

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Thursday, May 30, 2019
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Travis Arndt, Andrew Campbell, Shannon Crossley, Ben Haight

Members Absent:

Ken Alper

Staff Present:

Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Laurel Christian (CDD Planner), Chelsea Wallace (CDD Admin), Autumn Sapp (Engineering & Public Works Business Manager)

I. Call to Order

The meeting was called to order at 12:00pm.

II. Approval of Agenda

Mr. Dye proposed to change the agenda to include discussion for setting up a more permanent schedule with dates and times and would like to meet at least once a month.

Mr. Haight asked if it would be good to supplement with special meetings, as needed.

Mr. Dye agreed special meetings would be good and held as needed, on top of the standing, monthly meeting.

Mr. Arndt asked if there was enough work for the Committee to hold a meeting every month.

Mr. Dye replied that he was aware of work that needed to be done and asked if the CDD would be able to provide the Committee with enough work for monthly meetings.

Ms. Maclean replied that the CDD would be able to provide the Committee with work each month.

Ms. Pierce replied that there is a spreadsheet full of work for the Committee to tackle and noted that once the work for Downtown and Auke Bay have been completed, it should make the work for Douglas move more smoothly.

Mr. Dye asked if there were any dates and times that worked well for everyone to schedule the monthly meetings.

After some deliberation, the Committee decided they would begin meeting on the third Wednesday of each month at noon.

III. Approval of Minutes

IV. Agenda Topics

A. Proposed Revisions to Private Shared Access (49.35.260)

Ms. Maclean stated that staff tried to take Private Shared Access incrementally, like most things, but there were some unanticipated obstacles that needed to be tackled. The topic did grow slightly, because bungalows and panhandles had been tied in. Unfortunately, the time that CDD gets with the Law Department is quite limited and the appeals CDD is dealing with is taking up a lot of that time. Due to this, Ms. Maclean suggested that the bigger issues are flagged to come back to, in order for the Committee to try to fix the issues that are holding up homeowners from getting their work done; for example, the pavement requirements. Ms. Maclean noted that the documents were printed with the revisions on them, so everyone could see the changes being proposed.

Mr. Arndt referenced a large lot on North Douglas that is being subdivided, due to it not meeting the requirements for Shared Access. He felt that Private Shared Access could have been a good solution for that lot.

Ms. Maclean stated that this lot falls into one of the bigger items, as Private Shared Access has only been approved for single-family districts.

Mr. Dye noted that the Title 49 Committee was trying not to go into multi-family, for the time being, to avoid problems.

Mr. Arndt felt that the Private Shared Access requirements would have been a good way to make options work on some of the land we have in Juneau.

Ms. Maclean stated that staff was trying to gather information on how many Private Shared Access cases did not work out since its adoption in 2016. If staff felt it wouldn't work, other options would have been discussed during a pre-application meeting, but some situations have not worked out.

Ms. Sapp stated that CBJ would prefer not to have Private Shared Access mingling with Utility requirements at all, but totally regulated with a separate code. Having shared utilities is not always going to be an option, so CBJ doesn't want people to think this could allow that.

The Committee agreed with Ms. Sapp.

In regards to paving requirements, Ms. Maclean felt revisions could be used here, as it seems like a waste to require someone to pave an area that is gravel, or another material, to begin with. Revisions could also be made for the required distance that is to be paved from the public roadway.

Mr. Dye asked if anyone knew what the Department of Transportation (DOT) required for paving in a situation like this.

Ms. Sapp stated that she checked with the DOT and saw that they have conflicting code requirements for paving in residential zones. So, a decision will have to be made on what the distance should be.

Mr. Arndt asked what the intent was behind requiring 20 feet from the public roadway to be paved and if it made more sense to require just paving up to the right-of-way.

Mr. Dye recalled that there was a lack of understanding in why there can't be sidewalks everywhere. After much pushback and several people making several comments, this requirement was made. It also helped with dust control issues.

Ms. Pierce stated that the 20-foot requirement was not set in stone and suggestions for revision were welcome.

Mr. Campbell asked what the requirement would be if it weren't for Private Shared Access.

Ms. Sapp replied that the requirement is 2 feet.

Mr. Campbell suggested the Committee adopt that regulation.

Ms. Sapp noted that the DOT requires 10 to 12 feet to be paved and asked how that could be accounted for.

Mr. Campbell suggested that the requirement be 2 feet unless another regulatory body has a larger requirement.

To clarify, Mr. Dye asked if Mr. Campbell meant pave until the right-of-way, unless specified to do more.

Mr. Campbell replied that, that intent was correct.

Mr. Dye noted that part of the intent in developing Private Shared Access was to help alleviate on costs and try to increase quality.

Ms. Crossley asked about the Committee's role in settling civil disputes between neighbors.

Mr. Dye replied that the Committee would not be settling disputes between neighbors. They are trying to prevent people coming in to complain about their neighbors and issues with driveways.

Ms. Maclean felt that not setting a required distance, but leaving at other agency requirements could work. The Department would work with the applicants to notify them of other agency requirements.

