

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Daniel Bruce, Chairman

REGULAR MEETING
March 25, 2008

I. CALLED TO ORDER

Vice Chair Gladziszewski 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: Nancy Waterman, Michael Satre, Dennis Watson, Dan Miller, Maria Gladziszewski

Commissioners absent: Victor Scarano, Linda Snow, Frank Rue, Daniel Bruce

A quorum was present.

Staff present: Dale Pernula, CDD Director; Teri Camery and Benjamin Lyman, CDD Planners

II. APPROVAL OF MINUTES

February 19, 2008 – Committee of the Whole
March 11, 2008 – Regular Meeting

MOTION: by Ms. Waterman, to approve the February 19 Committee of the Whole minutes, and the March 11, 2008 regular PC minutes, with corrections.

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Jonathan Anderson said he appreciates the PC letter provided to the Assembly regarding the Parking Garage/Transit Center. He agrees they should provide for public art for the associated structures, and pushed to have 1% of the budget allocated for art. He said the Assembly is working to appoint an art committee. He recently spoke to Mr. Watt to integrate art into the plans for the facade before the design is finalized, which would probably be exterior art. Mr. Pernula said the April 8 regular PC meeting agenda includes reviews of the Conditional Use permit (CUP) for the Transit Center, the Allowable Use permit (AUP) for the Parking Garage,

and the City-State Project (CSP) review for the entire project. Mr. Anderson noted that there is also a public meeting on the Parking Garage/Transit Center on March 26, 2008 in the Assembly Chambers.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chair Gladziszewski announced there were two items on the Consent Agenda and inquired if there was public comment on those items. No one from the public had questions, and no one from the Commission had comments.

MOTION: by Ms. Waterman, to approve the Consent Agenda per staff's recommendations, as presented.

Mr. Miller noted for the record that a letter was received today regarding CSP2008-00005 from Craig Mapes and Kathleen Wiest, which is in the packet.

There being no objection, it was so ordered, and the two cases below were approved.

CSP2008-00005

A city project review of the North Douglas Sewer Expansion – Phase III (LID 95) project.

Location: Gastineau Channel

Applicant: CBJ Engineering – John Bohan

Staff recommendation: that the Planning Commission recommend to the Assembly authorization of the North Douglas Sewer Expansion – Phase III (L.I.D. 95) project.

USE2008-00009

An Allowable Use permit for change of use of warehouse space from storage to an auto body shop.

Location: 8430 Airport Blvd.

Applicant: Cooper Consulting Engineers

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Allowable Use permit. The permit would allow the development of an automobile repair business within an existing warehouse with the following conditions:

1. The applicant shall submit a site plan delineating the vegetated areas to the CDD prior to the issuance of the building permit.
2. External lighting fixtures shall be designed in a way as to not glare into adjacent lots or right-of-ways, as verified by CDD, prior to the issuance of the building permit.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

APL2008-00001

An appeal of the Community Development Department Director's decision to allow a stair to be rebuilt as a non-conforming condition.

Location: 431 Kennedy St.

Applicant: Ira Winograd

Staff report

Ms. Camery reported that a letter dated March 24, 2008 was provided in the packet from Don and Janet Kussart who are the owners of the subject property regarding APL2008-00001. She said this is an appeal by Ira Winograd of the CBJ Community Development Department (CDD) Director's determination to issue a building permit, and the decision before the PC is whether or not to accept the appeal for further review. She said now is not the time to delve into the details of the appeal, as that would take place at a later PC hearing if the Commissioners so chooses. The Building Permit 2008-00031 authorized the reconstruction of an outside stairway providing access to a single-family dwelling at 431 Kennedy St. The requirements for appeal are under CBJ §49.20.110(a)(b) *Appeals to the planning commission*. The other criteria for hearing the appeal is whether the appeal was filed within 20 days of the date the decision was appealed. She said the applicant filed the appeal on February 19, fourteen days after the building permit was issued on February 5, 2008, which was filed within a timely manner. Staff's position is that the decision under appeal is supported by substantial evidence and involves no policy error or abuse of discretion on behalf of the CDD Director. However, because the applicant has raised various issues regarding access and fire safety, staff does not believe that the appeal presents only minor or routine issues. Staff's recommendation is that the PC should hear the appeal. If the PC decides to hear the appeal, the Commissioners must choose whether to hear the appeal as de novo or on the record.

Staff recommendation: that the Planning Commission hears the appeal, as it does not present only minor or routine issues, and the appeal was filed in a timely matter. If the Commission decides to hear the appeal, it must choose whether to hear the appeal as de novo or on the record.

Commission action

Chair Gladziszewski asked if the Commissioners wished to hear the appeal. Ms. Waterman accepted staff's analysis and recommendations that the PC hears the appeal. Chair Gladziszewski inquired as to whether or not the PC should request to hear from both parties. Mr. Pernula stated that if the PC chooses to do so it would be only on the issue of whether or not to hold the appeal hearing, and if it should be heard as de novo or on the record. Chair Gladziszewski asked if the Commissioners agreed to hear the appeal. It was the consensus of the PC to do so.

Chair Gladziszewski asked if the Commissioners wished to hear the appeal de novo that allows them to take new evidence, or on the record with the existing evidence – whichever is sufficient on which to base a conclusion. Mr. Pernula explained that the record contains the information provided in this meeting packet, plus CDD has additional information on file with the building permit application. Chair Gladziszewski noted that when the Assembly hears appeals of PC

decisions, they have a clear set of procedures and generally those appeals are on the record, not de novo. Mr. Pernula explained the difference with this appeal is that no public hearing has previously been held, whereas the Assembly holds appeal hearings on the record because a record was already established through the PC public hearing process. Mr. Miller asked if de novo or on the record provides for public testimony. Mr. Pernula said former is correct, and arguments would be provided by the Appellant with no new public testimony or evidence provided, other than what is in this packet and the additional building permit application material. He does not believe there is any reason not to allow additional information or public testimony as long as it is pertinent to this case. It was the consensus of the PC to hear APL2008-00001 de novo.

