

Agenda
Title 49 Committee Meeting
CITY AND BOROUGH OF JUNEAU
Nathaniel Dye, Chairman
July 24, 2018

I. ROLL CALL

Nathaniel Dye, Chairman, called the Title 49 Committee meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:32 p.m.

Committee Members Present: Chairman, Nathaniel Dye; Dan Miller, Paul Voelckers
Carl Greene, Ben Haight

Committee Members Absent: Michael LeVine

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager;
Robert Palmer, Assistant Attorney II

Assembly members:

II. REGULAR AGENDA

Discussion of proposed Title 49 Land Use Code regarding Alternative Residential Subdivisions.

Comparison of Planned Unit Development (PUD) vs Alternative Residential Subdivision (ARS)

Brief Summary of Discussion

No minimum site size in the ordinance. Perhaps site size should be left up to the Home Owner's Association. Home occupations would still be permitted. Home day care could possibly be an option, as stipulated by the HOA. Home day care centers are for less than 12 children, with various requirements for staff and parking depending upon the ages of the children. Specific language within the ordinance mentioning child care may be beneficial.

Accessory apartments are currently not allowed within the draft ordinance. It may be beneficial to allow accessory apartments on lots large enough to accommodate them. There was a lot of discussion about bonuses. Are the bonuses high enough to encourage positive development and should they be the same for all zones. Should minimum lot sizes be defined. A one percent bonus

for common space makes no sense. Instead of lot size 150 percent of the minimum lot size could be stipulated for the underlying zoning district.

A five percent bonus for excellence in siting, design, landscaping, and provision of common facilities and additional amenities is highly subjective. A five percent bonus for dedication of a public right-of-way does not seem relevant.

There was discussion about whether or not minimum buffers should be stipulated.

Ms. Maclean told the Commission their intent is not to get rid of PUD's at this time. She said this is mainly because the PUD allows commercial uses in the residential zoning districts. At this time she felt the staff felt it best to keep the two development types distinct. She said hopefully they will tackle PUD's next year.

Alternative residential subdivisions will be for residential uses only, from RR (Rural Residential) to LC (Light Commercial). It would require open space, she noted. The Housing Action Plan provides for the creation of different housing options, and this ordinance will help address those needs of the community, she said, by providing an option which does not currently exist.

Ms. Maclean walked the committee members through a table comparing a Planned Unit Development (PUD) to an Alternative Residential Subdivision.

An abbreviated version of that table including committee member comments is portrayed below.

PUD vs. Alternative Residential Subdivision			
	PUD (49.15.600)	ARS (proposed 49.15.900)	Notes
Purpose	The general purpose of the planned unit development code is to permit flexibility in the regulation and use of land in order to promote its most appropriate use.	The general purpose of this article is to provide reasonable minimum standards and procedures for small-lot, including small-site, residential communities in which the lots or sites do not conform to the minimum requirements for a traditional subdivided lot.	Main distinctions: PUD allows commercial and residential zoning districts – mixed uses ARS will allow only for residential Open space: PUD is 30 percent and 40 percent depending on zoning district; ARS is a range

Mr. Voelckers commented that there is no minimum size stipulated at all on the lot. The smallest unit would be what the builder deemed to be economically viable, he said. There are no dimensional requirements whatsoever, he added.

Ms. Maclean agreed and said that the parent lot will have to meet the requirements of the underlying zoning district. The individual units within that parent lot could be various sizes and configurations, she said. They would have to comply with the fire code, she said, meeting the minimum of at least six feet between the buildings. A minimum lot size is also not specified because they have had a lot of interest in tiny houses, said Ms. Maclean. This would make a tiny house development more feasible, she said.

In answer to a question posed by Mr. Voelckers, Mr. Palmer said if there is any type of land which is being subdivided, how far into the earth that goes is not relevant to this ordinance, as long as there are horizontal boundaries and that land is included.

