do prefer Neighborhood Commercial for the flexibility it provides. Their plans for the property have changed in the year since the permit application was submitted. They would like to be able to use the property to expand and consolidate services to seniors and to provide apartments as low-cost housing for traveling health care providers.

**QUESTIONS FOR APPLICANT**

Mr. Dye asked if LC would provide more housing options. Ms. Walker-Tolles said either would work. Mr. Winchell asked if more allowable units would be useful. Ms. Walker-Tolles said rather than housing what they need is CIP funding. The housing they are currently interested in developing is housing for traveling caregivers and healthcare staff and not long-term permanent housing.

Mr. Alper asked Ms. Walker-Tolles if the requirement that construction be close to the street would fit with their vision of how they plan to use the property. Ms. Walker-Tolles felt that would actually fit well with their plans and reiterated their immediate goal would be to put the currently vacant building on the lot to good use.

Mr. Dye asked if it would be feasible to put the parking behind rather than in front of the building. Ms. Walker-Tolles said she did not know at this time.

Ms. Cole asked if they had reviewed the proposed hazard maps and had that affected their plans. Ms. Walker-Tolles said she had not.

Mr. LeVine asked if the building they want to rehab is the one 8 feet from the road. She said it is not that one and any construction would be further back from the road.

#### **COMMISSIONER DISCUSSION AND QUESTIONS FOR STAFF**

Mr. Arndt asked what tends to be used more, setback from property lines or pushing to maximum heights. He felt the setback would be more in keeping with the neighborhood than the height. Ms. Maclean said the Department has recommended NC. Ms. Maclean added for Ms. Cole that this lot is not on the Hazard area.

Mr. Arndt asked if sidewalks would be required if this were to pass. Ms. Maclean explained that would not be a factor with this rezone. Mr. Arndt asked “do we want sidewalks to be a priority in this area.” Ms. Maclean said that would be a goal but given that sidewalks are incredibly expensive, it is not normally pushed onto the property owner. Ms. Gallion added there is a sidewalk on the opposite side of the road and there are bike paths on both sides.

Mr. Dye pointed out the table used in the staff presentation did not appear to reflect the most recent version of Code and asked for clarifications regarding the setbacks and heights in the table. Mr. LeVine asked if the currently existing buildings might become nonconforming as a result of the rezone.

**\*\*AT EASE 8:24 p.m. – 8:39 p.m.\*\***

Regarding setbacks and heights, Ms. Gallion cited the table of dimensional standards and **CBJ 49.25.430(8)** as it applies to construction of buildings. Ms. Gallion said when the code was being

developed the goal was *not* to make existing construction nonconforming. She cited **CBJ 49.25.430(7)**, and explained this applies only to new or altered buildings. If the applicant were to alter an existing building, then this code would apply.

**MOTION:** *by Mr. Winchell to accept staff's findings, analysis and recommendations and recommend approval of **AME2021 0010** to the Assembly of the rezone to Neighborhood Commercial.*

Mr. Winchell spoke to his motion saying this is what Catholic Community Services has requested and he supports granting that request. Ms. Cole spoke saying she is conflicted because although the applicant asked for NC, she feels LC would be more beneficial.

**MOTION:** *by Mr. Dye to amend to forward a recommendation of Light Commercial to the Assembly.*

Mr. Dye spoke to his motion saying he feels LC is more appropriate in this instance. He believes NC will be a great zoning district but it belongs in the TTC.

Mr. Alper and Mr. Winchell spoke against the motion to amend while Mr. Arndt, Mr. Pedersen, and Mr. LeVine all spoke to support it.

Mr. Winchell spoke against the motion to amend saying every question he asked was answered in a way to support NC. He added Staff and the applicant had both expressed a desire for NC and he supports giving them what they are asking for.

**ROLL CALL VOTE ON THE MOTION TO AMEND:**

**YES:** Dye, Hickok, Pedersen, Cole, Arndt, LeVine

**NO:** Alper, Winchell,

***The motion to amend passed 6-2.***

Ms. Cole submitted the findings as presented with a change to finding #5 from Neighborhood Commercial to Light Commercial. Mr. Alper suggested changing the 15 to 30 to match the density of Light Commercial zoning.

**AMENDED MOTION:** *to accept staff's findings, analysis and recommendations and recommend approval of **AME2021 0010** to the Assembly of the rezone to ~~Neighborhood~~ **Light** Commercial.*

**ROLL CALL VOTE ON THE AMENDED MOTION:**

**YES:** Winchell, Alper, Hickok, Pedersen, Cole, Arndt, Dye, LeVine

**NO:** [none]

***The amended motion passed 8-0.***

**XI. OTHER BUSINESS – None**

## **XII. STAFF REPORTS**

Director Maclean reported the Assembly Committee of the Whole met to discuss downtown parking and the new city hall.

She also thanked members for coming to tonight's Committee of the Whole for the training and she acknowledged MIS and staff for all their help.

Mr. LeVine added his thanks for making this first hybrid meeting so smooth.

## **XIII. COMMITTEE REPORTS**

- Mr. Arndt reported Title 49 met and will meet again via Zoom on April 21. The coastal zone rewrite is being heard. The ADOD and pre-applications are topics currently being considered.
- Ms. Cole reported Assembly Lands Committee met last night. Topics discussed included the temporary closure of Auke Lake to accommodate the Iron Man competition, Draft Travel Juneau MOA for Lands/Housing review, and the 35-mile off road vehicle riding park.

Mr. Alper asked how long Auke Lake would be closed for Iron Man. It will be closed for August 6-7, 2022.

- Mr. Pedersen reported the Douglas/West Juneau steering committee has met and heard presentations from CBJ Docks & Harbors, and CBJ Parks.
- Mr. Arndt reported the CIP Committee is leaning toward not reviewing the current CIP plan because they received the plan too late to comment this year but they would rather begin right away on next year's CIP plan

## **XIV. LIAISON REPORTS – None**

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

## **XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Dye asked when the Commission would be hearing the streamside setback ordinance.

Ms. Maclean said it is coming back, but she did not have a date yet. She added that the joint meeting with the Assembly will be in August.



Mr. Pedersen noticed the removal of lot depth from the dimensional standards table was not included in the ordinance.

Ms. Maclean said she will look into that.

Mr. LeVine thanked staff and the Commission for a successful meeting.

**XVII. EXECUTIVE SESSION – None**

**XVIII. ADJOURNMENT – 9:16 p.m.**

Next Regular PC Meeting April 26, 2022, 7:00 p.m.