

APPROVED MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Mandy Cole, Chair

January 23, 2024

I. LAND ACKNOWLEDGEMENT – Read by Chair Cole.

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

II. ROLL CALL

Mandy Cole, Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:01 p.m.

Commissioners present: Commissioners present in Chambers – None.

Commissioners present via video conferencing – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Travis Arndt, Clerk; Adam Brown; Nina Keller; David Epstein, Jessalynn Rintala, Lacey Derr

Commissioners absent: Matthew Bell, Assistant Clerk

Staff present: Jill Lawhorne, CDD Director; Jennifer Shields, Planner II; Lily Hagerup, CDD Administrative Assistant; Sherri Layne, Attorney III

Assembly members: Paul Kelly

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

IV. APPROVAL OF MINUTES- None.

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION- by Chair Cole.

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

VII. **ITEMS FOR RECONSIDERATION**- None.

VIII. **CONSENT AGENDA**- None.

IX. **UNFINISHED BUSINESS**

X. **REGULAR AGENDA**

PWP2023 0004: Parking Waiver request for a 3,657 square foot Domino's Pizza Restaurant.
Applicant: R & S Construction
Location: Clinton Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested parking waiver. The permit would waive five (5) parking spaces for the proposed Domino's Pizza restaurant with a drive-through window.

Applicant Presentation

Rob Worden from R&S Construction presented on behalf of Dominos. He explained that the lease for the building where Dominos in the Valley is currently located is about to expire. Instead of renewing the lease, Dominos has decided to construct a purpose-built structure in a Mixed-Use zoning district.

Questions from Commissioners

Mr. Pedersen noted that the originally submitted plans were for a larger building that required a parking waiver. A memo was submitted amending the size of the building to no longer require a parking waiver. He asked the applicant the reasoning behind the amended plans. Mr. Worden responded that CBJ parking requirements are based on gross square footage. Since this establishment will not have indoor seating for customers to eat on-site, the larger building wasn't really needed.

Mr. Epstein asked if the site plan will be updated to show 8 or 9 spaces if the building and parking waiver get approved. Mr. Worden said no, that they will stick with the current layout for parking.

Chair Cole asked for public testimony.

Marina Lindsey (ph), resident, asked for clarification on the public waiver request, as the proposal is fewer than required parking spaces. She also asked if anyone looked into the growth plans for Dominos or if there would be a traffic analysis and if they would be addressing any sort of extra landscaping requirements since headlights will be pointing towards the condominiums. She also

noted that the dumpsters for the condos next door are not very bear proof and adding restaurant waste would be a big problem.

Chair Cole stated she also thought about the landscaping lighting issue as well in regard to the drive-through. She asked if a landscape plan that would obscure the lights or a fence would meet her need. Ms. Lindsey responded that landscaping or a fence done well would help and she would be appreciative of that.

Filliard Lewis (ph), resident, voiced that he did not know if a fence to obscure the headlights would make any difference, as the discharge of the drive-through points the cars directly at their building. He shared that this is out of character with the surrounding businesses, because most of that area is shut down by 6 or 7 p.m. He was concerned they would not have any sort of peace with traffic going through there. He noted the traffic analysis was based on traffic throughout the day, which is misleading.

Chair Cole brought back the applicant to provide any other information.

Mr. Worden expressed that he thought about those residents on this layout, which is why the parking lot is in the back. In regard to the drive-through location, that is due to the layout of the property. He added they eliminated going in and out of the building at a front door they will not see and kept it down to one-story to avoid wrecking views. He stressed that the condos across from the drive-through all have bedrooms in the back, so it should not disturb any sleeping.

Mr. Epstein stated that for a parking waiver, the applications must include plans prepared by a professional engineer or architect, and this only has a drawing that has been stamped by a professional land surveyor. He asked if there was any documentation that had been stamped and signed by a professional engineer or architect, and if the director had waived submission of any required exhibits. Mr. Worden responded that they will not have final drawings until they know what is going to be approved. Mr. Epstein also asked where the drive-through window will be located. Mr. Worden stated it will be on the side with a 23.68 foot dimension with the window centered on that. Mr. Epstein inquired where they could put a fence. Mr. Worden replied that he did not know and is not in favor of a fence.

