

GREATER JUNEAU BOROUGH PLANNING COMMISSION
MEETING - June 10, 1968
Juneau, Alaska

(1) A regular meeting of the Greater Juneau Borough Planning Commission was held at 8:00 p.m., Monday, June 10, 1968 in the Borough Offices at 210 Admiral Way. The following attendance was noted:

<u>Present</u>	<u>Absent</u>
Campbell	Daugherty
Graves	Prince
Hart	
Peratovich	
Sands	
Schulz	
Ward	

The Chairman announced that a quorum was present. Administration present included Planning Director Mrs. Fritsch, Assistant Planner Miss Brockman and Zoning Administrator Mr. Bolton. Also present was Assemblyman Miller.

PUBLIC HEARING

Zone Change - R1 to R2, City of Juneau, Dr. Riederer

(2) Mr. Bolton read from the City Code what was permitted in a single family-duplex (R1) zone and a multi-family (R2) zone. He then read the following correspondence: (1) A petition signed by 23 persons, representing 13 households, from the affected area who were in favor of the zone change. There were 67 signatures not within the 300 foot radius. Mr. Bolton presented a map of the location of those in favor and those opposed to the zone change. (2) A petition in which citizens believed that after considerable study, the clinic would be an asset to the area. (3) A petition which expressed opposition; it contained 29 names. The isolated area was one of the best maintained residential sections in the City of Juneau. The residents were reluctant for a precedent to be established as any changes would be detrimental to the residential standards presently maintained. (4) A letter dated June 10, 1968 from Dr. Riederer in which it was stated that for providing better medical care, he had purchased a house and was requesting a zone change from R1 to R2 for a two to three doctor medical clinic. Presently they had inadequate space, parking and ventilation. Dr. Riederer commented on other possibilities that were unfeasible. A precedent had already been set in the Glacier area for medical use as well as other uses. (5) A letter dated June 1, 1968 to the Borough Planning Commission from Dr. Horchover who endorsed the request that the present zoning affecting the house in question be changed. (6) A letter dated May 24, 1968 from Henry I. Akiyama

who endorsed Dr. Riederer's request to have the zone changed to R2. (7) A letter dated June 6, 1968 to the Chairman from Louise Argetsinger who expressed concern in respect to Dr. Riederer's request to establish a medical clinic. It was highly desirable to have a clinic at that location since it would be easily accessible to town and to the country people. The services of Dr. Riederer and Dr. Ray were essential to the projection of this area. (8) A letter from Mrs. J. S. Bracelen to the Editor of the Juneau Alaska Empire re recent proposal to rezone. The doctors had wanted to move out of their present location for many years. The community should do all to help and encourage the doctors to remain in Juneau. She felt it was the responsibility of the zoning board to stand behind the change for the dedicated men, who should have the right to practice medicine in clean decent surroundings. This concluded all of the correspondence.

(3) Mr. Ralph E. Bailey, Recording Secretary of Odd Fellows, submitted out of the Juneau Alaska Empire of June 10, 1968 an article which the Odd Fellows wanted to enter under his signature. Mr. Bolton read the article re proposed movement. Ordinarily the order would not enter into something as this, but the move reflected unfavorably upon the Odd Fellows Lodge. The Lodge would regret losing the doctors' rent but not with improving their business. The Doctors Clinic had been offered more space (100 ft) and the Lodge had received no report of soot coming from registers. The doctors were still paying their 1966 rent rate but an increase would be effective July 1, 1968. Also parking space for four clinic staff vehicles had been provided.

(4) Mrs. Kay Fuett, owner of the property at 1504 Glacier Avenue, was not contacted in regard to the petitions, but she stated that she was in favor of the Doctors Clinic.

(5) Mr. Al Anderson, 123 Behrends, one house removed from the proposed medical clinic, viewed objections to the establishment of the clinic. Once the ordinance was changed, the entire rules of conduct for one of the nicest residential areas in Juneau would be changed and would be the first encouragement to commercialism in the area; the area was residential and should remain so.