Ms. Pierce said this could be beneficial.

Mr. Arndt asked if the solution here, then, was taking out a length requirement and letting other agency regulations be the requirements.

Ms. Maclean stated this was correct.

Mr. Campbell showed support for this suggestion.

Ms. Maclean then directed the group's attention to the access revisions. She stated that language from Panhandle regulations was used for the revision, but changes could be made. This would allow for larger

setbacks and stop someone from choosing to keep access the way they already had it. Ms. Maclean suggested that the same language be used for the setback revisions.

Mr. Campbell and Mr. Haight showed support for the revisions.

To better understand what was being addressed, Ms. Christian drew a picture on the SmartBoard for the Committee and Ms. Maclean described this drawing. Ms. Maclean asked about how flexible the Committee wanted to be and if they wanted to provide for some discretion and be able to work with people when meeting setbacks, as best as possible.

Mr. Dye asked if there was a problem with getting two driveway permits that close together.

Ms. Maclean stated that was another topic on the list for discussion that day, as it usually comes up if a lot is already developed and the one next to it is not.

Mr. Haight asked if this question arises with the applicant before work has begun.

Ms. Maclean stated that this question does come up before work starts, because a pre-application meeting is held and Planners advise the applicant on what they can and cannot do on their property. Currently, if someone wants to subdivide this way, then they have no other choice.

Mr. Haight asked how often this problem seemed to arise.

Ms. Sapp stated that she had been in at least two pre-application meetings during this year where these problems arose.

Mr. Arndt felt it is good that the Committee is addressing this issue and suggested treating this situation in a way similar to working with someone on a very steep slope.

Ms. Maclean stated that shared access regulations are in Title 49.35 and cannot be varied.

Mr. Campbell asked if people were able to come in and make their lot into a panhandle.

Ms. Maclean replied that yes, this was possible.

Mr. Dye asked about the odds of these access areas become a public street.

Ms. Maclean replied that the odds of these turning into public streets are quite unlikely, as there are many reasons that would prevent this from happening. She sees what Mr. Campbell is trying to say, and sees how this could be problematic, but concerns shouldn't be too high.

Mr. Campbell noted that it is easier to come in and fix a road when the houses are set farther back onto the property. He suggested adding some language to help accomplish this.

Mr. Arndt asked for some clarification on panhandles and how someone can create a panhandle.

Ms. Maclean explained more about how panhandles work and went into further detail when confusion was expressed. The Committee then discussed more of the options available for panhandle access.

In regard to an already existing driveway, Ms. Maclean stated that they are allowed on panhandles, if the regulating agency approves an extra curb cut.

Mr. Arndt asked if it was typical to let an applicant keep an existing driveway.

Ms. Sapp replied that it is usually given to the Streets Department, but it has to meet regulations first.

Moving onto revisions for setback regulations, Ms. Maclean stated that this topic came up fairly recently. She used bungalow lots as an example, stating that one would not be able to use Shared Access to create a bungalow lot, due to it being required to be on publicly maintained roads. She asked Ms. Sapp if you could do Shared Access and still be on Public Sewer and Water.

Ms. Sapp replied that this was possible.

Mr. Arndt asked some questions to clarify his understanding of what is allowable with a bungalow development.

Ms. Maclean and Ms. Christian replied that his understanding was correct and gave more clarifying information to help.

Ms. Maclean asked if there was any interest in changing panhandles or looking at them separately, by themselves and gave a setback example.

The Committee discussed the example and what could be done on a panhandle lot.

Mr. Arndt suggested that a picture be added to the Code pertaining to this information, to help others better understand what the intent of the language is.

Ms. Maclean stated that there is a picture in the panhandle Code to help alleviate these issues.

Staff members gave more examples and discussed them with Committee members to help them better understand how a panhandle lot could be developed.

Mr. Dye asked how these revisions could affect density.

Ms. Maclean stated that other requirements still needed to be met, including density requirements.

Mr. Haight asked if formal agreements were made between people for use of the driveways.

Ms. Maclean replied that there are formal agreements made.

Mr. Haight asked if they were Shared Access agreements.

Ms. Maclean they were not Shared Access agreements, because different conditions allow for different agreements. She went on to give some examples of what kind of agreements can be made for different conditions.

Ms. Maclean asked if anyone would like to make more revisions for paving requirements or easements for utilities.

Members showed support for the revisions to paving requirements and easements for utilities.

Ms. Maclean asked if there were other revisions that the Committee would like to keep.

Mr. Arndt expressed support for the variability in setbacks similar to panhandle setbacks.

Mr. Campbell expressed support for the revisions, but felt that the access revisions may be controversial. However, if they all access the public road, then there won't be worry about who maintains the road or anything.

The rest of the Committee showed support for the revisions and agreed with Mr. Campbell.

Mr. Arndt suggested adding more depth to the access revisions.

Mr. Campbell asked if Code requires an agreement for Shared Access.

Mr. Dye replied that it does.

