

Agenda

Committee of the Whole

City and Borough of Juneau

Ben Haight, Chair

July 23, 2019

Assembly Chambers

5:30 PM

I. ROLL CALL

II. REGULAR AGENDA

A. AME2018 0005: Proposed revisions to common walls - residential and mixed use

B. AME2019 0005: Proposed revisions to private shared access

III. OTHER BUSINESS

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES

V. ADJOURNMENT



{907} 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

July 15, 2019

MEMO

To: Benjamin Haight, Chair Committee of the Whole

From: Jill Maclean, AICP, Director of Community Development

RE: Proposed Revisions to Common Walls – Residential and Mixed-Use

Please refer to the attached memo, dated September 14, 2018, and minutes from the 2018 Title 49 Committee meetings where AME2018 0005 was discussed.

Thank you.

Attachments:


- September 14, 2018 memo re: Proposed Revisions to Common Walls
- April 18, 2018 Title 49 Committee meeting minutes
- May 16, 2018 Title 49 Committee meeting minutes
- August 27, 2018 Title 49 Committee meeting minutes
- September 17, 2018 Title 49 Committee meeting minutes
- October 15, 2018 Title 49 Committee meeting minutes



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

September 14, 2018

MEMO

To: Nathaniel Dye, Chair Title 49 Committee 
From: Jill Maclean, AICP, Director of Community Development
RE: Proposed Revisions to Common Walls – Residential and Mixed-Use

Update

At the end of last Title 49 committee meeting held on August 27, 2018, the committee briefly discussed and agreed to eliminate the use of common walls (residential) from MU2, LC and GC. This topic came up at the end of the meeting, and I am recommending that the committee take up this discussion in more detail, as the impacts may be greater than anticipated, including creating non-conforming situations, which should be avoided if possible.

One potential solution is to concurrently review and recommend for approval two separate ordinances for residential and mixed-use/commercial zoning districts. Accordingly, I have attached updated draft language for “common wall residential development” and “common wall mixed-use development” (attached). For ease of reading, the track changes and the redundant sections (i.e. redundancy of having language in the table of dimensional standards and in 49.65) have been deleted from these drafts.

I have also amended the table of permissible uses and table of dimensional standards to reflect this option (attached).

The purposes of the original revision still pertain to this discussion and include:

- Make consistent the sections of Code relevant to common walls;
- Clarify/revise the common wall section (49.65.700);
- Clarify/make consistent the Table of Permissible Uses (49.25.300 with 49.65.750);
- Clarify/revise the Table of Dimensional Standards (49.25.400);
- Revise the Definition of dwelling, common wall (49.80);
- Make consistent the Special Density of Code with any revisions proposed (49.25.510).

As a reminder, the T49 committee agreed that common wall units should not be allowed in the MU zoning district due to the higher density that is desired in the MU district.

Recommendations:

Staff recommends that the Code is amended to clarify, make consistent, and update the common wall sections of Title 49.

Attachments:

Common Wall Residential Development draft ordinance

Common Wall Mixed-Use Development draft ordinance

Draft Table of Permissible Uses Revisions

Table of Dimensional Standards and Definitions V2

V1

ARTICLE VII. - COMMON WALL RESIDENTIAL DEVELOPMENT

49.65.700 - Purpose.

The purpose of this article is to allow, in certain zoning districts, the development of common wall structures where each dwelling and underlying property is held under separate ownership.

The use of each common wall lot shall be limited to a single-family dwelling and accessory uses.

Comment [JM1]: If this wording is changed, make sure it's consistent w/49.65.725 below.

49.65.705 - Procedure.

The development of a common wall subdivision involves a two-step approval process: the approval of a development permit and the approval of a common wall subdivision permit.

Comment [JM2]: Recommend changing the procedure now to simplify the subdivision process for major and minor subdivisions

49.65.710 - Development permits.

(a) The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ table of permissible uses.

(1) *Department review.*

(A) *Application submittals.* The following submittals are required with an application for department approval:

- (i) Building plans that meet the requirements of this chapter and Title 19.
- (ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.
- (iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) *Application review.* The application shall be reviewed by the director in accordance with CBJ 49.15.310.

(2) *Planning commission review.*

(A) *Application submittals.* The following submittals shall be required with the conditional use permit application:

- (i) Building plans that include a detailed site plan and elevations of the proposed structures. Plans suitable for a building permit application are not required at this time.
- (ii) A draft set of common wall agreements and homeowner's agreements which set forth the rights and obligations of the owners for all common elements of the development.
- (iii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include that information necessary to demonstrate that the proposed common wall development will comply with all the dimensional standards of this article after the parcel and structure have been divided.

(B) *Application review.* The commission will review and approve the application in accordance with CBJ 49.15.330.

V1

49.65.720 - Common wall subdivision.

- (a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 article VII, and the following additional requirements:
 - (1) *Preliminary plat.* The following additional items will be submitted with the preliminary plat:
 - (A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.
 - (B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.
 - (C) Final common wall agreements and/or homeowners' agreements suitable for recording.
- (b) *Final plat.* After review and approval of the final plat, in accordance with CBJ 49.15.412, the plat and the common wall agreement documents may be recorded by the department at the state recorder's office at Juneau at the applicant's expense, after issuance of final occupancy permits.

49.65.725 - Uses.

The use of each common wall lot shall be limited to a single-family dwelling and accessory uses.

49.65.730 - Separate utilities.

All common wall dwellings must be served by individual public water and sewer services unless otherwise authorized by CBJ Title 75.

49.65.735 - Parking and access.

- (a) Common wall development shall meet the parking requirements for single-family dwellings in accordance with CBJ 49.40.
- (b) For common wall structures of three or more dwellings, access to public rights-of-way shall be restricted to common driveways unless the director determines that it would be impractical to do so.
- (c) The commission can consider alternative parking and access proposals, such as common parking areas, under the conditional use permitting process.
- (d) All common parking and access arrangements shall include appropriate easements and homeowners' agreements.

49.65.745 - Zoning districts.

Common wall development is allowed in the D-3 within the Urban Service Area, D-5, D-10 SF, D-10, D-15 and D-18, residential districts, except that no common wall development of three or more adjoining units is allowed in the D-3, D-5 or the D-10 SF residential district.

49.65.755 - Architectural features.

Architectural features other than roof eaves, authorized to project into required yard setbacks under chapter 49.25, article IV, may not project into required side yard setbacks required under this article. No architectural features may project into the neighboring lots.

Comment [JM3]: Refer to Law for appropriate wording.

Comment [JMM4]: **Recommend revising the definition for Lot Width in 49.80 Definitions. If not revised, then add a specific Lot Width definition for common walls.

Comment [JMM5]: **Recommend adding a note in 49.25.430 Yard Setbacks to cross-reference this section to ensure it is upheld.

Comment [JMM6R5]:

Comment [JMM7]: **Recommend adding a note to the Table of Dimensional Standards requiring "common wall length".

Comment [JM8]: Reference 49.25.510 (Bonnie Brae special density clause).

Comment [JM9]: Recommend allowing common walls in the D3 zoning district if within the USA due to the requirement of water and sewer

Comment [JM10]: Is this intended to mean the shared lot line between the common walls? Otherwise, encroaching onto another property is not permitted per the Code and this language is redundant and unnecessary.