Zoning Districts	RR,D1, D3, D5, D10SF, D10, D15, D18, LC	RR, D1, D3, D5, D10SF, D10, D15, D18, LC	ARS is not permissible in commercial districts except LC; PUD is permitted in LC, but no other commercial districts; neither are permissible in industrial zoning districts
Minimum Site Size (parent lot)	2 acres in D10SF, D10, D15, D18, LC 3 acres in RR, D1, D3, D5	Same as for PUD	The lot size restrictions proposed for ARS are to help ensure that enough dwellings are constructed to make the HOA successful; a minimum number of dwellings is needed to make maintaining the road/drive, utilities feasible

Mr. Miller said he was not sure that minimum site size should be dictated by the CBJ. He said he felt that could be left up to the Home Owners Association (HOA). He said he felt perhaps more discretion should be left to the developer.

Mr. Voelckers said he agreed with Mr. Miller. He asked for some explanations on the minimum site sizes that are recommended for the ordinance.

Mr. Dye said that his concern was to ascertain that the minimum development unit be accompanied by a viable HOA. He asked what the safe minimum number of units would be.

Mr. Miller said it was site-specific. He said he felt if it was this a high of the threshold as currently stipulated within the draft ordinance, that good development opportunities may be lost.

Lot Size (lots created within the parent lot)	No required minimum lot size within PUD; lot size is established as part of the preliminary plan approval	There is no minimum size for subdivided small-lots	
Zoning District/ Dimensional Standards	The standards applicable to a Planned Unit Development shall be those of the underlying zoning district except as provided in this section	The minimum lot dimensions, lot coverage, vegetative coverage, and setbacks shall be applied to the parent lot and not the subdivided small-lots. There is no minimum size for subdivided small-lots.	
Density	Number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the development and rounding to the nearest whole number	Same as for PUD	
Density Bonus	Total bonus shall not exceed 15% of the density	Same as for PUD	Refer to 49.15.670 (g) PUD's and 49.15.920(3)
Building Height/Spacing	No structured shall exceed 35 feet in height Each dwelling structure must be located at least 10 feet from any other dwelling unless structurally attached (common wall)	35 feet in height	
Open Space Minimum	30 percent required D10SF D10, D15, D 18, LC 40 % required RR, D1, D3, D5 70 % of the required open space must be contiguous regardless of zoning district	25 % in the RR and D1 zoning districts; 20 percent in the D5 and D10 zoning districts; 15 % in the D10SF district Open space must be permanently protected in perpetuity and may not be further developed	In lieu of the open space requirement in D15, D18 and LC, a vegetated buffer and connectivity to open space is important

Mr. Miller asked if the open space needs to be useful.

Usable open space in design is defined in the code, said Mr. Palmer. It is defined as open space which is within a proposed development site excluding areas devoted to structures, storage, recreational vehicles and parking. At least one half of all areas designated as usable open space must have a slope of less than 20 percent, he said.

Perimeter Buffer	There shall be a buffer of no less than 25 feet between the exterior boundary of the planned unit development in the nearest structure, road, or parking area within the development, unless the development includes the perimeter of transitional lots meeting the minimum dimensional standards in the zoning district. No building structures or parking areas may be located within the perimeter buffer	There shall be a vegetated perimeter buffer within the boundaries of parent lot. The buffer shall be vegetated or maybe partially vegetated if the commission requires a non-vegetated screening. The commission shall determine the width and type of vegetated perimeter buffer upon considering, but not limited to, the following factors: location of the subdivision structures and uses, the access and parking areas, the location and type of off-site uses or development, topography, and the presence of existing visual and sound buffers.	No parking areas or dwelling units may be located within the perimeter buffer
Uses	The uses allowed in the underlying zoning district, according to section 49.25.300, Table of Permissible Uses, are permitted in all planned unit developments. The following uses are permitted in a residential planned unit development: 1) A mixture of single-family, two family, and multi-family housing and 2) A recreational facility or a planned unit development community center	Residential only; based upon underlying uses is permissible in the zoning district e.g. single-family in RR, D1, D3, D5, D10SF; single and multi-family in D10, D15, D18, LC	

Mr. Miller asked if home occupations would still be permitted.