Mr. Pernula believes both parties already made substantial arguments and does not believe the PC has to conduct a briefing process, and instead could hear the appeal, and then make a recommendation on it. He noted that there is a letter he wrote to Mr. Winograd explaining why CDD issued the permit, along with Mr. Winograd's response, which is the basis of the appeal. Chair Gladziszewski said the parties consist of Mr. Winograd and CDD, and proposed that each party should be allowed to submit written brief of information to the PC. Mr. Pernula stated that the PC might contemplate allowing an Intervener, possibly the Kussart's that built the stairway, who might also be afforded the opportunity to submit information to the PC, limiting the each brief to a certain number of pages. Mr. Satre said there is an outline in the notice as to the order in which the PC should hear the appeal; whereby the PC determined that the appeal would be heard de novo, and they are required provide public notice. He then cited a portion of CBJ §40.20.110(b), stating: "The burden of proof in the appeal shall be on the party challenging the decision of the Director." He recalled that previously the PC heard an appeal, whereby the Commission allowed the Appellant, then the Intervener, and then the CDD to be heard, which he felt is the order the PC should follow hearing this appeal. It was the consensus of the Commission to hold the appeal hearing for APL2008-00001 on May 13, with the deadline to submit a total of four pages of briefs per party on the appeal no later than May 6, 2008.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

TXT2006-00003

A review and discussion of the CBJ Comprehensive Plan Land Use and Land Use Maps.

Location: Boroughwide

Applicant: CBJ

Benjamin Lyman reported that during the last review of the CBJ Comprehensive Plan (Comp Plan), they finished reviewing Subarea 4. He noted the 2008 Land Use Maps are now oriented with north at the top and south at the bottom of the page, whereas the 1995 Maps for the most part were not.

Mr. Lyman recommended changing the land use designation immediately above and to the west of Dzantik'i Heeni Middle School from Urban Low Density Residential (ULDR) to Medium Density Residential (MDR). He said the area is well served by urban services so staff

recommends upgrading density in that area. Above that area, the land is too steep and could not be easily developed, so they are leaving it ULDR for the time being, which might be suitable in the future as a Resource Development (RD) designation.

Mr. Lyman noted a portion of CBJ owned property located north of the prison is changing from Institutional Public Use (IPU) to RD transitioning (T) to Industrial (IND) only for heavy industry. The area near the prison is currently being used for rock and gravel extraction, and theoretically in 30 years the CBJ would be finished extracting resources from that site, and then could potentially begin utilizing it for industry uses.

He said regarding the industrial bypass road corridor, a string of e-mails were submitted to the Committee of the Whole (COW) between Assembly member Jonathan Anderson and himself. He explained to Mr. Anderson that they designated Switzer Creek as a stream corridor, and Sunny Point as a CBJ Conservation Area (CA). He said the industrial bypass road corridor shown on the 1995 Maps completes a loop and continues around near the vicinity of Fred Meyer. Staff is recommending that they remove that industrial bypass route from that bench road because they are going to be developing this area for residences, and they do not want heavy truck traffic going through it. Staff is recommending that they delete that half of the route, and instead bring industrial traffic out more directly to Egan Drive. However, Mr. Anderson stated that the Assembly has not identified an exact road corridor (*Lemon Flats Second Access*), although they reviewed several alternative routes for a road that might connect the Anka Street area to Concrete Way, along with several alternative routes, so he did not believe this should be reflected on the Comp Plan Maps. However, staff recommends that they still show a general route as a placeholder, and provide a notation stating in the legend that the alignment of the potential road corridor is not specific, which is similar to the multiple potential alignments for the North-Douglas Crossing on the 1995 Maps. Mr. Watson was concerned with recommending only one route, since there were other alternatives presented. Mr. Lyman explained that the blue line is not one of the recommended routes, and instead is simply a placeholder to alert the public, planners, and policy makers that a second access is needed to that area. This is also why they would include a notation in the legend that that line symbol is not specific. Mr. Watson noted that it appears that it parallels one of the recommended routes. Mr. Lyman said he instead attempted to keep it from crossing Vanderbilt Creek. Mr. Miller agrees that a placeholder ought to be shown because after Home Depot was built, there was a tremendous amount of resource material hauled off of that site and out of Lemon Creek that is currently stockpiled in other areas of Juneau being utilized for private and public projects. At this time, he said there is not a great demand for gravel extraction in this area, except for the Sunny Point project. However, in the future when gravel extraction begins again, it might become an issue. Therefore, having a placeholder shown on the Map notifies people that there needs to be second access to that area. Ms. Waterman said there are other potential transportation corridors, i.e., the bench road on Douglas, so she asked that consistency be provided as to how these are all identified, with clarity being provided to the legends as well, so there is no mistake that they are placeholders, rather than designated alignments.