V1 09-13-18

COMMON WALL MIXED-USE DEVELOPMENT**49.65.XXX - Purpose.**

The purpose of this article is to allow, in certain zoning districts, the development of mixed-use common wall units where each mixed-use structure and underlying property is held under separate ownership.

Mixed-use common wall units located in LC, GC, or MU2 shall contain non-residential uses within the common wall unit and accessory uses, but may not have additional principal uses located on the lot.

Comment [JMM1]: Recommend moving common walls to 49.15

Comment [JMM2]: New numbering throughout

49.65.705 - Procedure.

The development of a common wall subdivision involves a two-step approval process: the approval of a development permit and the approval of a common wall subdivision permit.

49.65.710 - Development permits.

(a) The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ table of permissible uses.

(1) Department review.

(A) *Application submittals.* The following submittals are required with an application for department approval:

- (i) Building plans that meet the requirements of this chapter and Title 19.
- (ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.
- (iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) *Application review.* The application shall be reviewed by the director in accordance with CBJ 49.15.310.

(2) Planning commission review.

(A) *Application submittals.* The following submittals shall be required with the conditional use permit application:

- (i) Building plans that include a detailed site plan and elevations of the proposed structures. Plans suitable for a building permit application are not required at this time.
- (ii) A draft set of common wall agreements and homeowner's agreements which set forth the rights and obligations of the owners for all common elements of the development.
- (iii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include that information necessary to demonstrate that the proposed common wall development will comply with all the dimensional standards of this article after the parcel and structure have been divided.

(B) *Application review.* The commission will review and approve the application in accordance with CBJ 49.15.330.

Comment [JM3]: Recommend changing the procedure now to simplify the subdivision process for major and minor subdivisions

V1 09-13-18

49.65.720 - Common wall subdivision.

- (a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 article VII, and the following additional requirements:
 - (1) *Preliminary plat.* The following additional items will be submitted with the preliminary plat:
 - (A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.
 - (B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.
 - (C) Final common wall agreements and/or homeowners' agreements suitable for recording.
 - (b) *Final plat.* After review and approval of the final plat, in accordance with CBJ 49.15.412, the plat and the common wall agreement documents may be recorded by the department at the state recorder's office at Juneau at the applicant's expense, after issuance of final occupancy permits.

49.65.725 - Uses.

The use of each common wall lot shall be limited to shall contain non-residential uses within the common wall unit and accessory uses, but may not have additional principal uses located on the lot.

49.65.730 - Separate utilities.

All common wall dwellings must be served by individual public water and sewer services unless otherwise authorized by CBJ Title 75.

49.65.735 - Parking and access.

- (a) Common wall development shall meet the parking requirements for mixed-use units in accordance with CBJ 49.40.
- (b) For common wall structures of three or more units, access to public rights-of-way shall be restricted to common driveways unless the director determines that it would be impractical to do so.
- (c) The commission can consider alternative parking and access proposals, such as common parking areas, under the conditional use permitting process.
- (d) All common parking and access arrangements shall include appropriate easements and homeowners' agreements.

Comment [JMM4]: Require a new parking standard?

Comment [JM5]: Refer to Law for appropriate wording.

49.65.745 - Zoning districts.

Mixed-use common wall development is allowed in the MU2 mixed use district, and the LC and GC zoning districts.

Comment [JMM6]: **Recommend revising the definition for Lot Width in 49.80 Definitions. If not revised, then add a specific Lot Width definition for common walls.

**Recommend adding a note to the Table of Dimensional Standards requiring "common wall length".

49.65.755 - Architectural features.

Comment [JM7]: **Recommend adding a note in 49.25.430 Yard Setbacks to cross-reference this section to ensure it is upheld.

V1 09-13-18

Architectural features other than roof eaves, authorized to project into required yard setbacks under chapter 49.25, article IV, may not project into required side yard setbacks required under this article. No architectural features may project into the neighboring lots.

Comment [JM8]: Is this intended to mean the shared lot line between the common walls? Otherwise, encroaching onto another property is not permitted per the Code and this language is redundant and unnecessary.

	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2
1.000														
1.100	SINGLE-FAMILY DWELLINGS													
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1
	1.120	Single-family detached, two dwellings per lot	1	1	1									
	1.130	Single-family detached, accessory apartments ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
	1.140	Single-family detached, two dwelling per lot, accessory apartment ^x	1, 3	1, 3	1, 3									
	1.150	Common wall residential development, two dwelling units (pairs) ^{AD}			1, 3 ^{AE}	1, 3	1, 3	1, 3	1, 3	1, 3				
	1.160	Common wall residential development, three or more dwelling units (triplex, four-plex,...) ^{AD}				1, 3	1, 3	1, 3	1, 3	1, 3				
	1.170	Common wall residential development, two dwelling units (pairs), accessory apartments ^{AD}			1, 3 ^{AE, X}	1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x				
	1.180	Common wall d residential development, three or more dwelling units, accessory apartments ^{AD}				1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x				
1.900		Common wall mixed-use development												
	1.910	Common wall mixed-use development, two dwelling units (pairs)									1, 3	1, 3		1, 3

Comment [JM1]: New Note AD referencing 49.65.700

Comment [JM2]: New Note AE referencing special density section 49.25.510(h) (replaces line item 1.930 below)

Comment [JMM3]: New section 1.900 common wall mixed-use to differentiate from common wall residential

		Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2
	1.911	Common wall mixed-use development, three or more dwelling units (triplex, four-plex,...)									1, 3	1, 3		1, 3
	1.920	Common wall mixed-use development, two dwelling units (pairs), accessory apartments									1, 3 ^x	1, 3 ^x		1, 3 ^x
	1.921	Common wall mixed-use development, three or more dwelling units, accessory apartments									1, 3 ^x	1, 3 ^x		1, 3 ^x

Comment [JMM4]: Insert superscript and associated note referring user to 49.65.700 or new section if moved

Key:

1. Department approval requires the department of community development approval only.
- 1, 3. Department approval required if minor development, conditional use permit required if major development.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

(Notes removed for this purpose only)

X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).

(Notes removed for this purpose only)

AD. Special requirements apply to commonwall developments. See CBJ 49.65.700.

AE. Special requirements may apply to building a two unit common wall structure. See CBJ 49.25.510(h).

49.25.400 - Minimum dimensional standards.

TABLE 49.25.400
TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹																
	Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
	Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
	Duplex	54,000	54,000	18,000	10,500											
	Common Wall Residential / Mixed-Use Dwelling			5,000 ^{7a}	6,000	3,600 ¹⁰	4,500 ^{7b}	3,000 ^{7b}	2,500 ^{7b}		2,500 ^{7b}	2,000	2,000			
	Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width		150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
	Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
	Common wall dwelling				60'	40'	40'	30'	20'		20'	20'	20'			
Minimum lot depth		150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage																

Comment [JMM1]: Recommend adding "residential / mixed-use"

Zoning Regulations		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
	Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
	Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
	Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
	Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
	Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
	Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'
	Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
	Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
	Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
	Common wall dwelling, residential / mixed-use				10' ^{6a}	3' ^{6b}	5' ^{7 6c}	5' ^{7 6c}	5' ^{7 6c}		5' ^{7 6c}	10' ^{6d}	10' ^{6a}			

Comment [JM2]: Recommend adding a superscript Note referencing 49.65.755 - Architectural features

Recommend adding “residential / mixed-use”

Notes:

- 1. Minimum lot size is existing lot or area shown on chart in square feet.
- 2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
- 3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
- 4. (Height Bonus) Reserved.
- 5. (Pedestrian Amenities Bonus) Reserved.
- 6. Zero-foot setback for the portion of the dwelling **or accessory uses** with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, **and a** ~~and ten-foot setback for the remaining side yards of the lot.~~
 - (a) **ten-foot setback for the remaining side yards of the lot.**
 - (b) **three-foot setback for the remaining side yards of the lot.**
 - (c) **five-foot setback for the remaining side yards of the lot.**
- 7. ~~(a) Reference 49.65.750(1). Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.~~
- 8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
- 9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.
- 10. For lots adjacent to an alley, the following reductions to the dimensional standards apply:
 - (a) Minimal lot area includes 50% of adjacent alley (see graphic).