(6) Mr. Robert Berryhill, 157 Behrends, voiced objection to the zone change. One of the most difficult times of the year to drive in this town was during winter months. Most of the traffic for the entire two blocks took the approach up from the 1600 block to the end of Behrends. This particular section of the street was very slippery and dangerous driving. Mr. Berryhill wanted to find out how many parking spaces would be necessary for the clinic and to determine in his own mind whether access to and from the clinic would keep the streets clear. Mr. Bolton

read from the ordinance that one off street parking space was required for each 250 sq. ft. building front area. This would require 10 off street parking spaces with adequate maneuvering area off the street. Discussion ensued re sufficient parking area on the ground; new regulations requiring 5 off street parking spaces for each doctor in the clinic; a proposed addition of 500 sq. ft. floor area; R2 zone permitting a three-story apartment; if a precedent was set, continued expanding could result. Mr. Berryhill commented that urban renewal was to develop more land for commercial uses. He thought the Planning Commission should consider this as where the planned commercial development expansion area should take place and not in a prime residential area.

(7) Mrs. Bruce Monroe, 814 Gold Belt, stated that they should encourage the doctors to remain in Juneau. The doctors are needed here for their protection and the community was not working toward that end. The present location of the Doctors Clinic would not do in the future.

(8) Mr. Howard Dilg, 1508 Glacier Avenue, inquired as to how far the zone change would extend; the reply was that it was just for the area in question. He was in favor of the zone change.

(9) Mrs. Sid Morgan, 120 Behrends, believed they needed the doctors in Juneau very badly; the doctors had been here a long time and many people in the Juneau area had grown to love them. As to off street parking, Dr. Riederer stated in his letter that there was going to be parking available in the rear of the clinic as well as in the front. The Glacier Highway would eventually be rather a quiet private street as soon as the Outer Drive reached completion.

(10) Mrs. Vera Gazaway, 181 Behrends, stated that those in the area in opposition pointed out that they wanted to keep personalities out of the question. They were worried about changing a zoning law and worried about creeping commercialism in the area. She wanted to keep the area as it was now--R1.

(11) Mr. Bill Johnson, 136 Behrends, was against the proposed change because if doctors and others were allowed to come into the residential area, where were they going to get people to fill up the urban renewal area and what was to keep someone from another area who had no equipment at all from coming to the zoning board and saying that there was a doctor there, I can provide for my own parking. If the zone was changed and the property was sold, one could build a three-story apartment which would ruin the view on Behrends Avenue and further up the hill.

(12) Mrs. Pat Berryhill, 157 Behrends, stated that this was zoned strictly residential; the people in the area had worked hard for their homes and checked out living in the area.

(13) Mrs. Freda Bland, 104 Behrends, stated that going up Behrends was bad in the winter time. As long as parking was adequate for cars to be off the street and something could be written into the laws to that effect, the area would be protected because anyone who wanted to rezone would have to submit a petition and go through the entire procedure. She was in favor of the zone change as long as parking was adequate.

(14) Mr. Al Anderson further commented that once the area was classified as an R2 area, it would remain as that. The Chairman noted that this only affected the one parcel of ground. Bill Johnson remarked that the doctors could make two more stories on the building if the zone was changed.

(15) Mr. Robert Thibodeau, a resident for the past ten years at 1616 Glacier Avenue, stated that he had observed a great deal of growth in the area. The high school had enlarged; with the inclusion of the present area used for the Department of Highways shop, there would be an educational park with all the school complexes. The population of the Juneau area was moving northwestward; the doctors recognized this and were looking for property that would be in a central location. He thought this area could be discounted as a strictly residential area. The people in the area had to recognize because of the proximity of the high school, they could not just consider themselves. Mr. Thibodeau did approve of the zone change subject to providing adequate off street parking. People who lived in the area had tremendous advantages that people on the highway did not enjoy. If this clinic would be a detriment, the people should look to the advantages in the area and not to the fact that a clinic coming into the area was a disadvantage.

(16) Mr. Sid Morgan, 120 Behrends, stated that he was in favor of the doctors being permitted to have the zone change. It would be an asset to the community rather than a detriment. A precedent had already been established as far as Glacier Avenue was concerned with the Medical-Dental Clinic, the apartment building and the Breakwater.

(17) Further comments were made re parking space and what consideration would be given to the opinions expressed from those in the audience. Mr. Bolton stated that although a specific plan could be submitted, the change of zoning contained certain standards. Regardless of any specific plan submitted, once a change was granted, there were conditions for whatever occurred within the zone so it would meet the zoning.