Mr. Lyman said a portion of the RD area south of the prison is designated as MDR to address the new condominiums constructed in that area. The remaining portion of the RD area south of the jail is included in a new Heavy Commercial/Light Industrial (HC/LI) zone designated to take

place of the IND land designations in 1995 around Costco, which acknowledges there is already a lot of retail in that area. He noted a correction where two small parcels in the former RD area east of Costco are designated as a CBJ Natural Area Park (NP) to match the Vanderbilt Creek preservation area designating this park to the ~~Costco~~ (Home Depot) land trade. Ms. Gladziszewski noted there are two parcels, although only one is listed. Mr. Lyman offered to make that modification. He said the existing landfill site was not provided a land use designation in 1995, and now staff was recommending designating it as IPU. Ms. Gladziszewski noted that the outer boundary area is somewhat of a square, although the landfill area is a polygon shape. Mr. Lyman agreed, stating that landfill area is owned by the State that includes estuarian wetlands and the Egan Drive right-of-way (ROW), and is under the control of the State Department of Transportation (DOT). He noted that if the IPU is to include all of the landfill area, it should probably extend to the end of Tonsgaard Court, although it clearly does not reach that area and is abuts the property line for the JRM Subdivision for Concrete Way. He explained that there were old Base Maps that do not jive with current property boundaries, and offered to research this. The COW requested that he correct it, stating there is no need to provide those provisions back to them. He said the Waterfront Commercial Industrial (WCI) zone in Salmon Creek is redesignated to General Commercial (GC) that conforms to a zone change completed a year ago. The area consists of the World Wide Movers and GCI Buildings, whereby neither has water access because they are up against the Mendenhall Wetlands State Game Refuge (MWSGR). He said they have been denied permits to put in docks or fill, but are in a WCI zone, so it is rezoned to GC, and staff would amend the Comp Plan to clarify that boundary adjustment, to which the COW agreed.

He said there was a RD(T)IND land above the jail. He was concerned about this designation, not because of the impact of industrial development on the IPU use, but because it is HI located between MDR and ULDR. Therefore, he recommends encompassing the entire area as RD(T)IND. He said it does not seem appropriate to drive through an industrial area, around the prison and through more industrial area, in order to get to a residential area behind them. Mr. Watson recalled that Ms. Marlow previously stated that this area would be utilized for future housing development after pit operations ceased in 30 years, and instead he was suggesting changing that zoning designation to RD(T)IND. He noted that Ms. Marlow is out of the state for a significant period of time, so when he was putting this presentation together, she was not available for comment. However, he said it might be appropriate at a minimum to instead state that is RD(T)ULDR, recognizing that there is no access at this point to that upper land area. Mr. Pernula said it might be wise to include a note that this might not occur until 30 years from now. Ms. Waterman felt that instead this area requires more attention because of the panhandle portion across the top of the MDR area that includes the Dzantik'i Heeni Middle School, the interruption of the stream corridor, and then above that the ULDR(T)IND. She requested staff to more closely review this entire area, as all of this rezoning is going to take time. She said they have to flush out the current uses with the anticipated uses on a timeline, which would assist the COW to view the entire concept of this rezone. Mr. Miller said that while the COW reviewed the Comp Plan, they continually discussed creating more IND land, although they have never done so, nor have they turned an ULDR into IND. He believes this is an area where they might be able to do so. However, he said if it is going to be residential, it was best left to be decided later on. Ms. Gladziszewski asked what the current zoning of this area is now on the proposed Maps. Mr. Lyman said the panhandle along the top above Dzantik'i Heeni Middle School is ULDR, and the IPU area was reduced only to include the prison, with the remaining area split to either be more

ULDR or the RD(T)IND. Mr. Pernula offered to take a more detailed review of this area because the gravel pit has a flat bottom that could be IND. However, to just state that is IND might not be quite the truth because it has a steep slope up the hillside. Even with that known, he questions if they truly felt they were able to have residential uses directly above a large industrial use area, which he doubts. If so, he said there would have to be a transitions between the industrial and residential uses in that area. In the best case scenario, he said they would have some additional IND designated land, maybe a buffer, and if there is any residential use it would be far away from that IND area to the west. Mr. Satre said there are natural breaks of stream corridors, including existing land uses around the school area, so he believes that with a little re-work this area is a great place to preserve some IND land, along with the chance to maintain some land for future housing. Ms. Gladziszewski said the COW agrees that more of this area should be designated as IND, with a slight modification through a review by staff for some sort of a transition buffer between the IND and residential, to which the COW agreed. Mr. Lyman preferred that the COW revisit this section after they review the December 7 staff report (beginning on Page 54) regarding the Guidelines for Consideration for Subarea 5 section. Ms. Gladziszewski requested that Mr. Lyman provide an electronic version via e-mail to the Commissioners of that section, and to include a submission deadline to provide comments. Mr. Lyman agreed to do so, and noted that the report is also available on the CBJ Comp Plan website.

He said the CBJ Docks and Harbors Board (DHB) requested that the current WCI area on the waterside of Channel Drive be expanded so they could continue to fill along the side of Egan Drive after obtaining the appropriate permits. He said the DHB wishes to extend Channel Drive as a frontage road accessing more important WCI uses along that area. He said this would potentially restrict the views from Egan Drive to Gastineau Channel; therefore, a notation is included to protect the view to Gastineau Channel by maintaining setbacks between buildings. Ms. Gladziszewski requested the current designation. Mr. Lyman said it is WCI to the northern boundary of the White Subdivision, and MDR in the uplands, although Gastineau Channel and the MWSGR do not have designations. Therefore, in essence they were taking undesignated land and extending the WCI boundary down to the Yacht Club, and then to the existing WCI designated harbors areas. The COW deemed this acceptable.

He said the downtown area is ULDR, which is consistent with the D-5 zoning, although it is not consistent with the actual functional density of the area. He said the Starr Hill ULDR designation is consistent with the zoning, although not with the actual development pattern, noting that it contains a lot of MDR designations in the uptown areas. There are many IPU in the Capitol Complex area. The area around the Federal Building from Willoughby Avenue to Glacier Highway has a many different designations as well, including; individual parcels being MDR, others individual parcels being IPU next to another MDR, and smaller areas that are GC areas. Therefore, staff is recommending that a lot of those be consolidated into single designations, which allows all of the uses that are still there to develop over time more naturally.