49.80 Definition: Dwelling, *residential common wall*, means a ~~single-family dwelling~~ **common wall unit** attached by a common wall to **at least** one other ~~single-family dwelling~~ **common wall unit** on a separate lot.

Dwelling, mixed-use common wall, means a...

Comment [JM3]: Recommend updating language, as a common wall may be attached to more than one other common wall...i.e. multiple contiguous units (a row of townhouses). The language “common wall unit” matches the proposed language in the purpose statement in Common wall revisions to Article VII.

Should “dwelling, common wall” be updated to “dwelling, residential common wall” and add a new definition for “dwelling, mixed-use common wall”

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

Wednesday, April 18, 2018
Community Development Department
Small Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Carl Greene, Dan Miller

Members Absent:

Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Planner), Tim Felstead (CDD Planner), Marjorie Hamburger (CDD Admin)

I) Call to Order

Meeting called to order at 12:05 pm.

II) Approval of Minutes

March 21, 2018 Draft Minutes

MOTION: *by Mr. Voelckers to approve the March 21, 2018 minutes*

The motion passed with no objection.

III) Agenda Topics

a) Update on Committee Topics and Actions

Variances are going before the Assembly's Committee of the Whole on April 30, said Ms. Boyce, and she will email details to the committee.

Regarding the mining ordinance, Law is making changes so in order for the ordinance to come before the Title 49 Committee meeting it might not be ready for the May 16 meeting. The ordinance could instead be brought before the whole Planning Commission in order to move it faster. Mr. Voelckers recommended the ordinance go to the Committee of the Whole because there is a high level of interest. Maybe this could happen on May 22, he suggested.

b) Revisions to Title 49: Common Wall Development

Ms. Maclean said there were changes in the Table of Permissible Uses (TPU) in 2010 regarding common wall development, which created discrepancies. Now staff is trying to ensure that these have all been caught. There are two policy questions to discuss before making further recommendations and she planned to go through each section with the committee, inviting questions at the end.

Ms. Maclean said the code has been misapplied consistently since it was adopted. In the TPU and the Table of Dimensional Standards, common walls are allowed but the minimum lot size reduction is supposed to be considered only if building 3 or more units. If only a pair, a reduction in lot size should not be allowed. This makes clear why development in D5 zones did not get the reduction, as only pairs are permissible in D5. However, along the way pairs of common walls have been allowed and the code has been misapplied in this way. Going forward knowing housing is a critical need in Juneau staff suggests drawing a bright line with 3 or more common walls to encourage greater density in order to obtain the reduction in lot size. The alternative would be to rewrite this section to reflect how the code has been interpreted up until now.

A second policy question, said Ms. Maclean, is do we want to allow common walls in MU2 zones and do we want to require first floor commercial use with residential above?

Mr. Voelckers asked, are common walls not allowed in MU at all? Ms. Maclean said they are allowed in MU2 but not in MU. Ms. Maclean clarified that staff was not recommending they be allowed in MU, just MU2. This can serve as more of a transition to residential uses, she said.

Mr. Miller asked if this was allowing for commercial. We will get to that, said Ms. Maclean.

Ms. Maclean stated that currently the TPU has common wall development, 2 dwellings and other discrepancies. There is no superscript directing to some of the uses not allowed in all districts. It is unclear. Another thing she noticed is that 2 dwelling units even if not pairs should be 1's and 3's in the TPU (under Common Wall Development). Common walls are not permitted in RR and D1 but accessory apartments to common walls are allowed, so this language should not have been added, said Ms. Maclean. Do the items highlighted in green mean they should be deleted, asked Mr. Voelckers? Depends on what you want to do, replied Ms. Maclean. What about in a D3 zone, said Mr. Voelckers? This would be special, as in the Bonnie Brae subdivision which has a special density in code, and allows properties platted pre-1987 to be considered conforming. Ms. Maclean referenced this in a note under special density. Likely there is a need for another note to direct to that section of code.

Mr. Dye asked if staff was not proposing to change. No, said Ms. Maclean, just referencing that it is there. There is no recommendation to add common walls in D3. Why, asked Mr. Green? Ms. Maclean said that anecdotally staff has heard that it was not popular when introduced for the D3 zoning district.

Mr. Dye said he doesn't understand why not in D3? Ms. Boyce said D1 and D3 are zone districts outside the urban service boundary. Maybe when talking about common wall we should indicate that D3 properties that have city services should be listed? Should we rezone Bonnie Brae if that is the only problem area, asked Mr. Dye? Ms. Maclean said she can come back to a discussion about this item.

Regarding accessory apartments is that the only place in the TPU where they are listed asked Mr. Miller? No, just concerned with common walls in this section, said Ms. Maclean. And you will split this between 2 units and 3 units and above, asked Mr. Voelckers? Ms. Maclean said yes.

Why are accessory apartments listed in multiple places in the TPU, asked Mr. Dye? This will become clear soon, said Ms. Maclean.

When staff went through this section of code knowing they had to clean up the 1's and 3's, they thought it was only pertinent to single family structures and proposed moving them under residential with notes and

superscript so it is made clear that this is a permissible use. There are other places where accessory apartments are permissible and this makes it clear that you can do it regardless of tri- or single use, said Ms. Maclean.

So every reference of accessory apartment is a subset of every category it is in, said Mr. Voelckers. Yes, said Ms. Maclean.

Mr. Miller asked in single family detached (1.130), what does detached mean? Ms. Maclean said that (1.130) in the TPU speaks to accessory apartments, whether attached or detached, from the single-family dwelling. Accessory apartments do not have to be attached to the single-family dwelling.

Ms. Boyce said the definition of accessory apartment has more to do with size, not location, in relationship to the main structure. Therefore, an accessory apartment can be a stand-alone structure on the property. The largest size permissible is 1,000 square feet. Where do duplex accessory apartments live in the TPU, asked Mr. Miller? It was not identified as a priority of the Planning Commission this year, said Ms. Maclean.

Ms. Maclean said another line item proposed for deletion is the Bonnie Brae reference next to the 1's and 3's. It is odd that this is put into the table itself and is not just a superscript with an associated note, she said.

If mixed use development is determined to be permissible within a common wall located in the LC, GC, and MU2 zoning districts, then staff recommends keeping the common wall section of the TPU in its current location (1.900); if mixed use development is not permissible in a common wall in the above mentioned zoning districts, then staff recommends moving the common wall section of the TPU to be located under the single-family dwellings section (1.100).

