

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

Monday, December 3, 2018
Community Development Department
Small Meeting Room, 12:00 pm

Members Present:

Nathaniel Dye, Dan Miller, Paul Voelckers

Members Absent:

Carl Greene, Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Director), Rob Palmer (CBJ Attorney), Tim Felstead (Planner), Marjorie Hamburger (CDD Admin), Mike Vigue (Engineering), John Bohan (Engineering)

I. Call to Order

The meeting was called to order at 12:08 pm.

II. Approval of Agenda

The two items on the agenda were swapped in order to accommodate Engineering staff in attendance.

III. Approval of Minutes

A. October 9, 2018 Draft Minutes

Mr. Miller requested that on page 10 it say that Mr. Dye did “not have a preference” instead of “did not care”.

MOTION: *by Mr. Voelckers to approve the October 9, 2018, minutes as amended.*

The motion passed with no objection.

IV. Agenda Topics

A. AME2018 0015: Improvement Standards

Mr. Felstead stated that this case was presented last Tuesday to the Planning Commission. There was feedback from the Engineering Department regarding their wish to keep the option of temporary cul-de-sacs and the Commission had questions including what would be the implications for permanent cul-de-sacs, and if there were repercussions in terms of how potentially permanent easements would work for a plat. Therefore, Mr. Felstead invited Engineering staff to come and help the committee understand why they gave the comments they did.

Mr. Voelckers said there was one more subtlety raised at the Tuesday meeting. Since a timeline is not established in the language, it might be a very long time before the road is ready to be upgraded. Who will bear

the cost to repave or do whatever is needed? Is there a time at removal of the cul-de-sac becomes the city's project rather than the adjacent developer?

Mr. Vigue said this is a discretionary item or a consistency issue regarding removal of the cul-de-sac in a timely manner but, being new to this department, he did not have much experience to draw from. His experience was from the Department of Transportation. However, he wondered what the reason was for this discussion in the first place. Regarding current stub-streets and temporary cul-de-sacs it looked to him like the developer was hit up twice. First the developer puts in a temporary cul-de-sac to access developable adjacent property, and then s/he is required to put a bond in place to cover the removal if that happens in 5 years. The city is asking a developer to provide access and requires payment to take it out if the adjacent developer develops their property. He wondered why the responsibility and cost is not put on the next developer. The next person who is going to use the access should be required to do the removal, he thought. Mr. Miller said the commissioners felt the same. The initial developer also has to plat the right of way and give up that chunk of land for that purpose. Commissioners agreed the onus should be on the next developer, he said, so there was a desire to remove the requirements. Mr. Vigue recommended not removing the word "temporary", make it permanent, and put the maintenance responsibility on the Streets Department. Mr. Vigue discussed the issue of snow plowing and said that it is a competitive contact sport between neighbors to complain about the size of berms.

Mr. Bohan recalled that CBJ has removed some cul-de-sacs and when they were removed there was trouble maintaining the characteristics of driveways that were in place. They were faced with the argument that an owner would get "bermed up" by the snowplow and have to take care of a longer driveway. Street changes made 30 years after a subdivision was built face a lot of entitlement by property owners. Street maintenance is a huge issue, he said.

Mr. Dye said that if CBJ has a 30 year life span of asphalt is there extra cost to Streets for maintenance, and what is the return on this investment? Is the cost of rebuilding more than the cost of 20 years of maintenance? Mr. Bohan said that a cul-de-sac takes much more time to clear than a straight street and it can be difficult to figure out where to put the snow.

Mr. Voelckers said he understands now the snowplow logic and the equity issue, so he wanted to endorse the recommendation by Engineering that the second developer who wants to extend from the cul-de-sac is responsible to straighten it out. He said he understood that this is a significant issue, which was the question.

Mr. Palmer said that the first developer has two choices - to build out or install a cul-de-sac. Are there times when they do not have to do either? Mr. Felstead said if it is part of an extended street in a later subdivision phase then yes. Mr. Voelckers asked if this was already in the new language. Yes, said Mr. Felstead.

Ms. Maclean said that a motion was not needed at this time; the vote will be at the Planning Commission now that there is clarity. Mr. Felstead confirmed that the proposed ordinance will keep the recommendation for temporary cul-de-sacs. Mr. Voelckers wondered if there was value in having some discretion on the director's part? Mr. Vigue said he could not think of all possible situations that might arise, so having the opportunity for some discretion might not be a bad idea. Ms. Maclean said there could be a situation where the potential access provided is the only option at the time but some time later there is another access option in place. Mr. Voelckers said then it would remain as a quiet cul-de-sac with no further access. Mr. Vigue said that the second developer would be responsible for the removal, but if the adjacent lot turns out to not need it, they would not touch it. Mr. Felstead asked if there was any issue with a taking if a street connection was required for a subdivision and then not used for a later subdivision. Mr. Palmer said he would need to see a map in order to make an analysis. Mr. Bohan said that for fire code purposes a cul-de-sac does not go away until a developed area exceeds a

certain number of units and then requires a second access; this would trigger the removal of the cul-de-sac. Mr. Felstead noted that other considerations might also trigger that second connection such as street connectivity or walkable access. This kind of situation could be director's discretion or could be language such as "for access as required".