He said they intend to consolidate many uses in three different designations found in the 1995 Comp Plan to GC, including the strip of land in front of the Evergreen Cemetery, which includes the former Akiyama Clinic, the Evergreen Building, and the retail/commercial developments along Glacier Avenue, noting that the IPU zoning designations would remain the same. He said the Evergreen Cemetery is currently zoned ULDR, and they are not proposing to change it, as it

is consistent with the current use, whereby cemeteries are also allowed in all residential zoning districts. However, he said it is possible to change the Evergreen Cemetery designation to IPU. Ms. Waterman asked what the Alaska Memorial Park is designated as. Mr. Lyman replied that it is proposed as IPU, although it was not provided a designation in the 1995 Comp Plan. Ms. Waterman agreed that Evergreen Cemetery should also be designated IPU, although she requested that Mr. Lyman contact the Juneau Historic Resources Advisory Committee beforehand to ensure the historic portion of Evergreen Cemetery is appropriately labeled on the Comp Plan Maps.

Ms. Gladziszewski requested that the boundaries of the GC area be adjusted to reflect the rezone that the PC recommended to the Assembly on the Lot 9 across from the Federal Building if the Assembly approves it. Ms. Waterman clarified that it is already designated as GC on the draft Map boundary. Mr. Lyman explained that the boundaries of the Zoning Maps do not exactly match the boundaries of the Comp Plan Maps. Ms. Gladziszewski asked if they were supposed to. Mr. Lyman said no, stating one of the strengths of the Comp Plan's opening preamble states that what is said in here is not set in concrete, and is meant to be guiding. Therefore, when they find that zoned areas are consistent with the Comp, as long as they are in the same general vicinity, staff considers them to be in conformance with the Comp Plan. Ms. Gladziszewski understands that, although when staff is reviewing areas such as this, those areas should be revised so they are as close as possible.

Mr. Lyman referred to Ms. Waterman's February 18, 2008 e-mail provided in the packet, which states: "Guidelines should include info about the called-out items on Map P. 13: Cruise Ship..., Cultural Campus, Capitol... Delete these call-outs from the Map." He asked the will of the Commissioners. Mr. Miller said he did not wish to remove 'Capitol' because any opportunity they had to call-out and define the Capitol Complex is great. Mr. Watson agrees that it is important to have it reflected on the Land Use Maps, as it denotes what that area is utilized for. Ms. Gladziszewski agrees with retaining the Capitol Complex, although the ~~Transit Center~~ should be removed. Ms. Waterman believes they also have to call-out the 'original Capitol Building' by an IPU designation. That said, they should keep the bubble with the Capitol Complex, and eliminate the ~~Cruise Ship~~ and ~~Cultural Campus~~. She said, in general, call-outs detract from being able to easily obtain information from a Map, and instead it should be explained in the text as to why the Cruise Ship and Cultural Campus, etc. are not allowed, except for the Capitol Complex, which should make it more user-friendly. Ms. Gladziszewski preferred that the Cultural Campus be included in the text, since they are requesting it be removed from the Map. Mr. Satre suggested utilizing some type of separate formatting mechanism to highlight the area the COW was proposing for a potential new Capitol Complex, as well as incorporating the existing State Office Building, and the existing Capitol Building, which could be one large integrated area designated IPU, rather than a bubble that sort of indicates a street corner. Ms. Gladziszewski noted that there is an IPU for the library and not for the State Office Building, the Capitol Building, and the Municipal Buildings. Mr. Pernula preferred to have one building specifically identified downtown as 'The State Capitol Building,' as it represents the entire State of Alaska. Ms. Waterman confirmed that the COW should recommend making the State Capitol Building its own designation in the legend. Mr. Lyman said it would appear on the legend for every Map. However, he preferred, for consistency, for downtown area school properties, the Federal Building, the Municipal Buildings, and the existing Parking Garage/Library be designated as MU. Additionally, he would eliminate the bubbles, and then designate with a

shaded area the Capitol Complex from the State Department of Environmental Conservation Building on though Willoughby Avenue, the State Office Building, the Governor's Mansion, the existing Capitol Building, the Terry Miller Legislative Office Building, and Telephone Hill. Mr. Miller agreed, including a Capitol 'star' to prominently denote it on top of the Telephone Hill area because generally every other map denotes them as such, along with changing to a different symbol to call-out schools. Mr. Lyman offered to revise the Maps for the COW to review at a subsequent meeting. He stated that when he incorporates various IPU's into MUs, he asked if they preferred to include the Municipal Buildings, the Parking Garage/Library, and the Federal Building. It was the consensus of the COW to leave the Federal Building IPU, and the other two structures to be designated as MU. Mr. Pernula agreed, stating that the MU is a very intensive zone, and if the Federal Building was no longer there, other future uses could potentially be very intense; whereas being designated as an IPU serves as a buffer.

Ms. Gladziszewski asked why one small section of downtown is designated RS. Mr. Lyman said the RS denotes Pocket Park. Mr. Watson stated that when new citizens review the Maps to become better informed, they serve as helpful references in locating cemeteries and parks. Ms. Gladziszewski said it should instead state 'Pocket Park,' not RS, i.e., just as Evergreen Cemetery and Cope Park are shown. Ms. Waterman stated that this is not zoning, and instead it is a Comp Plan to be utilized for guidance, and agrees with Mr. Watson that a businessperson might review the maps for park and cemetery areas. Therefore, the natural separation should be included regarding recreation resources in the first column of the Map Legend – NATURAL RESOURCE section. She believes the RS is a good designation to maintain, and prefers that it remain as is. Mr. Lyman stated that in the past they labeled all parks as RS, i.e., Capital School Playground, Chicken Yard Park, St. Nicholas Russian Orthodox Church and the park next to it. It was the consensus of the COW for Pocket Park to remain designated as RS.