There are a lot of comments and notes on this draft document but really these represent cleaning it up, said Ms. Maclean. If we do put in MU2, said Mr. Green, we will be saying you can have retail space. The hitch is that you still have to provide setbacks and parking, said Ms. Maclean. Mr. Dye asked what other things in MU2 are not allowed on first floor? He thinks only storage is not allowed.

Are there any other MU2 zones other than downtown, asked Mr. Voelckers? Just the Willoughby district, said Ms. Boyce.

Just because we do not require a commercial use on the first floor doesn't mean we don't allow it, is that correct asked Mr. Miller? We strive to figure out the best use of the area which could be a laundry next to a daycare next to an apartment building. Mr. Voelckers said he likes including a footnote saying commercial use is not required but is allowed. Mr. Dye noted that there are not a lot of spots in code that say what you can do, only what you can't. Mr. Voelckers said he felt it was useful to waste a couple of extra words to explain that this doesn't preclude housing.

Mr. Dye asked if there is a reason to say only non-residential use on first floor. He felt the language should not specify which floor contains non-residential use. Mr. Voelckers said that we should encourage the best use – what about a cool café on the rooftop of a building? Ms. Maclean said she is concerned about trying to encourage mixed use and density. Noise could be a factor that causes issues down the road. Office space above residential is only talking about common wall here. Mr. Dye said MU2 has different setbacks on limited sides. I default to Mr. Voelckers and Mr. Miller about soundproofing, he said, however he doesn't think that concern is a good enough argument. Mr. Voelckers said that building code requirements already have difficult requirements to make sure this would not be objectionable.

Mr. Miller said MU2 is really trying to get that mixed use so requiring some retail/commercial in the building is something he likes. But stating where it all lives within the building seems problematic to him. He suggested a scenario of a retired couple who want to maintain their first floor residence but rent out their second floor as office space for income. Mr. Voelckers suggested the committee might need to require usage by percentage then. Mr. Dye said that looking at lot sizes in the area, requiring specific use discourages development he thinks. He would like to leave this as broad as possible. Mr. Voelckers agreed and likes social engineering this. He wants to keep the incentive for the private sector to develop well. Mr. Dye said his pet peeve is that parking garages are allowed on first floor.

Mr. Green asked if a common wall definition would allow a property owner to sell off part of the building. Ms. Maclean said this is a single family use, one lot. The leasing gets tricky if more than a residential use. We could condo-ize this, said Ms. Boyce, but it is not a city issue. It depends on the land, not the building division. Mr. Miller said he is someone who wants to turn Walmart into a bunch of common walls. Someone would have to construct the common wall feature that is a fire-rated wall, and then it could be subdivided.

What is staff's concern about not requiring commercial use only on the first floor, asked Mr. Dye? Mr. Voelckers said he has seen beautiful examples in Europe where commercial use is above the ground floor and does not agree with Ms. Maclean's assessment that first floor commercial only is the best development model.

Ms. Maclean stated that a main concern is allowing common walls in MU. Everyone agreed that they should not be allowed in MU.

Staff changed the word "dwelling" to "lot" on 49.65.725, said Ms. Maclean. This would be except for multiple use districts or something like that, said Mr. Voelckers. But in LC or GC it can be whatever, said Mr. Miller. We have three districts with same enabling language in all, said Mr. Voelckers.

Recently, there was a residential common wall in a D18 zone with an accessory apartment but the owner wanted to add a third unit, said Ms. Maclean. The properties were built for a pair of common walls and the buyer would most likely not have been aware that the other "half" of the common wall could add an additional unit to their property. Property owners may not be aware that because they are in a multi-family zoning district, the lots could be developed to a greater density.

Regarding 49.65.730, Separate utilities, are any common walls in CBJ not on water/sewer, asked Mr. Dye? If not, he said, just allow in D3. He suggested getting rid of all the sub-notes and cleaning it up.

Ms. Maclean said 49.65.740, Density, is crossed out for this section of code because the TPU addresses that already.

For zoning districts (49.65.745), Mr. Miller said he thinks if allowed in D3 and D5 it should say that. Ms. Maclean said she will fix the wording. It might be simpler to split this into three sections, suggested Mr. Dye. Mr. Miller pointed out that a lot of lots remaining for development in Juneau are odd shaped or tiny. It might not be possible to build 3 units. In a D10SF you cannot do a common wall unless 3 units or more. No, said Ms. Maclean, this says that in D5 you cannot do more than 2, at least this is what it is supposed to say. Mr. Dye said this reinforces his idea to split into three sections; it would be much easier to read.

Ms. Maclean said for the parking and access section (49.65.735) staff would like to change "may" to "shall" but give a developer an flexibility by saying "unless the director determines it impractical". Things are getting tighter

for developable land. Law will have to wordsmith this section, placing the burden on the applicant to provide evidence. Most cases in larger zoning districts already have a shared driveway, she said.

Ms. Maclean said that dimensional standards (49.65.750) is missing the note referencing the reduction in lot size only if 3 or more units are built. Staff has deleted the MU minimum lot size line. Mr. Voelckers asked what D10 is without reduction. Ms. Maclean shared current info for context. What is the rationale, asked Mr. Voelckers, for dropping D18 by so much? Ms. Maclean said it is supposed to be dense zoning and developers only get that lot size if 3 or more units. Ms. Boyce said if we determine 2500 sq. ft., it brings it closer to maximum density. Ms. Maclean said the Planning Commission should make a decision if they want to do this or not although staff recommends more than just pairs.

Mr. Green asked how this will fit. Ms. Boyce said 18 units per acre footprint-wise is a 2500 square foot lot. Discussion ensued about building on lot sizes and fitting dwellings and roads in a development. Mr. Dye made the suggestion to change D10 to 4,500 sq. ft. This keeps the same ratio across the zoning types, said Mr. Voelckers. Mr. Miller suggested D15 be reduced to 3,000 sq. ft. and keep D18 at 2,500.

Will we continue to talk about 3 or 2 units, asked Mr. Dye? Mr. Miller said he likes two contiguous. Ms. Maclean said staff is not recommending this because it does not encourage density. Can you show us a scenario, asked Mr. Voelckers? The Ridgeview Subdivision should have been a development with 3 or more, said Ms. Maclean. They put in 24 units on about 2 acres, the entire site is approximately 20 acres, but could have provided a greater number of units. This needs more parsing. Mr. Dye suggested that if it is a minor subdivision, allow a reduction for two, and if it is a major, allow for three.

Is the committee okay with people finding a way to skirt development rules by phasing their projects? Mr. Voelckers thinks this one is trickier. He would like to give staff discretion to fame this a bit and come back to the committee. Mr. Dye said when the committee was talking about shared access they talked about parent lots. Can we phrase something similar for someone with one lot to allow for more infill development, he asked? Ms. Maclean said she has concerns about the size of a lot.

Mr. Miller said the 5,000 versus 7,500 sq. ft. lot doesn't work. With 5,000 sq. ft. you can build two; with 7,500 sq. ft. you might have to subdivide because of wetlands or other unusable land or if someone wants to park six boats or something.

Ms. Maclean pointed out that the text about minimum lot width is strangely worded. In the draft she has changed the terms. This comes into play at a location like Lee Court where the road curvature made it difficult to measure. Staff has replaced "as defined by code" with the code words – "yard setback, street side yard setback".

