

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

Monday, September 17, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Michael Levine, Carl Green

Members Absent:

Dan Miller

Staff Present:

Laura Boyce (CDD Planner)

Jill Maclean (CDD Director)

Teri Camery (CDD Planner)

Marjorie Hamburger (CDD Admin)

Nate Watts (Code Compliance Officer)

Members of the Public:

Patty Wahto (CBJ Airport)

I. Call to Order

Meeting called to order at 12:05 pm.

II. Approval of Agenda

The agenda was approved as is.

III. Agenda Topics

A. Review of Financial Guarantee Requirements for Stub Streets & Temporary Cul-de-Sacs

Ms. Boyce said that this case, AME2018 0015, was presented at the September 11, 2018, Planning Commission meeting but was referred back to the Title 49 Committee for more discussion.

Tim Felstead's memo was reviewed. Page 2 of the memo asked if there should be a link between a temporary cul-de-sac and a stub street. Mr. Voelckers said there seems to be an obvious link between the intent language for cul-de-sacs and the option for a pseudo-stub street. Mr. Miller said he thought the cul-de-sac should be put in no further than needed and not be required to extend to the edge of the property if not needed. How does staff recommend this be dealt with?

Ms. Boyce said the code now says that temporary cul-de-sacs are to be built as close to property line as possible. She sees that the street extension is a stub, foreseeing that a road will need to be extended in the future. The cul-de-sac is needed for fire access. With a stub street, there is not any purpose except for a future extension. Mr. Voelckers asked if staff had any historical information. Ms. Boyce said that in 2015, temporary cul-de-sacs were added to the code and since then only one temporary cul-de-sac was built, on Blueberry Hill. Mr. Dye asked if that project was bonded for the removal. Yes, said Ms. Boyce. The Vista del Sol subdivision does not have temporary cul-de-sacs but dealt with that in a subdivision plat note.

Mr. Voelckers said he is still interested in considering if cul-de-sacs and stub streets are linked or not.

Mr. Dye said he can't see the point of removing a cul-de-sac; you might just end up with a bulbous area. He also can't see the intent of bonding for a removal. It seems simpler to just leave it and not bond for removal; the area can be used as a traffic calming feature or something like a basketball court, he said. Mr. Levine asked why cul-de-sacs are built at all. Mr. Voelckers said they are for emergency vehicles to turn around in.

Mr. Dye said there currently is a bonding requirement to remove aspects of the cul-de-sacs and realistically there is a reason to get rid of it. Mr. Levine said it could be that an owner of a property in the cul-de-sac might want that little piece of property removed from the right-of-way. Mr. Voelckers said setbacks are established to accommodate and by the time a property owner could get this land back it is a done deal. The house on the property will be situated so that the cul-de-sac setbacks work, and so he does not see this as a big deal. Mr. Dye said that the leftover space can be extra parking, a place to play, etc. or the cul-de-sac can be converted to a roundabout.

Ms. Boyce displayed a permanent cul-de-sac on the GIS viewer. Mr. Dye asked if the person with the narrowest frontage could have a dogleg lot if they are the only one wanting to reclaim the land. He pointed out that others might not want the extra land back due to an increase in property taxes. Ms. Maclean said it seems that CBJ would have to vacate even if just one owner wants it. Mr. Voelckers asked if there is any reason to have a category of "temporary" at all, since these things are built to permanent standards. He said he likes Mr. Dye's point about leaving it be.

Ms. Boyce said from the city's point of view there is more street to maintain that is not needed. Mr. Voelckers said this would be such an insignificant amount of effort versus the effort of rebuilding. Ms. Boyce said if platted today, the street bulbs would be easements on the properties. Mr. Voelckers said so functionally this operates like a property line. Ms. Maclean said the other option is to create a hammer head. Mr. Voelckers pointed out that takes up a lot of space too.

Ms. Boyce asked if the remainder piece is treated as a stub street and dealt with in that way and nothing else is touched does the Committee feel ready to move on and come back later about temp cul-de-sacs? The code would still say developers need to build as close as possible to the property line. Mr. Dye said he thought these needed to be addressed at the same time. Mr. Voelckers said that Vista del Sol could have been moved to the edge but then there would be wasted land.

Mr. Levine said that a hypothetical situation could be that if there are not enough funds to build all the lots in a development and therefore cul-de-sacs would be built in the middle of the property, then the next developer would have to bear the cost. We don't make the developer bond for that, he said. Mr. Voelckers said the stub has to give access to the furthest lot, even if only half the property is being developed. Mr. Dye said he used to think the city should not get rid of bonding, but he has since changed his mind.

Mr. Levine said for landlocked property the developer could create a disincentive for a future developer depending on how he platted the street. CBJ does not want to disincentive a developer, he said. Mr. Dye said the fact that the right-of-way got closer is advantageous. Mr. Levine said the second guy might end up building the road for the first guy. Mr. Greene said if a cul-de-sac is at the end, then there is no need for a stub street. There would need to be a compelling reason not to put it there.

Mr. Levine said the existing code is intending to make the person who is subdividing a property bear the cost of a street that will help connect the community. Having cul-de-sacs about property lines might not be the best way to do it. Mr. Dye asked if there is a way to tie a not-to-exceed number to minimum lot depth. Mr. Levine said he did not feel strongly about the wording but wants to not run a risk. Mr. Voelckers asked for clarification. Ms. Maclean said the guy without access gets a benefit, even if the road helps the first developer because half of it is though his land. Mr. Dye suggested bets should be hedged against future benefits. Mr. Levine pointed out that that this ordinance started down this road because it was requiring folks to bond for roads that will never be built or not be built in the near future and also the situation of temporary cul-de-sacs not needing to be at the end and not removing them. But, he said, he is sensitive to the fact that getting rid of all the requirements might allow for gaming the situation. Is there a possibility of reversing the policy about who is paying for what?