(18) Mrs. Edith Mihelich, 1644 Glacier Avenue, remarked that before one bought property, usually one knew the zoning and bought

accordingly--perhaps with the specific idea of obtaining a variance. She further asked when there were going to be rules on zoning. Mrs. Mihelich was against the zone change as Glacier and Behrends should be kept strictly residential areas.

(19) Mrs. Metcalf commented that with R1A zoning she thought one could not add so many feet above street level and asked why this could not have been requested to protect the concerned persons. Mr. Bolton stated that the R2 zoning requested was most restricted and that R1A permitted a 2-1/2 story building height.

(20) Hearing no further audience participation and comments, Chairman Ward declared the public hearing closed and thanked those who appeared to present their ideas.

MINUTES

(22) The minutes of the regular meeting of May 27, 1968 were considered. Mr. Schulz moved, seconded by Mr. Hart, the minutes be accepted as written. With the question called, by voice vote the motion carried.

The Planning Commission then adjourned as the Planning Commission and convened as the Platting Board.

PLATTING BOARD

Waiver - Rudy Belardi, Lot E, U.S.S. 3872, Lengthy Acres

(23) Miss Brockman stated that at the last meeting this had been presented; one of the main problems was with the cul-de-sac. She went on to review a little of the detail: the location was midway in the Mendenhall Valley; it was in an R1B zone which required 75 by 100 ft. lots; both of the lots were a half acre; access was off a 20 ft. strip off the cul-de-sac; approval had been obtained from the Division of Health. She further noted that Mr. Jackson, the engineer was present to answer any questions. Mr. Jackson noted that the plat scaled to 80 but the bearings might have changed. Miss Brockman further noted that the plat met the platting requirements, but the platting board had the perogative of rejecting it. Mr. Sands asked Mr. Berrier what was the meaning when one said a lot had to front on a public thoroughfare. Mr. Berrier replied that it had to abut so that the lot had permanent access. Mr. Campbell questioned footage on lots fronting on a cul-de-sac. Mr. Berrier stated that cul-de-sac requirements were not applicable in this case. In response if it was permissible to run streets out of a cul-de-sac, Mr. Berrier answered yes. Mr. Jackson stated that the intent was to make

one lot which was rather large into half acre buidable lots. If the east-west tract was divided into two lots and met the requirements, to permit a 20-foot access street, one would not have room for the lot closest to the cul-de-sac. Chairman Ward noted that if the arc were split in the middle or in some other way, it would not meet the requirements. Discussion ensued re 20 feet being enough access to a road and Lot E not abutting on any road. Mr. Campbell commented that the lot was being subdivided by pieces; one had to be more restrictive and not allow one acre tracts to exist. The nature of a cul-de-sac was that it was the end of a street. Mr. Jackson stated that the parcel the platting board was concerned about had not been platted or subdivided for submission to the board. Mr. Sands commented that the subdivision rules said that one was to have a piece of property minimum size with minimum dimensions on the lot line and then went on to say that this property was to abut a public thoroughfare. Mr. Berrier read part of 49.21.065 re general susceptibility. No plat should be accepted unless it met general as well as specific requirements of susceptibility. Mr. Berrier suggested that perhaps the board would like an amendment drafted as to a minimum amount abutting a street. Mr. Sands moved, seconded by Mr. Schulz, the waiver be accepted. With the question called, by voice vote the motion was rejected with a vote of four against and three in favor.

Subdivision - Final Plat, Ann Seavers, Fritz Cove Rd., Lot A
U. S. S. 2390

(24) Miss Brockman read the letter from the engineers who requested that the blueprints be presented to the board as it was necessary to mail the tracing of the plat for Ann Seaver's signature. The preliminary plat was sent back with the request for a dedication of 10 ft. on both sides of Ann Coleman Road; the request had been followed and the plat did conform to existing regulations. Miss Brockman commented that Mr. Stilley had been notified and advised of street zoning and all ramifications thereof and also with regard to street effects. Mr. Campbell moved that the subdivision be accepted. A second was heard. Mr. Campbell noted that he would like to have clarified Lots 1 through 7; they were shown as A-1, A-2, etc. With the question called, by voice vote the motion carried. Miss Brockman added that the staff had had lengthy discussions throughout the week re platting and that Mr. Berrier would accept any questions regarding platting and statements in the ordinance.