The Committee agreed that the bungalow topics could be controversial and suggested that they be treated in a different manner.

Mr. Campbell asked what the smallest width a bungalow lot could be developed on is.

Ms. Christian replied that a bungalow lot could be developed on a lot as narrow as 25 feet.

Mr. Campbell felt that this is enough space to make a turn and get out of the driveway, so it would be okay.

Mr. Arndt asked if there may be a way to incorporate bonus points into bungalow development, to help encourage people to build smaller and develop in different ways.

Mr. Dye felt this was a good idea, if they can find a feasible way to do it.

Mr. Arndt asked if it was possible to plat a bungalow lot with a panhandle lot and then turn the panhandle lot into a shared access subdivision. The bungalow lot would front on the right of way and not use the shared access.

Ms. Maclean thought that it could be possible, but one would have to be strategic in the development to make it work well and would probably have to subdivide first and subdivide in phases.

Mr. Dye asked if it would be possible to allow developers to accomplish both tasks simultaneously and if there were any reasons it would not work.

Ms. Christian stated that panhandles currently can get access in the panhandle or in a separate driveway. Currently shared access subdivisions can only get access through the shared access, with the proposed amendments, it may be possible.

Ms. Maclean felt that it may be able to be done before or after, but not simultaneously.

Ms. Christian read an excerpt from Code stating that the shared access could only serve four lots, to help clarify what may be possible.

Mr. Dye replied that if there was an easy way to revise this, it should be done.

Ms. Maclean stated that it would be possible to revise it, but it would be better to look at it at a later time. The Committee still needed to sort out a few of the other revisions first. Ms. Maclean asked, panhandle aside, if the Committee was satisfied with the revisions for street, side, and front yard setbacks for Shared Access.

The Committee showed support for the revisions.

Ms. Sapp asked if there was a way to prevent people from trying to decide they don't want to be part of the access in the future and if applicants are required to upgrade their utilities if it becomes a public street.

Ms. Maclean explained what steps were set to prevent someone from trying to back out of an access agreement and stated that the utilities upgrades could be worked on.

Mr. Arndt asked what the intent of the revision for *CBJ 49.35.262 – Standards. (c) Approval process (3)(v)* was.

Ms. Maclean replied that the intent was for it to mean that if a public right of way is developed to serve the lot or lots in the future, the owner(s) will abandon the private access.

The Committee agreed that the intent was good, but the language in this item did not portray that.

Ms. Maclean stated that the Law Department could look at it and help to clarify.

Mr. Dye felt that the confusion came from the variability in moving the front of the lot, so the language could be revised to keep the front lot variability in the language.

Ms. Maclean drew a picture and further explained to help with the confusion.

Mr. Arndt asked if it was possible to have Shared Access on a panhandle and used a drawing to describe why he would like to have that option.

Ms. Maclean stated that this idea would not be possible.

Mr. Dye drew a new picture and asked if it would be possible, if it were done in a different order and correct manner.

The Committee and Staff discussed if this option would be possible, but this option was not possible due to the regulations for developing a panhandle lot.

Mr. Arndt asked if someone would be able to get rid of their existing driveway, if they did a Shared Access agreement.

Ms. Maclean replied that this was possible.

The Committee discussed another way to develop a panhandle lot and thought that if someone was to strategically subdivide the land in a way that code allowed for, they may be able to bypass the four-lot maximum requirement.

Ms. Sapp noted that if the revisions for *CBJ 49.35.262 – Standards. (c) Approval process (3)(v)* were accepted, this could create problems with lot owners not giving up their rights.

Mr. Dye felt there would be no advantage for someone to do that, if there was a situation where it could happen.

Mr. Arndt felt that this item could be re-worked in part; it was a good start to revising the item, but it could use more work.

Ms. Sapp made a suggestion to revise the language to include everyone.

Ms. Maclean stated she would speak with the Law Department about the revisions.

Mr. Dye asked if there was anything else that anyone would like to discuss.

Ms. Maclean directed attention to *CBJ 49.35.262 – Standards. (b) Approval criteria. (8)* noting that this item prohibits Shared Access if a subdivision abuts a parcel that does not have alternative and practical frontage on a publicly maintained right-of-way. So, if there is undeveloped land behind the lot, it would prevent someone from doing Shared Access. If it is unlikely, what would be the need in requiring under D3 that it can be reduced?

Mr. Arndt suggested removing this item.

Ms. Maclean agreed with Mr. Arndt and suggested that it otherwise could say that it is required that you have to make the easement a certain width.

The Committee and Staff agreed with Ms. Maclean.

Ms. Maclean asked if the Committee would like to see this material once more before it moved forward to a Committee of the Whole Planning Commission meeting for more work, as it would need to go to the Law Department first.

Mr. Dye suggested that Ms. Maclean advise them on if another Title 49 meeting would be necessary after she spoke with the Law Department and gained their input on the revisions.

Ms. Maclean agreed with Mr. Dye.

V. Committee Member Comments and Questions

VI. Adjournment

The meeting adjourned at 1:28pm.