Ms. Keller expressed that when looking at the renderings of the building, on one side it says tenant sign. She asked if the building was going to be used by someone else aside from Dominos. Mr. Worden answered right now Dominos is the owner, but did not know if the client will change it or add something in the future. Ms. Keller stated it would be nice to know that.

Chair Cole commented that the building is proposed at a little less than 3,000 feet and only Dominos, and she assumed the tenant drawing rendering was something associated with the larger building, but now that it is the smaller building, there is nothing but room for one Dominos. She asked Mr. Worden if that was his understanding as well. Mr. Worden said he was not 100% on that, as he is unaware of what they will do in the future. Director Lawhorne added that her recommendation for approvals does not include anything else except Dominos and its associated parking and drive-through.

Chair Cole asked for questions for staff.

Mr. Arndt inquired why under Item 1 in the memo it says the building footprint decreases the total number of offset street parking spaces required from 18 to 14, but under number 2 it says 13 parking spaces meet the required minimum, including 1 ADA accessible space. Director Lawhorne responded that her understanding was that due to the decrease in the size of the building, the required spaces went from 18 to 14, and they are provided 13 total, including the ADA space, so they still need a parking waiver for one space.

Mr. Epstein asked Director Lawhorne if she foresaw waiving submission of any required exhibits. Director Lawhorne admitted that she missed that part about the architect or engineer, because they had the site plans drawn accurately by a surveyor and she believed it addressed most of the items, so she was comfortable with it as submitted, but if the Commission wanted it submitted by an engineer or architect, that could be a condition of approval. Mr. Epstein voiced he would want to see landscaping, lighting, and sign details to address public concerns.

Ms. Keller expressed that it is not clear if they plan on having a tenant and she is not sure if going from 3,600 to 2,900 square feet means there is no room for a tenant or not, and she does not like not knowing that. She added that may come into play with the parking spaces and how they will be used if there is a tenant. Chair Cole asked Director Lawhorne to clarify what happens if a conditional use permit is approved and something changes, including a tenant, on that building. Director Lawhorne clarified that they have been told since the application came in that it would be a Dominos, and it is in the Commission's authority to state that it must be Dominos and not any other uses combined with it without the applicant seeking a modification to the conditional use permit. She also noted that they need to be clear on what they are approving this evening.

Mr. Arndt asked if it will be required to have the site plan stamped by an engineer for the building permit process even though the site plan is stamped by a land surveyor right now. Director Lawhorne responded that is correct.

Mr. Epstein shared that recommendation item 3 states that prior to the issuance of a building permit, the applicant can submit a revised site plan that meets the parking design and circulation requirements, so they will get to where they need to be one way or another.

Mr. Brown inquired if there had been any other buildings in the area that had concerns about the headlights. Director Lawhorne responded that the only thing recent she could think of was the new search building and she did not recall that being an issue, but it did not face the condos. Mr. Brown expressed he was not personally overly concerned with the headlight issue.

Ms. Rintala asked if the amount of parking they are requiring is based on an undifferentiated restaurant use in Juneau. Director Lawhorne expressed it is not specific to Dominos.

Director Lawhorne clarified she is not sure why the applicant's request was still asking to waive the five parking spaces, even though they only needed one.

Attorney Layne stated even though they may still be requesting five spaces, the Commission can

still say they are only going to waive one.

MOTION: *by Mr. Pedersen to accept staff's findings, analysis, and recommendations, and approve PWP2023 0004 parking waiver for 11 regulars spots and one handicap space.*

Mr. Arndt supported the motion and agreed the other space was odd and in the way for the traffic circulation.

Ms. Rintala found it compelling that per Juneau's regulation, they are asking this restaurant not meet the same parking standards as a sit-down restaurant, and it does seem reasonable for the Commission to be a little flexible with the requirements of this restaurant versus a sit-down restaurant, so she is in support of the motion.