Ms. Maclean pointed out other clarifying language in the draft put in to maintain consistency.

The Table of Dimensional Standards (TDS) needs updating, said Ms. Maclean. Staff recommends adding a note to D3 to reference the Bonnie Brae Subdivision specifically. Mr. Dye said he thinks the sewer and water will clear this up. Ms. Boyce said that 5 dwelling units per acre is interesting in that we have a lot size that allows more density. In D5, there are 640 existing common walls with an average lot size of 6,288 due to one huge outlier. The medium lot size is 5,800. Mr. Miller was incredulous. This is likely pre-1987, said Ms. Boyce. You have the ability to change a duplex to a common wall over time, said Ms. Maclean. That likely also contributed in this situation.

Mr. Miller said that in his development in GC zoning, he had to create a funky lot line to get to 2,000. Those were small lots. But it worked, said Ms. Maclean. Okay, Mr. Miller conceded.

Under notes pertaining to setbacks, Ms. Maclean called attention to some changes for Note 6 a-c. It is proposed that rather than repeating the sentence, keep the first two parts of the sentence and add 6a through 6c. D5 would be 6a, for example.

For the definition (49.80) Ms. Maclean said it depends on what is done with mixed use development. If mixed use is permissible then we need to change from single family dwelling to "unit". Staff also recommends changing so that the definition includes common walls that share two walls, not just one, as is the case with 3 or more common wall units (essentially, the middle common wall units). Mr. Dye said there is the need to make sure that at least one unit is a dwelling. But he suggested not getting rid of the word somehow. Mr. Voelckers said that we also want to make sure to give flexibility for non-residential use. We might need to retitle this, said Ms. Maclean, so as to make sure the definition is very accurate. "Common Wall Mixed Use Development", suggested Mr. Dye.

c) Non Agenda Item

Mr. Miller wanted to share something he learned when he was in Spokane, WA. In a situation he encountered there a duplex on a corner lot wanted to build a shed. In a case like this, setback requirements will make this difficult, he said, so he went to talk to the city and learned how they do things. Here in Juneau due to setbacks the owner would not have been able to put the shed far enough from the house. Ms. Boyce noted that there are exceptions for unheated structures in Title 49. In Spokane the new building (the shed) would have its own setbacks which will allow it to be placed closer to the lot line. The shed is 12 x 24; it is a little garage. For a separate building, the front/back/side can change with its own setback rules. These are not determined by the original structure.

Mr. Voelckers said this might not make sense to the neighbors who could be aggrieved. Ms. Boyce said she thinks this is very interesting. The point here is if an accessory structure has to meet the same setbacks as the original structure.

d) Review of Bonding for Stub Streets

Time ran out so this discussion will be addressed at a later date.

IV) Next Meeting

Wednesday, May 16, 12:00 pm.

VI) Adjournment

The meeting adjourned at 1:30 pm.

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

Wednesday, May 16, 2018
Community Development Department
Small Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Carl Greene, Dan Miller, Ben Haight

Members Absent:

Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Planner), Tim Felstead (CDD Planner), Bhagavati Braun (CDD Admin)

I) Call to Order

Meeting called to order at 12:04 pm.

II) Approval of Minutes

April 18, 2018 Draft Minutes

MOTION: *by Mr. Voelckers to approve the April 18, 2018 minutes*

The motion passed with no objection.

III) Agenda Topics

a) Review of Bonding for Stub Streets

Mr. Felstead gave an overview of the Stub Streets memo, including details about a subdivision which would benefit from a change in the stub streets rules; the subdivision abuts forest service land that will probably not be developed. He outlined the options discussed in the memo – either creating a provision for the Director to waive the requirement (option 1), or deleting the bonding requirement entirely (option 2).

Mr. Voelckers asked Mr. Felstead what his recommendation would be. Mr. Felstead stated that both options are agreeable. Ms. Boyce added that option two was in the code until around 2015. Mr. Felstead noted that he had found comments in notes from the last subdivision code change that stated the Commission wanted to ease the burden on subsequent developers, of building access to their property behind a subdivision. Mr. Voelckers added that the goal was to strike a balance of not creating a burden to the current or next developer. Mr. Dye noted that if it's making problems in the three years since it was adopted he would prefer to return to option 2.

Ms. Maclean added that developers currently have to set aside a platted right-of-way even if they bond for the street. Mr. Miller commented that setting aside that right-of-way could be a significant outlay for the developer even without bonding or street construction. Mr. Dye suggested that the criteria to waive, if used, could also include a criteria to waive the need of platting a right-of-way, Mr. Felstead clarified that the CBJ would not require a right-of-way to be platted if it wouldn't be feasible to construct.

Mr. Voelckers asked if Mr. Felstead would elaborate on option 2 and how it would affect different parties. Mr. Felstead replied that the current code puts the burden on the current sub-divider; the current sub-divider gets no benefit from platting the right-of-way.

Committee members discussed the costs of bonding and street construction and the lost income from platting a right-of-way, as well as both options presented by staff.

MOTION: *by Mr. Voelckers to adopt option 2 and use the language was proposed in the packet.*

The motion passed with no objections.

b) Common Wall Revisions

Ms. Maclean outlined the changes made since the previous meeting noting that most of the revisions requested, as well as some more updates, were made. Mr. Voelckers asked Ms. Maclean to refresh the Committee on incentives for more dense development, mentioning encouraging three or more units. Ms. Maclean stated that in the way the code was originally written two unit common walls did not get the minimum lot size and in order to incentivize developments of three units or more the reduced lot would be applied. Recently staff discovered that the code was not being applied correctly. The options in front of the Committee, she continued, are to use code as written (not as it has been applied), or to fix the code to reflect the practice that has been used. Current use is to apply the reduced lot size regardless of how many units are being built. She added that the Committee had stated they did not want common walls in Mixed Use (MU) zoning districts (common walls are still recommended in Mixed Use 2 (MU2), Light Commercial (LC), General Commercial (GC), and D5, D10, D10 SF, D15 and D18 zoning districts).

Mr. Voelckers voiced concern about allowing the same incentives for two lots as for three or more. Mr. Dye and Mr. Green voiced their support for reduced lot size for all common walls. Ms. Maclean clarified that three or more common walls receive a reduction in lot size because they provide more density; this may require agreements between neighbors for access to utilities etc. She added that it was her impression that the Committee wanted to extend the reduced lot size to two-unit common walls in the code change, adding that she fixed the numbers on the Table of Dimensional Standards included in the packet.

Mr. Dye asked if common walls would be allowed in the D-3 zoning districts as well – stating that there are currently 138 lots in D-3 zoning districts that have zero-lot lines, and if the property is on city water more common walls should be allowed, with lot size reductions available. Ms. Maclean clarified that D-3 is similar to D-5 and D-10SF in which only two unit common walls are permitted as these are single-family duplex zoning districts.

Mr. Miller asked if a smaller minimum lot size (under 5,800 square feet) would be good in the D-5 zoning district. Mr. Voelckers voiced his support for Mr. Miller's idea.

Mr. Voelckers asked if there were any consequences the Committee and staff hadn't considered regarding the D-3 zoning district, Ms. Maclean noted that there seems to be anecdotal information that when common walls were put into code there was some trepidation about having them in the D-3 zone. She stated she didn't see any more evidence that would preclude common walls from being allowed in the D-3 zoning districts, adding that there are many already throughout the borough.