Mr. Lyman stated that they recently created a new MRD-Single-Family (SF) zoning district, D-10, although they have not yet zoned any land as such, which was modeled on the neighborhoods of Starr Hill, Casey-Shattuck, and Federal Flats. In keeping with that, where they formerly had ULDR designations in the Starr Hill and Casey-Shattuck areas, they are now recommending those areas now be designated as MRD-SF. He said doing so would support eventually rezoning those properties to D-10 so more of the lots and uses conform to better fit within those neighborhoods.

He said on the east side of the Juneau-Douglas Bridge, the CBJ Public Works Maintenance Shop would soon be vacated, as they are moving out to the 7-mile site when it complete. Therefore, they intend to re-designate this waterfront area as RS in keeping with the LRWP. At the former Subport site, they intend to change the area that is designated for redevelopment under the LRWP for MUs, while retaining WC around the rest of that area and the future marina site.

Mr. Lyman said they do have Assembly-adopted Hazard Area (HA) Maps; therefore, those areas have been identified, although they now need to reflect those sites on the Comp Plan Maps. He noted that staff would correct errors contained in the text. Ms. Gladziszewski said HA is an overlay, so it should be formatted differently, as it is not an actual designation. Mr. Pernula agreed, which includes Watershed areas being designated as overlays as well. Ms. Waterman preferred that staff refer to HAs in the text to the overlay map, as they did with the Watershed overlay map, and pull it out as a separate area, and then place a reference to them on every page of the Comp Plan Maps.

Ms. Waterman said the Charter School is in a leased building, which has a star on it even though it is not City owned property. Mr. Watson agreed, stating that if the school use moved out, it would not affect the zoning. Mr. Pernula said schools are designated on a Comp Plan Map to reflect the proper distribution of schools over the entire community; therefore it should not matter that it is a leased building. Ms. Gladziszewski did not feel the Charter School should be reflected on the Map because it is an office building serving as a school, although she would leave it to staff to make that final determination.

BREAK – 8:30 to 8:35 p.m.

Mr. Lyman said in 1995 there were two Watersheds called-out in the Comp Plan; the Gold Creek Watershed/Last Chance Basin, and the Salmon Creek Watershed. These are both shown on a single Map considered as Subarea 7 because geographically they are located next to downtown and Thane in Subareas 5 and 6. Ms. Waterman asked staff to incorporate this change: ~~Last Chance~~/Gold Creek Watershed. Mr. Lyman offered to do so. He continued, and said the original staff report states that there is no change to this Map, which is not the case, and instead there are 11 proposed Watersheds. He recommends that they no longer locate this in the middle of the series of Maps next to downtown, and instead place it at one end or the other so they could view a single Map that deals with all of the Watersheds. Additionally, considering there are HAs that exist in the Thunder Mountain area, in the White Subdivision, and along Thane, he believes they should have a similar treatment for the HAs in the Comp Plan. Ms. Gladziszewski said for example, he is suggesting taking the HAs off of Page 13 of the Maps. Mr. Lyman said yes, along with the Watershed overlays. Mr. Miller asked if the separate Map could reflect both HAs and Watershed overlays. Mr. Lyman said yes, and stated that it was possible to have one map reflecting two portions; a northerly Watershed section, and then a southerly HAs section of the borough, which are more visible to scale. He stated that after the cartographer reviews that, and if it looks confusing, he could easily turn it into four maps. It was the consensus of the Commission that he does so.

Back to Thane, Mr. Lyman referred to a letter dated January 29, 2008 in the packet from AJT Mining Properties, Inc. (AJT) that is the main property owner in Thane of approximately 3,300 acres of land with the CBJ. He noted that William Corbus is in attendance, and he wrote the letter listing the following concerns:

- Regarding “Page 9, List of Weaknesses: Missing from the list is the lack of land available, at the present time, for industrial development. This shortage should rate mention in the summary list.” Mr. Lyman agrees, which is based on the COW’s previous comments regarding the Lemon Creek area, and offered to add this to the List of Weaknesses, to which the Commissioners agreed. Ms. Waterman noted that as they were previously going through the introduction when a Strengths, Weaknesses, Opportunities, and Threats (SWOT) exercise was completed; whereby they decided to eliminate that SWOT because they had not provided sufficient public attention to it.
- Regarding “Page 23, New Development.” Mr. Lyman stated that there are some types of industrial development that could occur without City water/sewer and bus services, which perhaps might be better suited for those areas away from residences and commercial uses. Therefore, he said there should be some information included in the New Development discussion that some industrial uses could be appropriate in those areas outside the Urban Service Area Boundary (USAB). Therefore, he recommends inserting a new paragraph,

which states: “That certain types of industrial development may be appropriately located outside the USAB when lots are large and demand for urban services is low for those uses.”

It was the consensus of the COW that he does so.

- The next concern relates to the “Pedestrian and Bike Lane for Thane Road.” Mr. Lyman referred to Maps 14 and 17. He felt that it is not only premature, and perhaps counterproductive to state that the Pedestrian and Bike Lane for Thane Road should be located along the waterfront. There might not be sufficient area for a separated path or sidewalk along Thane Road within the existing ROW. Therefore, installing a separated path along the waterfront might restrict water access from certain developable properties in that area. He noted that much of that land is in HAs, although not all of it is. He said AJT believes that it could be difficult for them to develop some of their IND designated lands if they are cut off from the water if a path is allowed along the waterfront. He said staff’s recommendation is that the COW leave that site-specific decision up to future engineers to determine that alignment, to which the COW agreed.
- The final comment referred to judging permit applications on whether they are “Local, independent businesses that would provide authentic CBJ goods and services.” Mr. Lyman said he explained to Mr. Corbus that the Commission recognizes that the language does not work, so are waiting for suggestions from the CBJ Law Department on the idea of utilizing a matrix to evaluate land disposals of CBJ owned property.