Chair Cole clarified they are waiving two parking spaces, meaning there will be 12 on site, with two parking spots waived of the required 14.

The motion passed with no objection.

USE2023 0018:	Conditional Use Permit request for a 3,657 square foot Domino's Pizza Restaurant.
Applicant:	R & S Construction
Location:	Clinton Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the Conditional Use Permit.

Questions from Commissioners

Ms. Keller shared that since they do not know for sure on a tenant, she proposed using Director Lawhorne's earlier suggestion to include in the conditions to say that the use for a Domino's only and any other further uses in the future will have to come in for modification.

MOTION: *by Mr. Arndt to accept staff's findings, analysis, and recommendations, and approve USE2023 0018 and propose modifying conditions to strike number 2 and number 5.*

Mr. Arndt was in support of the location, as it is a light commercial area, and he left out Ms. Keller recommendation, because it states that the permit allows for a Domino's Pizza Restaurant and a drive-through window, so that should already be taken care of. He added that he did not see them solving the issues and comments from the public with the landscaping plan and the fence, and the applicant pointed out that the bedrooms on are on the back side of the units.

Ms. Keller explained the reason she brought up adding the potential modification for use was because of the rendering and the applicant's mention of a potential render.

Mr. Pedersen supported the motion.

Mr. Epstein proposed an amendment to add that prior to the issuance of a building permit, the applicant shall submit a revised site plan to meet parking design and circulation requirements to resolve the concerns about the engineer plan and the six sub-items.

Chair Cole clarified they have a motion with four conditions, with Conditions 2 and 5 deleted, and an amendment to add a fifth condition that mirrors Condition 3 in the original packet.

Mr. Arndt spoke against the amendment, as they are trying to delete extra conditions and it will automatically be satisfied.

Mr. Epstein thanked Mr. Arndt for his comments, and asked the director why Condition 3 was included in the first place. Director Lawhorne shared she made an oversight. Mr. Epstein chose to proceed with a vote.

The amendment failed 3-5.

Director Lawhorne noted that in regard to Condition 5 on the wheel stops, that spaces two, three, and four do not appear to back up to anything except an adjacent parking area, and staff believed wheel stops could be required.

Ms. Keller proposed an amendment to add the wheel stop condition back to keep people from driving through.

Chair Cole clarified that Ms. Keller proposed an amendment to add Condition 5 back, stating wheel stops shall be placed in front of parking space that do not front a curb.

The amendment failed 4-4.

The motion passed with no objection.

XI. OTHER BUSINESS

Chair Cole discussed the ADU Draft Ordinance language. She explained they went over it several times in the Title 49 Committee, and they wanted to see if there were any substantive changes that the whole Commission want to make. She noted that the ordinance still has to go to law and come back to them in the end.

Director Lawhorne expressed that the intent is that once they have the draft ordinance from the law department, they will schedule a public hearing for the Planning Commission to hear public testimony on it. She asked that they reconsider requiring a conditional use permit, as not a single accessory apartment has been denied even if they did not have the required parking, and staff rarely receives complaints on parking. She also pointed out that a building permit for an accessory apartment can take two to three weeks if all paperwork and materials are fully completed, whereas if you apply for a conditional use permit, the minimum is three months to get it before the Planning Commission. Director

Lawhorne also mentioned that in the past they would do tract changes, but that gets difficult to follow at times, so now they are underlining new language and striking through any language they are getting rid of. She noted she was asked to combine the definitions for B and C for accessory dwelling units, but they are very similar and could not find a way to define them better than they are.

Chair Cole asked for discussion on whether or not ADU applications need to come before the Planning Commission for conditional use or before the director instead.

Mr. Epstein asked what leeway the director would have in receiving an application for an accessory dwelling if the Commission decides to do away with the requirement for a condition use permit. Director Lawhorne stated that usually she has an escape clause to the Commission if the application triggered the same review that a conditional use should have but squeaks through, but those are rare and involved phasing. She could not envision a scenario where that would occur with an accessory dwelling unit. She added that if the Planning Commission disagrees with her response on an ADU, there would be an appeal.