TIDELAND LEASES

ADL 37011 - ATS 756; Tideland Lease Application - David A. & Maybelle B. Horton

(25) Mrs. Fritsch stated that this was for extension beyond Mr. Horton's present fill. The Division of Land had received

an application for a 55-year lease. Mr. Horton had plans for expansion of his proposed waterfront restaurant facility. Mrs. Fritsch commented that she had a letter dated May 17, 1967 to Mr. David Horton in which Mr. Horton was advised to inform the planning office of immediate and future usage of land fill; any contemplated structures to be placed on the property would be required to have structures suitable to the fill. The additional tideland would increase the depth of Mr. Horton's fill seaward by 125 ft. over his present 200 ft.; the land in question was presently zoned commercial. Mr. Schulz moved, seconded by Mr. Peratrovich, the Board state they had no objection and that they concurred. With the question called, by voice vote the motion carried. Mr. Campbell abstained.

ADL 37123 - ATS 758; Tideland Lease Application - Robert N. Caffee

(26) Mrs. Fritsch noted that the property in question immediately abutted the preceding lease; it was located on the town side, however. The proposed use would be in connection with small boats and pleasure craft. Mr. Schulz moved, seconded by Mr. Graves, the Board state they had no objection. With the question called, by voice vote the motion carried.

The Platting Board then adjourned and reconvened as the Planning Commission.

PLANNING COMMISSION

Action on Zone Change - Dr. Riederer's request from R1 to R2

(27) Mr. Schulz moved, seconded by Mr. Graves, the zone change be granted. Mr. Schulz asked for an opinion from the attorney. Attorney Berrier remarked that this was a classic example of spot zoning as it was a single parcel and not consistent with the comprehensive plan. The zoning under the new ordinance would still be for single family residential. Mr. Peratrovich asked if the doctor had actually made a statement that if the zoning was not changed, he would be leaving. Mr. Bolton commented that there was just a letter which alluded to it. It was further noted that the application was strictly that of Dr. Riederer. It was hoped the Assembly would take into consideration the heavy school traffic in the area. When the Outer Drive reached completion, the zoning of the present Highway Department section was scheduled for schools; the area would still conform to residential use after the Highway Department moved. Discussion ensued re if the zone change was approved, there would be requests for curb cuts; concern about cars parking on corners and obstructing view. Mr. Peratrovich asked if in the new zoning ordinance, would a conditional use in the present zoning permit a doctors clinic. The answer was that it would not. If the zone change was approved by the Borough Assembly, before the clinic could be operated, the doctors would have to provide the required number

of off street parking spaces. Mr. Sands remarked that from good planning viewpoint, the area should not be changed in its zoning. The clinic itself being in that area would not really affect the area; it might be beneficial, but he would have to vote against the change due to spot zoning. Mr. Schulz commented that he had spent part of the afternoon and evening reviewing Rathkopf on "The Law of Zoning and Planning." He was persuaded that this community had to take a certain liberal attitude in extending themselves to accommodating professional people to locate here. Professional people should be given consideration. Mr. Peratrovich stated that in approving a zone change, land was perpetual and people were not. Mr. Bolton noted that limited professional offices including medical and dental offices occupied with not more than four persons would be allowed in a residential area under the conditional use section. Mr. Sands asked if the Commission was right in justifying placing professional offices in a residential area. Mr. Campbell commented that the conditional use route was much better unless the proposed new zoning ordinance was revised. Chairman Ward asked what part did covenants play. Mr. Berrier replied that they should play no part. From the standpoint of private ownership, one could get an injunction. Mr. Peratrovich asked if this particular piece of property had any nonconforming uses on it at the present time. Mrs. Fritsch replied that she was under the impression that one lot line had been violated. Assemblyman Miller agreed with the majority; one could not vote in favor of the change, but the new ordinance pointed in a direction--a four person clinic was unrealistic. The suggestion might be to deny the present application but to increase the number of persons allowed in professional offices under the conditional use section in the new ordinance; he thought the Planning Commission could initiate a change in the present ordinance--this was not an isolated case because it would come up again. With the question called, by voice vote the following roll call ballot was taken:

Yea

Schulz

Nay

Hart
Peratrovich
Graves
Sands
Campbell
Ward

The motion failed to carry.