Mr. Miller requested a smaller lot size for common walls in the D-10SF zoning district. He noted some small lots that could build a common wall instead of only one dwelling, thus increasing density. Mr. Voelckers stated that this seems in character with the mission for the D-10SF zoning district. Ms. Maclean expressed some concern about how this change could affect the upcoming rezone of downtown, but stated that staff would look into this idea. Staff and Commissioners discussed the character of the Flats neighborhood and how this change could affect the character of the neighborhood, weighing the benefits and possible down-sides of allowing common walls in the area. Mr. Haight voiced his support for allowing more options or "more tools in your tool belt" and letting the developers choose. Mr. Dye added that two unit common walls would reduce the cost to developers and encourage infill. Ms. Maclean added that common walls are sometimes preferred (over bungalows) because they allow more square footage.

Ms. Maclean outlined the changes in the notes for the superscripts in the Table of Dimensional Standards (see packet). She noted that in the proposed changes two unit common walls would not be allowed in the Light Commercial (LC), General

Commercial (GC), and MU2 zoning districts to encourage infill, stating that higher density should be encouraged where allowed. Mr. Dye questioned this, suggesting that there may be lots that are too small for a three unit common wall, but which would accommodate a two unit common wall. He stated that if a two unit common wall is the only thing available to a developer the ability to construct one would be encouraging infill, he stated that the market will determine what gets built. Ms. Maclean stated that she was not in favor of allowing too much flexibility in these districts because they're primarily commercial areas. Mr. Dye responded that the common wall units could have multiple uses, parking and retail on the bottom and housing on top, for example.

Mr. Voelckers posited that it could be possible to allow two unit common walls but only for small or otherwise limited lots. He stated his preference, in general, to steer toward higher density, but stated he didn't want to preclude a small lot that would remain undeveloped, stating further that large standard lots should not be able to do under-scaled development. He stated he didn't want to orphan lots because of strong encouragement toward higher density.

Mr. Miller summarized that he agreed with Mr. Dye and Mr. Voelckers, stating that the Committee is supposed to be planning for the community, that incentivizing more units is good, but if there are small lots where a two unit common wall would be the only option the code should be flexible enough to allow that.

Discussion ensued about which common wall developments would allow mixed use development. Staff stated that the underlying zoning districts (49.25) descriptions could be the basis for what uses would be permissible within a common wall structure, this should illuminate the appearance of arbitrariness. Committee members suggested they look at this more closely to check for unintended uses and to be thorough. Ms. Maclean stated that she would draft information for the Committee to review at a future meeting.

The Committee commented on the wording in V2 Attachment A (included in the packet) specifically under 49.65.700 – Purpose. The committee wanted the last clause to be moved closer to the other residential uses portion of the section.

There was some discussion about the advantages of a common wall development compared to a condo-ized development for financing purposes.

Mr. Voelckers pointed out 49.65.735 Parking and Access refers to single family dwellings; he suggested that this gets changed to reflect mixed use development as well. He also suggested adding a period after “zoning districts” in 49.65.745 – Zoning Districts.

Ms. Maclean recommended that the Committee delete density and dimensional standards from the ordinance language in 49.65 so they are all in the Table of Dimensional Standards. Ms. Maclean also mentioned that the variances code change was adopted with minor changes (Ms. Boyce will forward the changes to the Committee) and will be in effect in a few weeks. She stated that having dimensional standards in this portion of code could be tricky. She recommended that the dimensional standards be housed in the Table of Dimensional Standards for this and for future changes.

IV) Next Meeting

Monday, June 18, 12:00 pm.

Common Walls

It was requested that Rob Palmer be in attendance

Mr. Dye asked that the Committee use the next meeting to look at the priorities list and work plan.

Mr. Voelckers asked for an updated on downtown zoning.

VI) Adjournment

The meeting adjourned at 1:26 pm.

B. Common Walls

Ms. Maclean said when the committee last left off going through this ordinance the main discussion was whether or not to allow mixed-use development in non-residential zonings and also there were questions about the minimum lot size and reducing lot sizes. Otherwise, the work needed is to make sure things are consistent. Some things fell off the Table of Permissible Uses (TPU) and the Dimensional Standards table.

Ms. Maclean said Mr. Palmer was invited for input about providing for the mixed use. Mr. Voelckers remembered that he got wrapped up at the last discussion about whether commercial use could be on floors other than the ground floor. Ms. Maclean said that she gave up on that, and so she suggested leaving it open. Ms. Maclean asked how to go about the permitting for the subdivision of this. It is clunky right now regarding the process, not the policy. It needs some input, said Ms. Maclean.

Mr. Levine asked what the concern about allowing commercial use in common wall buildings. Is there any reason not to allow nonresidential uses in those districts, he asked? The short answer no, said Mr. Palmer. It may be a semantics question to reclassify things as something else. A bigger topic to discuss right now is that through practice we have been allowing common wall lots to be smaller than the minimum standard and we need to answer the question of why. Mr. Levine said it makes sense to allow smaller lots. Mr. Dye said he thought there wasn't any argument since sideyard setbacks are not required, is that not the reason why it could fit?

Mr. Levine said his reaction is that these things ought to be called something else when in non-residential areas. Call them common walls in residential zones and have these rules. Then make other rules for non-residential zones, he said. Mr. Voelckers said isn't there also a reclassification potential like at Vintage Park? Mr. Palmer said residential common walls are similar to non-residential, but they are both attached. Might we look at saying something completely different for non-residential? Mr. Voelckers asked if there was urgency right now. Mr. Dye asked what a mixed common wall would look like.

Mr. Felstead said building code wise there would need to be high fire separation. Mr. Levine reiterated that he is in favor of making this just about residential common walls and, if we want to have a commercial option, then make that a different thing. Mr. Dye said that Juneau has quite a bit of development already with commercial common walls.

Mr. Dye asked if the committee needed to talk about smaller lot size. Not if you are avoiding the commercial piece, said Mr. Palmer.

Ms. Maclean said there are new numbers in the draft ordinance using Mr. Miller's math. Mr. Dye said he thinks he wants to stay with the density of 2,800.

Ms. Maclean said the rest of the work is cleaning up tables and making things consistent. She wanted to know if the committee wanted to talk about the internal process. Do you want this to remain in 49.65 or move to 49.15, she asked? Mr. Voelckers said he thinks it makes more sense to appear in 49.15.

Ms. McKibben said she is curious to know how other communities handle this. Are their processes less intuitional, she wondered? Ms. Maclean said if a surveyor is off, doing a lot line adjustment is simpler like on the Ridgeview project with 24 common walls. Mr. Dye asked how that is not considered phasing. Ms. Boyce suggested changing the process at least for the building permit to require an as-built. Ms. McKibben said by moving this section out of 49.65, the content goes from not variable to variable. Mr. Dye said lot dimensions are

variable. If this piece of code moved to 49.15, he said he thinks about Mr. Miller's comments about pouring foundations and receiving administrative forgiveness for mistakes. He said it would scare him to locate the code in 49.15.