Mr. Arndt agreed with what the director stated and was in favor of deleting the things they always say yes on, as it is a waste of everyone's time, but in this case, it may be good to keep it for a little while because they were increasing the square footage. In regards to someone appealing it or abutting it, he did not know if a neighbor or abutter would know the person got the permit until they started construction or after the fact, which would be outside of the appeal date. Director Lawhorne stood by what she initially stated.

Chair Cole added that it was on her mind to take care with ADU's because of some of the issues that short term rentals are causing for them in terms of housing, and so getting a cup might be important to help to understand conformity with the neighborhood and the use.

Mr. Arndt suggested leaving it in there for now to give everyone time to think about it as it goes to law, and they can easily strike it when it comes back for public hearing, because if it gets deleted tonight, it would be harder to add it back in later.

Chair Cole voiced they will leave it in tonight, and have arguments on it later.

Chair Cole discussed the proposed definitions for ADU regarding option B and C. She explained they wanted to combine the sentence that provides basic requirements for living, sleeping, cooking, and sanitation, and the sentence stating the dwelling unit ADU is accessory to and smaller than the primary dwelling unit. She noted the reason for that is they did not want them to mirror each other but wanted to keep them accessory. She suggested adding the basic requirements for living, sleeping, cooking, and sanitation to Option C.

Mr. Arndt agreed, but added that they also got rid of “is smaller than”. He discussed the deletion of the efficiency one bedroom, two bedroom comments and leaving it as square footage. He noted it was taken care of on lines 170 and 125, 126, but they need to deal with it on line 67, 93, 100, and 134. He also shared they were struggling with the title on line 144, because in multifamily zoning districts it does not apply to the multifamily building, and only single family residence. He was concerned about the first sentence under G, “Multifamily dwelling and accessory dwelling unit approval”. Director Lawhorne requested the easy fix is to say a single family unit in a multifamily zoning district.

XII. STAFF REPORTS

Director Lawhorne voiced that there are no cases scheduled and they will not have any work ready for the February 13th Planning Commission Meeting, so they have proposed to cancel that. The Commission agreed. She announced that the Legislative Breakfast is this Thursday, and they will discuss legislative priorities. The Assembly Retreat took up the land use code and asked what it would take to do a rewrite, and there have been internal meetings and meetings with the Chamber of Commerce’s Housing Committee, and right now they are looking at a new approach, which will split a full rewrite into two phases. She added she is working on a draft memo to the manager this week, and will have it ready by Thursday for the Assembly to discuss it on January 29th. She shared that they are losing two planners. She expressed that the building permit numbers are up, single family housing unit permits were down by a few, commercial development is up, and they are at two to three weeks for building permits.

XIII. COMMITTEE REPORTS/ASSIGNMENTS

The Title 49 Committee will consist of Mr. Arndt, as Chair, and Mr. Brown, Ms. Derr, and Ms. Rintala as Committee Members. On the Governance Committee, Mr. Pedersen will remain as Chair, and Ms. Cole and Ms. Keller will be Committee Members. Mr. Arndt noted it is nice if everyone shows up to the Title 49 Committee Meetings, even if they are not on the Committee. Ms. Keller agreed to remain on JCOS if it is still available. Mr. Epstein agreed to do the Public Works Committee, and Mr. Bell was placed on the Lands Committee.

Director Lawhorne shared that Mr. Chamborra (ph) will cover for her in February while she will be traveling, and he will give a full update on long-range planning and the housing program.

XIV. LIAISON REPORTS

Assembly Member Kelly reported that the Full Assembly has not met since the last Commission Meeting. He expressed they had the Legislative Welcome on January 16th, which went well. He shared that they will be having a Legislative Work Session with their delegation on Thursday, at 7 a.m., weather permitting, in the Assembly Chambers. He

voiced that the Assembly Members individually ranked all priorities that were submitted. It will not be finalized until next Monday, but they will show it to the delegation Thursday.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION- None.

XVIII. ADJOURNMENT

The January 23, 2024 Planning Commission Meeting was adjourned at 9:00 p.m.