Ms. Maclean said staff agrees that temporary cul-de-sacs should be platted as close as possible to the edge of a subdivision and should plat to un-subdivided lands where practicable. The question is do you consider the extra land for a stub street, and do you have to bond for the stub? Mr. Voelckers said Mr. Miller would likely say that it is necessary to practicably access the next lot but that there is no need to go to the end. Mr. Levine said the purpose is to insure it accesses the back lot.

Ms. Maclean reiterated that it is all about making sure the requirement is practicable. In Vista-del-Sol, a stub street is not most practical because it would be platted on the steepest part of the property. A stub street could have been located on a different lot on the west side, instead of at the back of the property. She said she thinks if there is un-subdivided land next door, access should be allowed. Mr. Greene asked in the example under discussion, why not make the lot accessible from the main road? Ms. Boyce said that code requires connectors; the city wants to create a local street network.

Mr. Levine said it makes sense to treat this as a stub street. Mr. Voelckers said all the members agree. The question is about bonding, and he is not persuaded that the new policy is any better but he does not feel strongly about it. Mr. Voelckers said not doing a stub street if there is no reasonable practical use partly solves it. But developers feel bonding is punitive. Mr. Greene asked if the street in Vista has been turned over to CBJ. Ms. Maclean said not yet; bonding is for 5 years from plat approval.

Mr. Dye asked what happens if a stub street is bonded for but the intermediary road is never built. Ms. Boyce said generally 2 years is the timeframe from plat to build. Ms. Boyce said having a 5 year time frame in code provides the next-door developer incentive to develop. Mr. Dye said he felt that it is crazy to bond out at the start.

Mr. Voelckers asked if there is an appetite to get rid of bonding and go back to cul-de-sacs. Ms. Maclean said she is only concerned with a situation like a large parcel that has to plat all 30 acres and build cul-de-sacs at the far end although only building 10 of the acres. Mr. Voelckers asked how that is practicable defined. Ms. Maclean said if phasing a large development, a developer would put cul-de-sacs 1/3 of the way up because of the large size of the phase.

Mr. Greene said so if someone is phasing, they do not have to plat the whole thing? Yes, they would provide a sketch plat if phasing, said Ms. Maclean. Mr. Greene said if someone was phasing, then the 5 years makes sense. Ms. Maclean said that the first developer has enough skin in the game.

Mr. Voelckers stated that the committee agreed that the remnant is a stub street. Ms. Boyce said she trusts the market will dictate for the first developer. Mr. Levine suggested the wording could say "as close and practical, not to exceed unless determined by director. He suggested finding a way to give the director discretion to put the stub street somewhere else on the property.

Ms. Boyce said so the issue left is bonding for the temporary cul-de-sacs. Who converts the stub street then, asked Mr. Greene. Mr. Voelckers said it would be the next guy up who picks up the first 150 feet or so. Ms. Maclean said it makes sense if the owner of the land behind that developer could get a lot back.

Mr. Voelckers asked if committee members see any issue with Mr. Dye's idea of allowing it to be built permanently once and just leaving it. Mr. Levine said right now there can only be temporary cul-de-sacs if it is determined that there is undeveloped land adjoining. Mr. Dye said can't someone just do it when they want to? There are no minimum requirements, just maximum. Is there any code language that says you can't do it? Mr. Levine said we have to make recommendations to Law regarding what we want the outcome to be and Law then does the cleanup. Ms. Maclean said she will check with Engineering first. What is the next step, she asked?

Mr. Levine said these points have been agreed on and now just need wordsmithing for:

1. The thing after cul-de-sacs is a stub street
2. No bonding requirement for stub streets
3. Get rid of the word "temporary" in cul-de-sacs.
4. Build cul-de-sacs as near as possible to a lot line
5. Cul-de-sacs can be built anytime

Mr. Dye suggested the case go to the Planning Commission next; the Committee did not need to see it again.

B. Common Walls

Ms. Maclean said she wants to keep this in committee a little longer; at the last meeting the discussion happened too fast for her comfort. She pointed out that uses just approved became nonconforming. Her preference is that there is one common wall ordinance for residential zones, D3-D18, and a common wall mixed-use ordinance for other zonings. She said she wants to move both ordinances through concurrently in order to cover all bases. Mr. Levine and Mr. Dye said they had no problem with that.

Mr. Dye asked if there is any reason the common wall ordinances need to happen soon. Ms. Maclean said they are almost done so she'd like to get that off the plate. Mr. Levine said he remembers thinking there was a lot of value in separating residential and mixed use common walls. We might as well take the time and do them right, said Mr. Levine.

This will come back to the Title 49 Committee.

C. Review of Proposed Revisions to CBJ Code re: Stream and Lakeside Buffers

This topic was moved to the next committee meeting due to a loss of quorum.

IV. Next Meetings

- Maybe October 8 or 1– Ms. Boyce will check for attendees' availability.
- Monday, October 15, 2018, 12:00 – 1:30 pm.

VI) Adjournment

The meeting adjourned at 1:07 pm.