Agenda
Planning Commission
Committee of the Whole
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
July 23, 2019

I. ROLL CALL

Ben Haight, Chairman, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:34 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Ken Alper (by Phone); Shannon Crossley; Dan Hickok; Travis Arndt

Commissioners absent: Nathaniel Dye, Michael Levine

Staff present: Jill Maclean, CDD Director; Alexandra Pierce, Planning Manager; Jane Mores, Municipal Attorney

Assembly members: None

II. REGULAR AGENDA

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

Ms. Maclean introduced AME2018 0005 and explained that the purpose of AME2018 0005 was to update the common wall ordinance to clear up inconsistencies, add definitions to the ordinance, and include allowances for common walls in General Commercial (GC), Light Commercial (LC), MU2, and D3 zoning districts, possibly by splitting the ordinance into two: one for residential and one for General Commercial.

Mr. Voelckers asked where common wall language and intent came from and how it compared to zero lot lines. Ms. Maclean explained common wall structures provide for more affordable housing as compared to detached homes and have become one of the most popular housing units in the area. The main difference between common walls and zero lot lines is zero lot lines can be in Industrial or Mixed Use zones, but common walls are currently restricted by Chapter 49.65 as residential only.

Ms. Maclean explained that as written, subdividing with common walls is a clunky and complicated process requiring multiple steps as compared with regular subdivisions. The way the ordinance is written complicates the process.

Mr. Voelckers asked about the distinction between a major subdivision and subdividing with common walls. Ms. Maclean explained that one difference is the common sidewall has no setback. Further, common wall subdivisions follow the same requirements as traditional subdivisions as they relate to minor and major subdivisions - 13 or fewer lots is a minor subdivision, and more than 13 lots is a major subdivision.

Mr. Arndt asked about how the minor/major subdivision distinction is effected when using common walls. Could a developer manipulate it in such a way as to build several common wall units as minor subdivisions rather than counting them altogether as a major subdivision? Ms. Maclean explained that it was not that easy. Minor/Major determination is based on the final number of units or potential for development of the land.

Mr. Voelckers cautioned against making the ordinance overly strict as that could limit the ability to build these units.

Ms. Maclean continued the presentation stating that when the Table of Permissible Uses (TPU) was updated, there were some errors. For example, it allowed accessory apartments where common walls were not allowed. According to Ms. Maclean, Law had also pointed out that when including General Mixed Use in the ordinance, they will need to get away from the word 'dwelling' as that has very specific connotations.

Mr. Voelckers questioned why there would be a distinction between two occupancies compared to three or more when describing LC and GC. Ms. Maclean recalled this was discussed in the Title 49 Committee, but it was not resolved.

Mr. Arndt asked why this would be done in MU2 but not in MU. Ms. Maclean explained that it is because MU provides the highest density and common walls do not provide as high a density and would not be the highest and best use in MU.

This concluded the explanation of the TPU.

Ms. Maclean explained that when looking through the proposed ordinance, missing items and proposed changes had been added. Newer items discussed were potentially reducing minimum D5 lot size from 7000 feet to 6000 feet to match other areas where common walls are permissible and adding it as a permissible use in D3 with a 5000-foot minimum lot size versus 12,000 feet. Staff is also looking into where currently there are common walls originally constructed as duplexes in D3 that have been retrofitted. Care is being taken so that the

properties do not become nonconforming. The retrofitting is allowed under current code under the special density section.

Mr. Arndt noticed that in D10, D15 and D18 there is a reference to note7B, which does not exist. He asked if maybe the intention was to have a note 7A. Ms. Maclean will double check this and see what that should be.

Ms. Maclean said that when reviewing the ordinance, there were notes that were repetitive and confusing so they were edited for clarity (into a single note in the Table of Dimensional Standards).