Ms. Maclean said that they would be permitted.

Mr. Miller said he felt that whether to allow a daycare within an alternative residential subdivision should be up to the HOA.

Mr. Voelckers asked if there was a threshold of day care which could be allowed within these permissible uses.

Ms. McKibben said that child care centers are for more than 12 children. Those require a conditional use permit in some zoning districts, she said. A child care home is can be in a single family home and that type of home child care may have parking requirements entailing two parking spaces for the residential dwelling and an additional parking space for each on shift employee. The number of employees required if any for a child care home is mandated by the state, said Ms. McKibben. There are different categories of childcare, she said. The ages of the children also affect the number of required employees, she added.

Mr. Voelckers clarified that language would not need to be changed in order to accommodate a child care home necessarily.

Ms. McKibben said when a child care business comes into the neighborhood traffic, hours and potentially noise can negatively affect the neighborhood.

Mr. Dye said the HOA could decide whether it wanted a child care home in its subdivision or not.

Mr. Palmer said maybe one way to accommodate the need for child care within a community would be to change the language in the last sentence in the draft ordinance stating that the use prohibitions of (m) do not apply.

That would open the door for a lot of commercial uses for other zones, said Ms. Maclean.

Ms. McKibben said she felt specific language mentioning childcare may be helpful.

The type of subdivisions they are discussing are going to be controlled, said Mr. Dye. He said perhaps child care could be specifically mentioned but that the door should not be open for other uses to be allowed such as a gas station, etc.

Mr. Miller repeated he would like to see it added to the ordinance and let the Home Owner's Association address whether they wished that type of home use or not.

Accessory Uses	N/A	Accessory structure. S such as garage, carport, shed permissible; accessory apartment not permissible except on standard sized lots (if any)	HOA's make the use of accessory apartments complex – how are fees assigned if accessory apartments are added later?
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Currently accessory apartments are not allowed, said Ms. Maclean. This is because they are not sure how an HOA could be set up to accommodate accessory apartments, she said. They had discussed that a structure had to be on a minimum lot size in order to support an accessory apartment, she said.

Mr. Miller said he felt it would be pretty simple to work accessory apartments into Home Owner Association requirements. They could stipulate within the HOA which lots would be eligible for an accessory apartment which could be built at the time of the initial construction of the primary dwelling or in the future.

Mr. Voelckers said he felt this would be doable but that it should be linked to a piece of property large enough to accommodate accessory apartments.

Mr. Palmer said he felt there was way that accessory apartments could be made to work within this ordinance. They do allow bungalow lots in most of their zoning districts and they are roughly half the minimum lot size, he explained. Accessory apartments are prohibited on a bungalow lot, he said. If an accessory apartment would be allowed it would need to be on a lot substantially larger than that for a bungalow dwelling, he said.

Mr. Greene asked where tiny houses fit within the draft ordinance and lot size.

They could be fit into any size lot, said Ms. Maclean. The size of a tiny home is 400 square feet or less, she said. The maximum for tiny homes is 400 square feet so that it does not need to meet traditional fire code requirements, she said. It still counts as a dwelling unit, she said, regardless of the size.

Mr. Dye said this ordinance is meant for more of a clustered development, so there may be a group of tiny houses.

Mr. Haight asked how this ordinance would play out for a development of mixed size dwellings.

Mr. Miller said developments under this ordinance would be more likely to have mixed sizes of dwellings.

Mr. Haight said often there are terrain issues as well. Developments will need to be scaled to fit within a particular piece of property, he added.