Mr. Lyman stated that the “big” Rock Dump would be designated as IND to prevent further encroachment from retail and office uses. Mr. Pernula said there is also language in the LRWP that addresses uses at the Rock Dump area, specifically excluding tourist-related businesses. Mr. Miller said there are tourist busing facilities located at the Rock Dump area that service the cruise ship passengers, which is exactly what they were attempting to prohibit. Mr. Pernula said that was the intent when the LRWP was devised while the new Cruise Ship Dock being constructed, which was where the tourist are suppose to disembark, as opposed to the Rock Dump area. He noted that this issue was also discussed when the tourist company obtained their permit for Rock Dump area, and it was more thoroughly vetted when the LRWP was being reviewed. Mr. Lyman stated that if this is adopted by the Assembly, they should also amend the LRWP and replace the “little” Rock Dump designation as a park, within the IPU, which would still be serving a purpose, although they would not be putting as many people at risk. Ms. Gladyszewski said the text states “no structures,” although it is not stated elsewhere in the plan. Mr. Lyman offered to strike, “~~no structures.~~”

Mr. Lyman referred to Page 15 of the Maps, which reflects downtown Douglas and Thane. He stated that they need to discuss how the numbering, and which page comes after which, noting that this Map would also be utilized when they later discuss Douglas. However, he said it more clearly reflects the “little” Rock Dump and the southern boundary of the WCI area. Mr. Miller also requested including notations on the margins of the Maps stating it was ‘Continued on Page X.’ The COW agreed to that he does so.

Mr. Lyman referred to Map 17 further south on Thane, stating that staff is recommending removing the New Growth Area (NGA), as the road passes through a huge HA. He said the road is not in good repair and DOT is not really interesting in upgrading it, and the City is not interested in taking it on either. Therefore, until those issues are resolved, staff does not believe it is prudent to support putting in a NGA that would have to utilize Thane Road for access.

Furthermore, AJT is concerned about being able to utilize and develop their property at Sheep Creek that is designated as WCI, and putting a NGA there with a full range of urban uses would essentially move people to the nuisance. Therefore, staff recommends removing that NGA, at least for the time being. Ms. Gladziszewski stated that some of the other NGAs do not have good road access. Mr. Lyman explained that staff is only recommending removing three NGAs boroughwide; one at Sheep Creek, at Fish Creek in North Douglas, and this one at Thane. He said the other NGAs they intend to keep are at Echo Cove, and West Douglas. He explained that they have plans to extend a road to North Douglas, and have already extended electricity in that direction, along with a golf course proposal that has been issued permits and has a lease. They also have the West Douglas Island Overall Conceptual Plan (Conceptual Plan), which was adopted as an addendum to the Comp Plan. Furthermore, he said they have the North-Douglas Crossing. The NGA at Echo Cove is where they have proposed dock facilities, and a private landowner is interested in developing their land. Therefore, he believes there is justification for keeping those NGAs. Ms. Gladziszewski agrees it should not be a NGA if it is for planning purposes, however NGAs should not be deleted because good road access is not provided to an area, as that is the case to other NGAs as well. Mr. Lyman agreed, although in this instance it passes through a HA at Thane.

He noted that the text states the Sheep Creek beach area would be designated as a RS zone, but it is not, so he is confused as to why that is in the text and not on the Map, nor was it shown on the 1995 Maps. He said there is some State owned property at the mouth of Sheep Creek, and is not sure of the exact boundaries, and offered to research that. Mr. Satre said there were State permits issued for small gravel extractions at that site, so it might be prudent to include that in the designation as well. Ms. Waterman said she has never heard that the Sheep Creek beach area was supposed to be designated as RS. Mr. Lyman mentioned that the Sheep Creek Trail shoreline alignment is somewhat premature, and the beach access is not reflected on the Map, which he plans to discuss with the cartographer. Furthermore, he offered to locate the State property material extraction sites that he would designate as RS, to which the COW agreed.

Mr. Lyman referred to Map 10, stating that the Stream Protection Corridor (SC) is land that was designated during the development of the Bonnie Brae Subdivision, so it would retain its RS designation. The MDR designation currently just includes a portion of Bonnie Brae, which would be expanded to include other properties that are currently served by the sewer line that crosses Gastineau Channel to that area. He found the USAB (the dotted line) goes up the creek, yet the MDR designation crosses the creek to include the triangular section of property outside the USAB. Therefore, he recommends that they move the USAB down that property line to include the WCI property and the small triangular section. Ms. Gladziszewski asked how far the sewer extends into the WCI area. Mr. Lyman said that sewer does not currently serve the triangular section, although it is close by and a private developer could run it across the creek to service that area, and it is zoned to allow up to 18 units per acre that is privately held. He stated that although they have had development proposals, they have not yet received any applications. Ms. Waterman observed that they previously moved the USAB at the other end and followed the stream corridor while paying respect to those property boundaries. She did not think this is something they should do lightly, and instead they need to justify all boundary changes. Therefore, she stated that this one makes sense with the maturity of the infrastructure, and the opportunities for the private property at this point in time to do so. Mr. Lyman noted that he completed a site visit with the owner on the triangular section of property, and with the people

that are interested in purchasing it, and they walked the site. He said the property has a driveway, along with three house pads that have already been graded in. However, because there is no sewer, it could not be rezoned or subdivided so they are not able to construct houses on any of those lots. Ms. Gladziszewski requested staff to move the USAB to include the WCI and the small triangular section.

Mr. Lyman said a Potential Road Corridor (PRC) designation connecting Fish Creek Road is along the bench road alignment to a West Douglas PRC. He said the Bench Road alignment previously ended at Fish Creek Road, and it is now being continued as a second corridor around the island. Ms. Gladziszewski clarified that PRC is just a suggestion, so it should contain text explaining that, as it is not the actual corridor alignment. Mr. Lyman agreed, noting that it was reflected in the first slide of his presentation a month ago in the proposed changes to the legend, where they would clarify the PRCs and potential collector corridors as possible roads, and state that the alignments are not specifically exact.

