

Agenda

**Planning Commission - Subdivision Review Committee
City and Borough of Juneau
Paul Voelckers, Chairman**

July 22, 2015

Marine View Buidling 230 S. Franklin Street, 4th Floor Conference Room
5:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **AGENDA TOPICS**
 - A. Memorandum regarding shared driveways and private easements
- IV. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- V. **ADJOURNMENT**



Community Development

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DATE: July 21, 2015

TO: Subdivision Review Committee of the Planning Commission

FROM: Laura A. Boyce, AICP, Planner
 Community Development Department

SUBJECT: Consideration of shared access driveways/private roads in easements.

The proposed subdivision ordinance does not include the option for shared access driveways or private roads in private easements for subdivisions. The current draft does include an option for a private access road to be constructed in a public right-of-way in certain cases. If the common practice of allowing subdivisions that provides shared access through a private easement to continue, the proposed subdivision ordinance should be amended to provide this additional access option.

Attached is a draft of private access concepts from the Law Department for consideration. We will discuss these concepts during the meeting.

Background

Recently, a proposed subdivision along North Douglas Highway highlighted the fact that some subdivisions are approved when the physical access to the proposed lots is from a shared driveway easement rather than by a dedicated and constructed street. These subdivisions meet the requirement for lots to provide a minimum of 30 feet of frontage on a dedicated right-of-way, but instead of each lot directly accessing the dedicated right-of-way, access is through a shared easement to that right-of-way.

Current Title 49 subdivision requirements include that each lot must be designed to provide a minimum of 30 feet of frontage on a dedicated right-of-way and that each lot must abut and be physically accessed from a street. The Community Development Department's practice has been to consider and sometimes approve subdivisions when practical access can't be met from the proposed lots. While the minimum frontage requirements on a dedicated right-of-way are met for the proposed lots, and the lots abut a street, the physical access *from* the lots *to* the street might be *through* an easement. In some subdivision cases, the "practical access" to the maintained right-of-way is not the most direct. While the lot design requirement for frontage on a dedicated right-of-way may be met with a proposed subdivision, direct access from those

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lots to the right-of-way may not be practical, due to topography, for instance. The practical access to the right-of-way may be through a shared easement instead.

In some subdivision scenarios, shared access is required. Panhandle subdivisions are examples of this requirement. The rear lot in the panhandle subdivision is required to have a minimum of 30 feet of frontage on the street and the resulting two lots are required to share access to that street, thereby limiting the access points onto the roadway. Subdivisions along arterials are also required to share access.

Rather than dedicate right-of-way and construct streets, subdivisions have been approved that provide a shared driveway for the lots to physically access the street while meeting the lot design requirements in the Code. Some recent examples of these “shared access” subdivisions include Ferry Heights Subdivision, a five-lot subdivision across from the ferry terminal, and the Andsoh industrial subdivision along Sherwood Lane. In the Ferry Heights Subdivision, practical access for that site was through a shared driveway easement, due to the topography of the site. The Fire and Engineering Departments approved the driveway design. Conditions were included in the subdivision approval for creation of a homeowner’s association that would provide ongoing maintenance of the shared drive and provide for continued safe access.

When shared access is proposed as part of a subdivision, CDD requires at a minimum that a shared access and maintenance agreement to be filed along with the easement being shown on the final plat. In some cases, a homeowner’s association is required by staff or the Planning Commission in order to ensure safe access to the lots along the shared driveway from the right-of-way.

Allowing these types of subdivisions with access through shared driveways/easements in certain instances has been common practice. Available “flat” land is scarce and the remaining properties that can be developed have topographical issues or other constraints that make traditional development less practical. Do we want to continue the practice of allowing alternate subdivision scenarios that are practical for that site? If so, the current subdivision ordinance draft needs to be amended to include the option of subdivision through shared driveway easements. In the proposed ordinance, other than for panhandle subdivisions, streets must be constructed for subdivision to occur when the right-of-way can’t be physically accessed from the proposed lots.

For reference, below is a partial list of subdivisions that have been approved with shared access instead of dedication and construction of a street. Examples include:

- Andsoh Subdivision – 9 total lots, 8 of which are accessed through shared easements. All lots provide the minimum amount of frontage on a maintained street. (Plat No. 2015-04).

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- Glacier's Edge Subdivision – 3 total lots sharing an access easement (two bungalow lots and one regular lot). (Plat No. 2014-28).
- Auke Lake Ridge Subdivision – 6 residential lots sharing a 60 foot shared access, utilities, and drainage easement. (Plat No. 2013-29)
- Ferry Heights Subdivision No. 3 – 5 residential lots sharing access from Glacier Highway. (Plat No. 2013-29)
- Mansfield Crossing Subdivision – 5 residential lots, 3 of the lots share an access driveway, and the other two share one as well. (Plat No. 2010-34)
- Point Lena View Subdivision No. 4 – A four-lot subdivision, three of the lots share a driveway from Island View Drive. (Plat No. 2010-11)
- Atwater Estates – Four common wall lots accessed through a shared easement on the adjacent property.(Plat No. 2007-63)
- Belleview Subdivision –Common wall lots accessed through an easement on the adjacent property. (Plat No. 97-64) (Plat No. 99-42)
- Forest Edge Condos – a 32-unit condo development (not a subdivision) that the entire development is accessed through another property
- North Douglas PUD – the entire 12-unit development is accessed through another property. A two-lot subdivision created the PUD parcel as well as the adjacent parcel through which the PUD has access to North Douglas Highway.

Private Access Ideas

Concept: Allow small developments to be accessed by a private street in a private easement.

Possible Names: Private street, private access, shared access, shared driveway

Policies: Expand privately maintained access (49.15.430-435), encourage consolidation of driveways, encourage development of housing in difficult terrain, eliminate unnecessary panhandles, protect air quality and prohibit no new unpaved streets in Mendenhall Valley

Application/triggers (49.15.430-435):

Minor subdivisions process ($x \leq 13$ lots)

Connectivity: Private access not allowed (1) if abutting parcels have dedicated ROW to connect to this property or (2) if a landlocked parcel would be created.

Future development: Private access not allowed if the Director determines that foreseeable future development requires a ROW or if this development would prohibit the practical placement of a necessary and foreseeable ROW.

Development Requirements (49.15.430-435):

Legal access: Creation of private easement for access and utilities, if necessary. 49.15.424

Easement width: 50' easement that can be reduced to 30'. 49.35.240(a-b)

Street standards: 49.35.240 Table

Avg. Daily Trips (ADT)	Adopted traffic impact analysis required	Sidewalks	Travel way width	Street lights	Easement Width ⁱⁱ	Paved Roadway Required	Publicly maintained
0 to 250	No	Not required	20 ft. ⁱ	At ROW	50 ft.	No ⁱⁱⁱ	No

Construction standards: pave xxx' approach to ROW, Maximum grade(s)?, drainage requirements determined by Engineering. 49.35.240

Individual Access: On double frontage lots, prohibit property from accessing ROW

Maintenance Agreement: Owners would be required to sign a maintenance agreement.

Parking: Additional parking at the ROW may be required for steeper private streets

Frontage requirement: Allow parcels to only have frontage on private access. 49.15.424

Panhandle lots: Can keep panhandle provision but no longer require ROW frontage. 49.15.423

“Street” names: CDD assigns street names anytime three or more properties share access.

Fire Code:

- Sprinkles may be required if the access grade is greater than 10% or if a dwelling unit is more than 150' from a fire accessible road. 503.1.1
- A fire hydrant may be required if the access grade is greater than 10%. D103.2
- A turnaround is likely required if the private access is greater than 150' long. 503.1.1