CorrespondenceLetters from Milt Daugherty and Chairman Charney

(28) Mrs. Fritsch read a letter dated June 7, 1968 to Chairman Charney from M. L. Daugherty who stated that with the press of

business duties, he had been unable to be present at the Planning Commission meetings. Since his attendance would be irregular in the foreseeable future, he felt it would be in the Commission's best interests that he submit his resignation. He asked the Chairman to accept his resignation immediately. Mrs. Fritsch then read a letter to Mr. Daugherty from the Chairman who stated that with regret he accepted his resignation and appreciated his past service and contributions on behalf of his fellow citizens. Mr. Campbell thought it would be fitting for the secretary to send Mr. Daugherty a letter expressing the Commission's regret for his resignation and appreciation for him working with the Commission toward good planning and zoning of the Juneau Borough. It was so directed.

Letter from City Manager Herb Lehfeldt re Comprehensive Plan - Sewer Collection & Treatment

(29) Mrs. Fritsch noted that last February Mr. Lehfeldt had taken back the sewer report and that she had called him because she had received no answer. On February 5, 1968 Mr. Lehfeldt and Mr. Paul Sargent had met with the Commission to discuss the report; various aspects were raised which they were unable to answer. There was a question re storm drain and how it was to be handled. It was researched and due to the large quantity of rainfall runoff there were methods of handling the flow--i.e. increase design flows to accommodate storm waters, construct holding tanks until work load was reduced to allow operation at each outfall. The method recommended by Hill & Ingman was the last, based on cost and construction. A sewage treatment lagoon would not be permitted because in and out flow of water at tides was unacceptable. With regard to discharge of sewage by vessels in harbors, dockside holding tanks should be furnished until a new sewer system was available; nothing was gained by providing or requiring this. The State legislature should sponser the provision. The questions that were originally asked were not answered--as to gravity outfall at the end of the channel. Mr. Campbell recalled that since finding a treatment area in Juneau was going to be a problem, the treatment plant should be reversed so it would flow to Douglas. The other question was that didn't the City think the report was overly conservative since the tests taken in the channel reflected sewage dumpage into the channel; what would be the effect with 28,000 people dumping sewage with the present condition as it was. Chairman Ward was concerned about the fact that the Hill & Ingman report covered nine of the eleven known sewer outfalls. Comment was further made that the report was not an overall Borough Comprehensive Plan for sewer and water. Mr. Campbell asked if the City officials had been sent a copy of the board minutes of their meeting. He wanted to see a request go back thanking the City for a clarification of their report but would still like to see the Planning Commission's previous questions answered; with more

liberal analysis, would this make any difference in the type of treatment that was recommended. It was mentioned that the City could not do anything about boats in the boat harbor without State legislation. In a City boat harbor, the City could pass ordinances. Discussion ensued re City requiring boats that use small boat harbors to have holding facilities on board.

Miscellaneous Business

(30) Mr. Schulz commented that the suggestion made by Assemblyman Miller to increase the number of persons allowed in a professional office in an R1 zone was a good one. The Planning Commission should think in terms of changing the proposed zoning ordinance to give more latitude in this area and in some others. It was proper for the Commission to initiate a change on conditional uses in an R1 zone, but appropriate steps should be taken in doing so. Most of the people in the area in question re the public hearing were concerned about their view and the fact that some other commercial enterprise could come in after the doctors left. If the ordinance was changed to let the doctors in under a conditional use basis, the Planning Commission could retain adequate control to let them handle these situations. Discussion ensued re covenants and their effect on land. Mrs. Fritsch asked if the Commission would care to have the staff research the average size of clinics in case the question came up so that they would have some basis for judgment as to what was an average clinic that might be located in a residential section. Mr. Campbell stated that if the commission was in accord, perhaps they could amend the existing ordinance or the proposed ordinance to give more latitude. Mr. Schulz made an informal motion that the Planning Commission ask the staff to do research in amending either or both the present ordinance and new ordinance. All of the members of the Commission were in favor of the research with the exception of the Chairman.

(31) Hearing no further business to come before the Commission, the same adjourned at approximately 10:50 p.m.

Attest:

Chairman

Clerk