He noted that the Scenic Corridor/Viewshed (SCV) designation from the North Douglas Boat Ramp to the False Outer Point is on the wrong Map, which he offered to correct. He said considering that this is a State owned SCV, it does not make sense to support putting new development in those areas. Mr. Watson asked the location of the proposed OHV Park because there is a ¼ mile setback on either side of Fish Creek Road in the Comp Plan. Mr. Lyman said that issue was discussed and reviewed, and Planner Dan Sexton is aware of it. Mr. Pernula said a ¼ of a mile is suggested in this Comp Plan update, whereas the 1995 Comp Plan does not define what that corridor is, and just states “Prevent development within the Fish Creek Road Corridor.” Ms. Waterman said it was instead in the 1975 North Douglas Plan, as 1,000’ on each side of Fish Creek Road. Mr. Pernula said it is an important issue the Commissioners should discuss if that is indeed what they wish to have designated in the Comp Plan, which is designated RD. Mr. Lyman clarified that RD is actually the Eaglecrest property. Ms. Waterman said the REC area, near the RD designation, reflects US Forest Service (USFS) property, and except for the George Brother’s private property in holding SWOT there is no other private property along this corridor. Mr. Satre asked why they would have that 1,000’ buffer on USFS property, as it is not on CBJ land, and referred to Mr. Miller’s previous comments regarding areas that potentially are buildable in the future, so it might be prohibitive to utilize that land for housing development. However, he said it certainly makes sense in terms of accessing the Eaglecrest property that they should protect. Ms. Waterman noted that from North Douglas Highway, the first stretch of road goes through CBJ owned property, and the next stretch goes through USFS property, and then to the George Brother’s private property that falls under a different jurisdiction, along with the road continuing on to Eaglecrest City owned property. Therefore, she asked what the Commissioners felt was reasonable, as they could see with the proposed OHV Park that it does serve a purpose. Mr. Satre stated that whole area, with the various Wetland Classifications and the already protected stream buffers, if there were truly uplands in that area that could be developed, they might be forcing this area from ever having that opportunity to be developed. Therefore, he recommends moving the portion of the boundary of the CBJ owned and USFS land north to the other section. Mr. Watson asked if the CBJ has zoning authority over USFS land. Mr. Pernula said if the USFS leases that land or sells it to a private developer, the CBJ would have control over it, so indirectly the CBJ might have authority over that land. Ms. Waterman requested to hear more information from staff on the ramifications of doing this and to also provide suggestions, rather than the COW attempting to make a decision tonight. Mr. Satre agreed, and

suggested that staff also put in a request to the Eaglecrest Board because it might potentially affect the overall utilization of that land as they look to expand their uses. Ms. Waterman noted that this is another area where some of the trail alignments are off a bit. Ms. Gladziszewski requested that Map 9 state that it is "Continued on Page 18." She noted that this SVC is another overlay issue, with an underlying RS designation. Mr. Lyman offered to review separating SVC areas out to be included with the HAs and Watershed overlay separations.

Mr. Lyman said staff recommends deleting the NGAs at the North Douglas Boat Ramp and Ninemile Creek, as neither are served by sewer, and are not near the proposed landing for the Bench Road, which contains many high-value wetlands. Ms. Gladziszewski agrees to do so if there are reasons to remove those two NGAs they should do so, but it should not be because there are no roads to those areas now.

Mr. Lyman moved on to Subarea 9: North and West Douglas, Map 9C of the North Douglas Boat Ramp and around past Point Hilda. He said one large NGA encompasses most of the area. The Conceptual Plan was adopted as an addendum to the Comp Plan last year by the Assembly, which contains a similar study area just past Point Hilda. He said there are four NGAs, whereby the 1995 Comp Plan has one NGA, and so does this 2008 Map iteration. He said the CDD has an application to subdivide private property, which staff is reviewing for Development Area 3. He noted that the Watershed and SCV overlays would be removed and reflected on new Maps, as discussed earlier. The new RD designation contains a bubble, which is uphill from the existing Outer Point park facilities road corridor connection. Ms. Gladziszewski noted that one RD has a bubble, although the one directly below it does not. Mr. Lyman pointed to the line straight across, noting that the entire area north of that line is designated as NP, so that line was removed and this area is included in the RD designation further south. He said the only reason one RD had a bubble was to call the Commissioners attention to it, and it would not appear on the final Maps. Mr. Miller requested that they make the NGA oval longer so it reflects all of the NGAs, noting that no NGAs are shown down to Point Hilda on Map 19. Mr. Lyman explained that was why he included the plate from the Conceptual Plan, which was adopted as an addendum to the Comp Plan. However, if they wished to show the same designations on these 2008 Maps, they could show other New Growth Designations, versus just one. He explained that the NGAs go past Middle Creek, and north just before Outer Point, which is Development Areas 1 A & B, and some other land, but it does not include Development Areas 2, 3 or 4. Mr. Pernula noted that this is a general Comp Plan, with an Assembly-adopted Conceptual Plan that focuses in on this whole area that includes those four nodes of development. Mr. Miller disagrees, and asked that the oval designating the NGA be extended to encompass all four nodes on the Maps. Mr. Lyman agreed to do so, noting that these nodes of dense development are different, as they are essentially functional and self-contained because they would contain schools, offices, post offices, and homes. Ms. Gladziszewski requested that staff include three total NGAs on the Maps. Mr. Miller also noted that Fish Creek on Map 19 is designated as IPU, which is unnecessary. Mr. Lyman agreed to make that correction. Mr. Anderson said the Conceptual Plan carried with it a different sense of planning than the rest of the borough to be utilized as general planning concept, rather than a specific master plan that is one of the next steps. Therefore, he questions the appropriateness of the Commissioners discussing the specifics in regards to the Comp Plan. Mr. Lyman said it is appropriate for the Commissioners to do so because the Conceptual Plan states what types of uses are appropriate for each area based on what resources are available. For instance, Development Area 2 is recommended for IND

development because it has access to deep water, therefore it would be a good location for a deep-water port that could have Heavy Commercial uses associated with it, which would be separate from other residential uses, or resort uses near the golf course. He explained that the Conceptual Plan does not delineate where specific sewer systems are located, the density of the people that are allowed, or where schools are located, although the Conceptual Plan does list some other specifics regarding the four NGAs.