Ms. Maclean said updating the process to make it more user-friendly is of concern to her. Mr. Levine said the right thing to do is commit to having a conversation about zoning districts and strike them for now. Make those that exist non-conforming then, asked Ms. Maclean? Mr. Felstead said there are some that are going through permitting right now and so need protection. Mr. Palmer said there are legal situations for people who have put up substantial funds for their projects.

Mr. Voelckers said that Mr. Dye raises a really good point about preserving the LC zone for higher and better use. If ARS goes through, there are plenty of other new options on line, said Mr. Dye. Mr. Dye said he has a newfound mind set from working on the Auke Bay Plan implementation about how rules need to be changed if we want to change development. A conversation is needed to be had regarding if we should preserve commercial districts for their intent. Mr. Levine said we can grandfather people in for those who are in process. For zones MU2, LC and GC, get rid of them at this point and make it clear we intend to make other code for other zonings.

IV. Next Meetings

- Monday, September 17, 2018, 12:00 – 1:30 pm.

VI) Adjournment

The meeting adjourned at 1:04 pm.

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.

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

Monday, October 15, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Michael Levine, Carl Green, Dan Miller

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Director), Rob Palmer (CBJ Attorney), Beth McKibben (CDD Planning Manager), Tim Felstead (CDD Planner), Marjorie Hamburger (CDD Admin)

Members of the Public Present:

Chava Lee, Kaylee Henriksen, Laura Baker, Erich Schod, Duff Mitchell, Crystal Schmitz

I. Call to Order

Meeting called to order at 12:05 pm.

II. Approval of Agenda

Mr. Dye requested that *AME2018 0005: Common walls* be discussed first, and this change was made. Mr. Levine requested a 20 minute time limit on common walls, so as to accommodate the public in attendance whose interest was urban agriculture.

III. Agenda Topics

A. AME2018 0005: Common Walls

Discussion was had however the minutes from the discussion were inadvertently deleted during the review of the minutes.

B. Urban Agriculture

Mr. Felstead said that in 2016 the Juneau Commission on Sustainability (JCOS) was approached by members of the public who requested increasing allowances for poultry. Currently, roosters are not allowed in D5 zones. JCOS wanted to look into how to accommodate more poultry. Also, CDD realized the TPU and the code accommodate for livestock, but it is an ongoing source of confusion. Therefore, JCOS formed livestock committee, which included members of the public, to work on a new draft ordinance regarding livestock. Staff researched the practices of some other communities. Nationwide there is a shift to more urban livestock keeping. The committee looked at impacts that might result and came up with a set of rules for neighborhoods. Both commercial and personal uses were talked about; this is one deficiency in the current code language.

The staff memo contains proposed changes, said Mr. Felstead. There has been lots of input from current livestock keepers, the UAF Cooperative Extension Service, Gastineau Humane Society's animal control, the CDD code compliance officer, and Alaska Department of Fish and Game. There was a public meeting in November, 2017, where the public had the opportunity to weigh in.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

July 15, 2019

MEMO

To: Benjamin Haight, Chair
Committee of the Whole

From: Jill Maclean, AICP, Director of Community Development

RE: Proposed Revisions to Private Shared Access (49.35.260)

Attachments

Attachment A – Private Shared Access draft ordinance with tracked changes
Attachment B – Title 49 Committee meeting minutes, May 30, 2019

Background

Ordinance 2018-26(b) approved revisions to Private Shared Access in Title 49. The intent of the revisions to Private Shared Access was, and continues to be, the facilitation of land development and the subdivision of properties that may not be adequate for subdivision due to the construction standards for public streets.

Since its adoption in 2016, xx number of minor subdivisions using Private Shared Access (PSA) have been applied for and approved. PSAs are always minor development and approved by the Director, as they are limited in number to four (4) lots maximum and a maximum of 70 average daily trips. Staff is not proposing changes to these requirements.

The PSA ordinance has been mostly successful, however, several unintended consequences have been noted that preclude some properties from using the ordinance. Working with CBJ Engineering and General Engineering, staff finds that there is potential to make the PSAs more successful and available to more property owners, if the following minor revisions are adopted:

- 1) **49.35.261 (2) Application states, 'A proposed easement, drainage and utility *agreement*'.** (emphasis added)

Per CBJ Engineering and General Engineering, staff recommends the following language to clarify the intent of this standard:

'Proposed access and drainage easement(s)'

Commented [JMM1]: PLEASE READ THE T49 MEETING MINUTES (ATTACHED) FOR BACKGROUND AND CONTEXT ON THE PROPOSED REVISIONS

Commented [JMM2]: Will track down this number, and try to verify how many have not been eligible (this number may be more difficult)

Committee of the Whole
AME2019 0005
July 15, 2019
Page 2 of 3

- 2) **49.35.262 (b)(9) Approval criteria states, 'The portion of the shared access in the right-of-way or the first 20 feet from the edge of the public roadway *shall be paved, whichever length is greater.*** (emphasis added)

- a) 'Shall be paved' has been found by staff to be impractical, and due to the use of 'shall', the ability to waive this requirement does not exist.
- b) Paving is impractical in some instances because the public right-of-way (ROW) that the property is located on may not be paved—in some areas, the ROWs may be gravel or chip seal. Per CBJ Engineering, pavement is defined as either asphalt or cement. Again, due to the 'shall', a property located on a gravel road is required under the current code to pave the first 20 feet from the edge of the public roadway, whichever length is greater—resulting in a gravel public ROW connected to 20 feet of pavement, connected to gravel private shared access.

Staff recommends the following language to make this ordinance more useful:

'The portion of the shared access in the right of way or the first 20 feet or the length required by another regulatory body, whichever is greater from the edge of the public roadway *shall be constructed to the existing material of the public right-of-way or better, whichever length is greater.*

Commented [AP3]: Suggested revision from CBJ E&PW – 2 feet protects the road surface. AKDOT may require 10-12 feet

If this new language is acceptable to the committee, staff recommends that the length be consistent with AKDOT's standards with a line added 'as amended from time to time'; or remove the length and simply refer to AKDOT's standard detail.

Commented [JMM4]: Same comment as above

Commented [JMM5R4]: Update:
T49 recommended referring to AKDOT's standard and not including a specific length

- 3) **49.35.262 (c)(3)(vi) Approval process states, 'A lot with frontage on a public street and on the shared access is *prohibited from having vehicular access to the public street except through the shared access*.'** (emphasis added)

- a) Staff has found that in some instances, particularly if there is an existing dwelling on the lot, the front lot prefers to maintain existing access on the public ROW rather than constructing a new driveway from the private shared access.

Staff recommends making this language consistent with that of the panhandle ordinance, in order to create more flexibility for existing dwellings on the front lot. The panhandle ordinance (49.15.423 (a)(3)(A) states, '*Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls rights-of-way. Access to each lot shall be designated on the plat in the form of an easement.*

Staff recommends the following language for 49.35.262 (c)(3)(vi):

'Access for the lots shall be located in the private shared access. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls rights-of-way. Access to each lot shall be designated on the plat in the form of an easement.'

- 4) **49.35.263 (c) The front yard setback *shall be measured from the shared access easement.*** (emphasis added)

- a) 'Shall be measured' has, as stated above, been found by staff to be impractical, and due to the use of 'shall', the ability to waive this requirement does not exist.