Access	Development shall have access to a public right-of-way. PUD which joins undeveloped land shall provide for a right-of-way between the undeveloped land in an existing public right-of-way, where	The parent lot shall front on and be accessed by a publicly maintained right-of-way. Access within a development may be exempted from 49.35 and be privately owned and maintained if it complies with requirements	Refer to 49.15.920(f)
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	appropriate Access to each dwelling unit shall be via a public right-of-way or a private street or pedestrian way owned by the individual property owner or in common planned unit development ownership		
Parking	Standards in chapter 49.40, access, parking and traffic apply except as provided in this section In a residential planned unit development, common parking and maneuvering areas shall be set back at least 25 feet from any point on the exterior boundary of the planned unit development and from any boundary of the phase not contiguous with a completed phase. Landscaped yard of at least 10 feet shall be provided between a common parking area and they lot line within the planned unit development		
Homeowner's Association	Refer to 49.15.640		
Review Process	49.15.620 (PUD process)	49.15.920 (refer to draft ordinance)	
Approval Process	PC (refer to 49.15.630)	PC (refer to 49.15.930)	
Phased Development	<i>Phasing allowed.</i> Applicant may develop a planned unit development in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire planned unit development on the neighborhood and the environment according to the standards	Same as for PUD; Standards subsection (49.15.930(b)(5))	

Mr. Voelckers said he would like to address the size of the developments.

Mr. Dye said he had concerns as well, but that since everything was so interconnected one stipulation or change affected many other items.

Mr. Voelckers said he worried that the lot size stipulations could be so large that no one would ever take advantage of this ordinance.

Mr. Dye asked what the maximum buildout would be in zones D1, D3, and RR.

At D1 at three acres with the density bonus there would be 3.45 units, answered Mr. Miller.

Mr. Dye asked what the reason was for including RR and D1 zones within this ordinance since the purpose was for multiple dwellings.

Ms. Maclean said there are decent amounts of land which may have not been up-zoned when public utilities were provided that could feasibly take advantage of this ordinance.

Mr. Dye said for those smaller zones a 15 percent bonus would not even provide an additional unit.

Mr. Miller said he would at least like to see the threshold acreage lowered for this ordinance and leave it up to the developer to leave it up to the HOA to work out.

Mr. Voelckers said the intent of this ordinance is to provide an alternate method to deliver small, cost effective units on difficult sites. The purpose of this ordinance is to allow some density, he said. He said rather than stipulate the area they could stipulate a minimum count.

Mr. Palmer said one of the hurdles with the Juneau housing trust model is that they are trying to look at more land for very small developments. Some of those developments may be as small as two units, but the parent lot is on a right-of-way and the small lots are very close to that right-of-way, said Mr. Palmer.

This ordinance is specific, said Mr. Voelckers, to craft an unusual way to get away from the limitations of standard lot sizes. This does not work for every possible scenario, he said, but it is not for every scenario.

For this ordinance a minimum number of units is completely appropriate, said Mr. Dye. He said this ordinance is not a silver bullet to solve every possible housing configuration within the community.

Mr. Miller said it is really up to the developer to decide how many units they need to construct in order to keep the housing association dues to a certain level. Mr. Miller said he felt that one acre would work as a minimum.

Ms. Maclean said she would suggest no minimum lot size, but instead rely upon the design and the buffer to make the development work.

Mr. Voelckers said his worry would be that if no minimum is set, someone could take advantage of this portion of the ordinance and cram 18 dwellings on a very small lot, for example.

Ms. Maclean said they would still need the lot coverage, the setbacks from the parent lot, vegetative cover, plus the open space requirement and possibly a buffer, depending upon the zone.

Mr. Dye said with the hundred square foot tiny homes there could be a lot of units jammed onto a D18 lot, with no minimum size for the lot established.

Mr. Dye said perhaps they could use a minimum percentage of a minimum lot size. He said perhaps it could be 150 percent of the minimum lot size for the underlying zoning district.