Mr. Lyman referred to Map 16, stating that the IPU is where the fire hall and library are located in Douglas, and instead felt it is appropriate to change that designation to MU based on the COW's earlier discussions. He said there is a new Marine/Mixed Use (M/MU) designation in this plan for the shoreline of Douglas Harbor that is being changed from WC. They are expanding the RS boundary of the Savikko Park area along the waterside of the breakwater, and reducing the IPU designation only to the island, not the water around it. He noted in the 1995 Comp Plan there was an anadromous stream that flows off a waterfall and ends in a sinkhole and never hits the ocean. However, after he conducting research with the Alaska Department of Fish & Game, he discovered it is not an anadromous stream, so he intends to remove that designation. Ms. Waterman asked who owns Mayflower Island. Mr. Watson said US Fish and Wildlife (FWS), noting that the federal government is allowed to bid on their own property, whereby he believes the FWS is moving out of Vintage Business Park, and into the Mayflower Island site. Mr. Lyman said the Douglas Harbor previously did not have any designation, and it is now designated WC. He is also changing the historical Treadwell Ditch Trail notation so that it only applies to CBJ property, and not the private properties the trail crosses.

On Page 15: West Juneau, he said the main change made by the Commission three years ago was the stream corridors of Paris Creek, Ready Bullion Creek, Bullion Creek and Nevada Creek that are designated as Stream Protection Corridor (SC). The Comp Plan and original zoning Map was amended before the road was put in, which is now the boundary, therefore staff recommends moving the MDR boundary to the ULDR to Crow Hill Drive and to follow the property boundary lines. Additionally, based on topography and the fact that there is a canyon around Lawson Creek, he feels it is reasonable to do so the same time for this area as well. He preferred that the Commissioner agree that the boundaries conform to the blue and yellow lines on the Map, to which the Commissioners agreed.

Mr. Lyman suggested holding a COW meeting on April 1, 2008 at 5:30 p.m. to discuss the guidelines and considerations. Ms. Gladziszewski requested staff to provide those guidelines and considerations to the Commissioners in advance of the meeting, including instructions. Ms. Waterman noted for the record that Ms. Snow provided the COW with comments, which should also be provided at that meeting.

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula said a public meeting on the Parking Garage/Transit Center that was organized by Rorie Watt for the project would be held on March 26 in the Assembly Chambers to obtain additional public input before the PC hearing on April 8. Mr. Watson questioned whether or not the Commissioners should attend. Mr. Pernula said this is a project that the PC has already received a quasi-judicial permit on, and the hearing would be held in two weeks. Therefore,

obtaining the more information the better if they choose to attend, although if it appears the Commissioners were being lobbied, he recommends they leave the public hearing.

Mr. Pernula reported that the next regular PC meeting is scheduled for April 8, 2008 to review the Parking Garage/Transit Center permits. .

CDD Permit Center Brochure

Mr. Pernula provided a CDD Permit Center brochure to the PC that explains the workings of the Permit Center and provides online website links. He explained that the CDD completes a brochure each year to be distributed at the annual Juneau Home Show.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Miller reported that the Wetland Review Board (WRB) met last week and reviewed the Lee Wind Boat Condominium proposal, USE2008-00011, for 110 units off of Crazy Horse Drive, and recommended approval to the PC.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Ms. Waterman said the Statewide Transportation Improvement Program (STIP)-Amendment #17 is out, which is completed on a two-year cycle. She said the STIP includes six city owned bridges, including the Trestle Bridge on Basin Road. The Sunny Point project was allocated additional funding, along with funding also being slated for Eagle to Bessie widening program, Amalga to Eagle trailheads, Brotherhood Bridge at Industrial Boulevard, Juneau Access, Bus acquisition and Transit Center earmarked funds that were previously included for the past several year consisting of \$1 million. However, the Whittier Intersection funding was not included. Mr. Pernula explained that the Whittier Intersection improvement was previously on the STIP for many years, and then the State removed it several years ago. Ms. Waterman stated that the STIP comments are due on April 9, the day after the next PC meeting. Therefore, she requested that staff meet with DOT to discuss why the Whittier Intersection Improvement Project is not on the STIP, and then provide an update to the PC at the April 1 COW meeting. She noted that this remains on the Area Wide Transportation Plan as a priority, and wants to know why this project was removed from the STIP, and is not considered a priority by DOT. Once she is informed of DOT's response from staff, she would then be prepared to draft a letter through the PC requesting DOT to score the Whittier Intersection-Improvement Request as a community transportation project, which could then provide it to be rescored by the request of the CBJ. She said if there is additional information the CBJ needs to contribute, they should provide it as well.

Mr. Miller said he has served on the PC for a year, and has not received the PC Rules regarding Commissioner attendance at PC meetings. Mr. Pernula offered to provide a copy of those PC Rules to the Commissioners. Ms. Gladziszewski asked staff to provide an updated Attendance List as well.

XV. ADJOURNMENT

MOTION: *by Ms. Waterman, to adjourn the meeting.*

There being no objection, it was so ordered, and the meeting adjourned at 10:15 p.m.