Committee of the Whole
AME2019 0005
July 15, 2019
Page 3 of 3

- b) In some instances, if the lot has an existing dwelling, it presumably was constructed to meet the front yard setback from the public ROW and would therefore have a side yard setback in the location of the proposed private shared access, thus it would not have the ability to meet a front yard setback.

Staff recommends making this language *somewhat* consistent with that of the panhandle ordinance, in order to create more flexibility for existing dwellings on the front lot. The panhandle ordinance (49.15.423 (a)(2)(A) states, 'A lot fronting on a right-of-way may establish a front yard setback or a street side yard setback adjoining the right-of-way or the panhandle'.

Staff recommends the following language for 49.35.262 (c):

'A lot fronting on a right-of-way may establish a front yard setback or a street side yard setback adjoining the right-of-way or the private shared access.'

For discussion: Given that an existing dwelling may have been constructed to have a side yard setback, which is less than a street side yard setback, does the commission wish to consider language that gives the director discretion when reviewing private shared access plats to consider a side yard setback if a street yard setback cannot be met? Or as close to a street yard setback as possible? Or must it accommodate the street side yard setback?

- 5) **49.15.423 (2)(A) A lot fronting on a right-of-way may establish a front yard setback or a *street side yard setback* adjoining the right-of-way or the panhandle.** (emphasis added)

Staff recommends changing "street yard setback" to "side yard setback".

- 6) **49.65.600 - Purpose.** 'The intent of this chapter is to encourage construction of small houses on property served by municipal water and sewer and *publicly maintained roads*. Bungalow style infill development is intended to allow property to be utilized to its maximum potential without adversely impacting established residential neighborhoods'. (emphasis added)

Staff recommends deleting "*and publically maintained roads*" to provide opportunity for bungalow lots to use the PSA.

Recommendation

Staff recommends that the code be amended to clarify, make consistent, and update Private Shared Access (49.35.260).

Commented [JMM6]: Does T49 recommend this revision for panhandle subdivisions as well?

Commented [JMM7R6]: Update: T49 recommended additional changes to the panhandle section of code than those presented; Staff strongly recommends excluding panhandles (and bungalows – see below) in this amendment in order to better ensure success of adoption

Commented [JMM8]: Update: After discussion at the T49 meeting, staff strongly recommends excluding bungalows in this amendment in order to better ensure success of adoption

DIVISION 2. - PRIVATE SHARED ACCESS

49.35.260 - Purpose.

Shared access serving four or fewer lots without frontage on a right-of-way may be constructed within a private easement consistent with this division.

([Serial No. 2016-26\(b\)](#), § 10, 4-3-2017, eff. 5-3-2017)

49.35.261 - Application.

An applicant must submit the following to request shared access:

- (1) A preliminary plan and profile of the proposed shared access; and
- (2) A proposed access easement, drainage and ~~utility agreement~~ [easement](#).

([Serial No. 2016-26\(b\)](#), § 10, 4-3-2017, eff. 5-3-2017)

49.35.262 - Standards.

- (a) *Agency review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.
- (b) *Approval criteria.* The director may approve a subdivision, with or without conditions, that has a shared access if all of the following criteria are met:
 - (1) The shared access will be located in a private easement completely on the lots served.
 - (2) The shared access serves four or fewer lots. If a subsequent common wall residential subdivision is intended to be served by shared access, the common wall parent lot shall count as two lots.
 - (3) The shared access does not endanger public safety or welfare.
 - (4) The shared access complies or can be improved to comply with the emergency service access requirements of CBJ 19.10.
 - (5) The use of each lot served by the shared access shall be limited to one single-family residence and an accessory apartment.
 - (6) The total average daily trips resulting from the subdivision shall not exceed 70.
 - (7) Shared access is only allowed in RR and D-1, D-3, D-5, and D-10 SF zoning districts defined by CBJ 49.25.210.
 - (8) Shared access is prohibited if the subdivision abuts a parcel that does not have alternative and practical frontage on a publicly maintained right-of-way.
 - (9) ~~The portion of the shared access in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved~~ [constructed to be consistent with the existing public roadway material, whichever length is greater.](#)
 - (10) Lots must meet the minimum standards for the zone district according to the table of dimensional standards excluding the shared access easement. A buildable area must exist without the need for a variance.
- (c) *Approval process.*

Commented [AS1]: Since this is for access I'm not sure that utilities need to be included. Sharing utilities would be a separate request, but utility easements may apply.

Commented [JMM2]: One area for review / revision?

Commented [AS3R2]: Engineering Standard detail 103A and B only require 2' of pavement beyond the edge of roadway for unpaved driveways. Where did the 20' requirement of pavement come from and what is the purpose?

- (1) Upon preliminary plat approval by the director, the applicant shall construct the shared access pursuant to the corresponding standard in Table 49.35.240 for a roadway with zero to 70 average daily trips. A financial guarantee cannot be used as a condition of construction.
- (2) The shared access easement shall be recorded.
- (3) The following shall be noted on a plat or in a recorded decision that contains a shared access:
 - (i) The private easement is for access, drainage, and utilities if applicable and shall be specifically identified.
 - (ii) The owner(s) of the lots served by the private access easement acknowledge the City and Borough is not obligated and will not provide any maintenance or snow removal in the private easement.
 - (iii) The owner(s) of the lots served by the private access easement shall be responsible and liable for all construction and maintenance of the shared access from the edge of the publically maintained travel lane.
 - (iv) Except a subsequent common wall subdivision depicted on this plat, the lots served by the private access easement are prohibited from subdividing unless the access is upgraded to a public street, dedicated to, and accepted by the City and Borough.
 - (v) Owner of a lot served by the private access easement shall automatically abandon all rights to and usage of the private access easement except for utilities, if any, if a publically maintained street serves that lot.
 - (vi) Access for the lots shall be located in the shared access. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls rights-of-way. Access to each lot shall be designated on the plat in the form of an easement. A lot with frontage on a public street and on the shared access is prohibited from having vehicular access to the public street except through the shared access.

Commented [JMM4]: Verify that this is the correct term (note for JM)

Commented [JMM5]: Same comment as above

Commented [JMM6]: Revised using panhandle language for consistency

([Serial No. 2016-26\(b\)](#)), § 10, 4-3-2017, eff. 5-3-2017)

49.35.263 - Other shared access requirements.

- (a) If a shared access is approved, the applicant must apply for and receive a right-of-way permit for the work within the CBJ public right-of-way and a grading permit for the work within the private property to construct the shared access.
- (b) If the director determines that a street sign is required for a health, safety, or welfare reason, the applicant shall install a street sign provided by the City and Borough at the applicant's expense.
- (c) A lot fronting on a right-of-way may establish a front yard setback or a street side yard setback adjoining the right-of-way or the shared access. The front yard setback shall be measured from the shared access easement.
- (d) The width of the shared access easement may be reduced by a value of up to 20 feet if the director finds there is sufficient area for the provision of utilities, drainage, snow storage, and that it is unlikely for the shared access easement to expand in the future to a public street.
- (e) The director shall determine the placement location of mailboxes and shall comply with current CBJ Engineering and Public Works Standard Details. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.
- (f) The standards identified in this article do not apply to any preexisting shared access previously permitted by the department.

Commented [JMM7]: Revised using panhandle language for consistency

([Serial No. 2016-26\(b\)](#)), § 10, 4-3-2017, eff. 5-3-2017)

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