Discussion on Draft Ordinance Amending the Land Use Code Relating to Subdivisions

Density

Mr. Voelckers asked about adopting the PUD's 15 percent density bonus for the alternative residential subdivision. He said the 15 percent density bonus seemed somewhat arbitrary and perhaps the percentage for the density bonus could be higher.

Ms. Maclean said it may make sense to have the density bonus higher for the lower density zones and less for the higher density zones such as 15 percent.

Mr. Voelckers said he did not see how it would be necessary to ratchet down the density bonus in the higher residential zones.

Mr. Miller said he tended to agree with higher density zones. In the D10 zone with 10 acres a 15 percent density bonus would be 15 more units, said Mr. Miller. Ten acres in a D1 zone would only be one and a half more units with the 15 percent density bonus, he said.

Mr. Dye said in light of considering this ordinance he did not even see why they were evaluating the lower density zones, since it would not make sense for a developer to take advantage of this ordinance in the lower density zones.

Ms. Maclean said she did recently have an application for 10 acres of land zoned D1. This piece of land is surrounded by higher density zones, she said.

Mr. Dye said then that lot should be zoned differently.

Mr. Miller said he did not feel that a 15 percent bonus was enough for the lower zones. He said perhaps a 15 percent bonus was enough for the higher density zones.

Mr. Miller said that one percent of bonus for each 10 percent of common space is a ridiculous percentage. He said he would be surprised if anyone would ever take advantage of that bonus. He said he liked the three percent bonus for continuous setback of greater than 50 feet, since it would need to be 50 feet anyway from the important natural water bodies, including anadromous fish streams, lakes and wetlands.

Mr. Miller said he felt the five percent bonus for excellence in siting, design, landscaping, and provision of common facilities and additional amenities is highly subjective. He added he felt the five percent bonus for dedication of a public right-of-way accessible to all small lots was ridiculous. He said who would want to build a \$2,000 a foot road for a five percent bonus.

Mr. Voelckers said he agreed that the bonus for excellence in siting, etc. is highly subjective. He said the way this is written every single project would be coming before the Commission for approval. He asked if this would be a staff determination or if it would come directly before the Commission for approval. He asked how the bonuses would be rewarded and how the Commission would interact with that process.

Mr. Palmer said this would ultimately be decided by the Planning Commission.

Ms. McKibben said it would be helpful if the staff had examples of what could be excellence in siting, design, landscaping, and the provision of common facilities and public amenities.

Mr. Dye said he did not see why anyone would dedicate a public right-of-way for the bonus.

Mr. Voelckers said there are a large range of options within this ordinance from very low density to high density, and that developers would pick what most suited their lot and project.

Mr. Dye said he did not see why anyone would put in a public right-of-way using this ordinance. They are expensive to build and would consume valuable land, he said.

Mr. Miller said if someone did go to the trouble to build a public right-of-way they should be given a much larger bonus than five percent, such as a 10 percent bonus.

Mr. Haight asked what the objective was with the bonuses. He asked what they are trying to achieve.

Mr. Voelckers said the bonuses need to provide enough incentive to developers to drive behavior.

Mr. Miller said perhaps the bonuses needed to be larger for the higher density developments, where the results derived from the bonuses would be most needed.

Buffers

Mr. Dye said the language for buffers was not clear or objective enough to offer guidance for the Commission.

Mr. Dye said his point is that if there is not a minimum defined that developers may feel entitled to do as little as possible in the way of buffers.

Mr. Miller said he is not a big fan of buffers. He said he has seen them used in a number of subdivisions where a 25 foot buffer was required. Trees would be cut up to the 25 foot buffer and then more trees that could fall are removed in the buffer because they would be in danger of falling since all the trees in front of them are cut down. He said he felt having some sort of a buffer may be a good idea and that it is up to the developers to present their plans to the staff in the application process.

III. OTHER BUSINESS - None

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

ADJOURNMENT

The meeting was adjourned at 7:03 p.m.