Mr. Palmer said he did not see this as an issue yet. It was agreed among all that there was no need for Engineering to be present at the next Planning Commission hearing on this case Mr. Palmer did suggest Engineering come to the Assembly meeting when this is heard.

B. AME2018 0012: Alternative Residential Subdivisions (ARS)

Ms. Maclean said the meeting packet included the draft as it left the Planning Commission and Mr. Palmer sent memos with minor revisions from the Assembly. On page 15 of 34 of the packet, line 12 regarding the density bonus piece – the Assembly asked for the inclusion of wording about a sidewalk or pedestrian path being a requirement.

Mr. Voelckers said that section (F) on page 15 was the correct section to add such language. Ms. Maclean said that it seemed best to take this request back to the Commission for guidance. She had a number of questions to ask: Should it state that a minor ARS does not have this requirement but a major does? What is the correct determination? Should there be consistency, for example an ARS of 5 lots or more would trigger the requirement of a sidewalk or pedestrian path?

Mr. Voelckers said that the criteria on page 16, (f) *Frontage and access* discusses access, but if there are 40 units, the concern is how to create separation. Smaller developments do not need separation. He suggested that the determination could be by district such as the three densest zoning areas. Mr. Miller said that the problem with that is the townhomes being built, which are 4 units, would not want to have to build sidewalks. How big the parent lot is and how many units should be driving factor, he felt. Mr. Dye said that this would be hard to determine. For example the Vintage Park boat condos configured the development in the center surrounded by asphalt with no pedestrian access to the right-of-way (ROW). The number needs to be high enough to justify creating a pedestrian path and does not need to connect well to the public ROW because the school bus might come all the way into the development. Each is slightly different, he said. On North Douglas Highway the school bus does not like to stop on the road. This would be difficult to legislate and account for every scenario. Mr. Voelckers said that the geometry does not have a line for a clear sense of where a sidewalk should go. Mr. Dye said that his point was that it becomes subjective. Ms. Maclean said she thought minor versus major is a clear line regardless of the zoning district. Also, she said, it is important to remember that this is a bonus. Mr. Voelckers said that the Assembly's point is to not have it be a bonus; rather it should be a requirement.

Mr. Dye said he knew about an architect who worked on colleges and universities and would only plant grass first. He would see the paths where people walked and then came back to establish the paved pedestrian pathways. For a place surrounded by asphalt, no one is going to follow the sidewalks or painted lines, they will walk the logical path between point A and point B. Mr. Miller pointed out that the project at Vintage Park is not an ARS. He said he liked the major versus minor as a starting point. Similarly to having to build a ROW and get points, developers could get points for having to build a sidewalk. But there should be some room for discretion, he felt. Mr. Dye said he thought the language could be more flexible and discuss communal parking lots, mailboxes, and other pedestrian systems to facilitate movement.

Mr. Miller suggested putting language under "general provisions" and say that pedestrian access has to be safe. Make it a review process and require the developer to show how people will move around, or demonstrate that

a sidewalk is not needed. If such language were to be part of the general provisions, there would not be the need to dictate something unforeseen. The developer would have to prove as part of application process that this requirement would be satisfied.

Mr. Palmer added some additional ideas. He suggested adding a section for “pedestrian access” on page 20 of the packet under *(b) Required submissions*. This requirement must identify how people will move from the dwelling units to the ROW; alternatively this could be located under *general provisions* with a statement that there must be a separated pedestrian access from dwellings to the ROW. In other words, he recommended that the consideration of pedestrian access be a component of the application submittal and be graded through the application process. He said he was not in favor of the major/minor distinction. Mr. Voelckers said would this mean the submittal of a pedestrian plan would be at the discretion of the director and/or the Planning Commission? He said that this makes people antsy. Mr. Palmer said that on page 16 of packet, *(f) Frontage and access* is currently the section that subsumes public safety but Assemblyman Kiel was concerned that this was not clear. Mr. Voelckers suggested the wording could be sharpened to say vehicular and pedestrian access in order to make it very clear.

Mr. Dye asked if this would be enough encouragement to make the ordinance sail past the Assembly’s concerns. Mr. Miller said he felt this would do it. Mr. Palmer said that including a CDD memo along with the ordinance, demonstrating that the staff and commission have gamed through a variety of scenarios would be good to include. Developments with a large loop oval versus a long panhandle have different access needs and options. It comes down to design and why the director and the commission feel the applicant has met the requirement for safety when they do their review. Mr. Miller said that this will fit many lots that are difficult to develop. Staff and the commission do not know what will be presented, and he would hate to tie the hands of future development. Mr. Voelckers said it would work to add the key terms to bullet 2 under *Frontage and access* on page 16.

Mr. Dye wondered if language should also be added on page 22, under *(d) Commission action*, bullet point 6, to make it more evident that commissioners should look at pedestrian use. Yes, all agreed. Mr. Voelckers said there also should be some mention at bullet 2 or 3, talking about safety of non-motorized travel.

C. Next Meeting

Nothing will be scheduled until the committee is reconfigured after the appointment of the new commissioners and committee assignments are made in January.

VI) Adjournment

The meeting adjourned at 12:52 pm.