Mr. Voelckers suggested changing the phrase "shall contain" in the first intent paragraph of the common wall version of the commercial section to allowance language such as "may" or "could". He had the same comment for the section under "uses" (65.725) where there is similar intent obligating it to be nonresidential. Ms. Maclean remembered that when they discussed this, they were to come up with incentives but so far, they have not found any way to incentivize mixed use other than allowing it as an option.

Mr. Haight asked if the ordinance was yet ready to take to Law. Ms. Maclean said staff will finish cleaning it up, change the "shall" to "may", and correct the minor typos. Then it can be submitted to Law after which it would come back to the Committee of the Whole. She also suggested giving a week for the committee to submit comments before staff submits a draft to Law.

B. AME2019 0005: Proposed revisions to private shared access

Ms. Maclean explained this is a housekeeping item because when the Private Shared Access (PSA) ordinance was adopted, it contained some changes in the language that had unintended consequences. As a result, it just did not work for some of the people it was intended to benefit.

Items for cleanup include:

1. Where the ordinance addresses "proposed easement drainage and utility agreement"

2. The section of 49.35 that includes PSA. Title 49.35 states that the access shall be paved at least 20 feet. The "paved" portion is the part that is causing problems because people are being required to pave the access even if the road(s) it connects to are not paved. Title 49.35 does not allow for variances. The proposal is to change the wording so the access is

required to match the road(s) it is meeting, whether it be gravel, chip seal, etc., and to change the 20-foot requirement to match Department of Transportation (DOT) requirements.

4. PSA requirements are restrictive when it comes to setback options like those that panhandle lots have. Currently, for a panhandle lot the front lot could choose to make the setback either the panhandle or the setback. When the PSA section was written, it did not include the same options. Right now with PSA, there is only one way that the street/setback can be configured. There have been a couple of instances where people could not use PSA because of that rule.

Mr. Arndt wanted clarification as to how one could configure the lot with regard to front/back/street side/side. Ms. Maclean will look into that.

5. Under current code, if there is an existing unit and driveway on a property that is then converted to shared access, the old driveway must be retired and a new one constructed to access the property through the new shared access. This is the case even if there is a garage or driveway already existing. This is an unintended consequence of the code. The change would allow residents to choose their front setback provided it is approved by the governing agency of the right of way (CBJ or DOT).

Mr. Haight noted that in Item Four there is an "and" that maybe should be "and/or". Ms. Maclean said it was written to be consistent with the wording in the panhandle section, but she would check to clarify. She recommended keeping it consistent with the panhandle section.

According to Ms. Maclean, staff recommended altering the bungalow lots and subdivisions item. Currently the bungalows section is in 49.65, which cannot be varied. The purpose states that the intent is to encourage the construction of small houses in areas served by municipal water and sewer on publicly maintained roads. This means there cannot be a bungalow subdivision using shared access. During the writing of the shared access section, it was noted that one could not put a bungalow into a PSA due to this wording. Discussion at the time of writing included the suggestion to look at allowing the use of bungalows by changing the wording about publicly maintained roads. Shared access is intended to help develop longer, thin lots, and it would make sense to allow a small bungalow lot in that area. Mr. Voelckers agreed that this was an unintended consequence of the ordinance, and it would be a small but positive change to fix this.

Ms. Maclean strongly recommended approving the ordinance without bringing in panhandle language in order to allow it to move forward to Law once they clean up the small items that had been identified. Mr. Haight agreed.

Mr. Voelckers asked what the identified deficits with the panhandle ordinance were. Ms. Maclean explained that discussion on panhandles identified possible issues regarding the ability to choose front/street/side yard setbacks, and there was a question about whether the front lot on shared access has to be part of the easement agreement if they are no longer getting their access through the shared access. Ms. Crossley added that the distances between driveways was also an issue to be discussed. Mr. Arndt added that the discussion also included whether or not to expand the limit beyond four lots.

III. OTHER BUSINESS -none

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES - none

V. ADJOURNMENT

The meeting was adjourned at 6:32 pm.