



CITY OF WASILLA

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INFORMATION MEMORANDUM

No. 97-62

DATE: October 8, 1997

TO: City Council

FROM: Cindy Roberts, Public Works Director *Cindy Roberts*

RE: Ordinance Serial No. 97-27 - Driveways

September 22, 1997, the City Council conducted a public hearing referencing Chapter 14.12 and substitute # 1 for 14.12 of the Wasilla Municipal Code. Anne Kilkenny asked Council to adopt the substitute for Ordinance Serial No. 97-27 as it reflected her suggested corrections and modifications of the Code referencing the specifications for driveway approaches / driveway aprons.

There are inconsistencies in the current Chapter 14.12. While substitute #1 reflects considerable work and analysis, there are elements which are not the resolution-of-choice based on experience of the department of public works concerning street / apron maintenance and integrity, drainage maintenance, and ice damage prevention.

RECOMMENDATION: DPW recommends to Council that the choice of either existing Chapter 14.12 or the proposed substitute #1 does not serve the public interest.

DPW further recommends a work session to compare existing Chapter 14.12 specifications, submitted substitute #1, and other concerns brought forward. (The session is tentatively scheduled for November 4 from 1 to 5 p.m. at DPW office.)

A report regarding the proposed solutions and rewrites would come back to City Council for adoption as Ordinance Serial No. 97-27 Substitute #2 on November 24, 1997.

To: Councilmembers

From: Anne Kilkenny 376.6225

Re: Recommended Amendments to Ordinance 97.37 Substitute

Date: Wed, Oct 8th, 1997 2:30pm

I apologize for the informality of this format but time and practicality don't seem to give me much choice. I only became aware of Mr. Deuser's memo and notes last Friday and less than 24 hrs ago I finally obtained copies of them. Attny Deuser does not feel free to discuss his comments/suggestions with me. However, Citizen Deuser told me that the substitute ordinance is "unquestionably" preferable to our existing ordinance, and ^{he} seems to no longer be of the opinion that this section of the code should be ~~in the~~ purview of the Planning Dept. His Aug 1.2th comments re: LID's were addressed prior to this draft. The exclusion of technical specs from the Code was considered and rejected as inappropriate given the level of sophistication of our City and to eliminate the need to refer to several documents. Thaw wire references (14.12.060) come from the existing code — Mr. Bridge reviewed them and had no problem with them.

On the following pages I have handwritten in (as neatly as possible) the amendments I recommend. In the margin I've noted the initials of the source of the recommendation (GS = George Strother, MSBoro; DD = Dick Deuser, AK = Anne Kilkenny).

Thanks so much for your patience and support!

Anne Kilkenny

P.S. As you may have noticed, Mr. Deuser's notes were made on a much earlier draft of the ordinance so some have already been incorporated ^{or} are no longer necessary.

ORDINANCE SERIAL NO. 97-27 (SUBSTITUTE)

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, AMENDING WMC 14.12, DRIVEWAY APRON CONSTRUCTION.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This is a code ordinance and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To add definitions, apron requirements, and amend and clarify construction of driveway aprons.

SECTION III. Repeal. Chapter 14.12 and the underlying enacting Ordinance Serial No's. W77-U-1 Section 3, 81-14, 82-13 and 83-16 are hereby repealed in their entirety.

SECTION IV. Enactment. Chapter 14.12 of the Wasilla Municipal Code is hereby enacted as follows:

Chapter 14.12

DRIVEWAY APRON CONSTRUCTION

SECTIONS:

- 14.12.010 Definitions
- 14.12.020 Driveway Aprons Required
- 14.12.030 Permitting Process
- 14.12.040 Design Specifications
- 14.12.050 Construction Specifications
- 14.12.060 Maintenance
- 14.12.070 Administrative Waiver(s)
- 14.12.080 Appeals

14.12.010 Definitions. Driveway apron means an access constructed across a public right-of-way which connects a street, roadway, sidewalk or recreational trail to adjacent property so that no portion of the public right-of-way is blocked after access has been gained to the adjacent property.

14.12.020 Driveway Aprons Required. A driveway apron is required when any form of motorized vehicular traffic ingresses or egresses a lot or tract of property from a public right-of-way. All driveway aprons shall be in conformance with the specifications in this chapter.

14.12.030 Permitting Process.

A. Permit Required: No person, firm or corporation shall hereafter construct, reconstruct, build, establish or maintain any driveway apron over, across or upon any portion of the public sidewalk or public right-of-way without first having obtained a written permit to do so from the City of Wasilla. No such permit shall be issued for construction or establishment of any such driveway apron except in accordance with the provisions herein contained.

B. Unauthorized Encroachment: Unauthorized encroachments are subject to removal under Section 14.08.050 through 14.08.070. Unauthorized encroachments include but are not limited to:

1. driveway aprons hereafter constructed upon public rights-of-way without a permit; and
2. any driveway apron that has not passed a final inspection within the time period specified on the permit and does not conform with the design specifications and construction specifications for permanent driveway aprons.

(the name and address of the property owner,)

GS

C. Application: An application for a driveway apron permit must be made in writing upon forms furnished by the City. Said application shall contain the name, address and (authorized) signature of the person, firm or corporation making the application, the name of the contractor or person who is to construct said driveway apron and the proposed location and dimensions of such driveway apron.

D. Fees: Driveway apron permit fees in the amount of twenty five dollars (\$25.00) shall be paid at the time of the application for the permit. Such fee obligates the City for:

1. pre-inspection during which the inspector will specify construction requirements for the driveway apron, and
2. final permit approval inspection.

In the event the driveway apron construction fails to meet the specified standards, an additional fee of twenty five dollars (\$25.00) ~~will~~ be required for subsequent inspections.

AK

may

E. Inspections: Pre-inspection and final inspections shall be scheduled during normal working hours a minimum of 48 hours in advance. It is the responsibility of the applicant to notify the Public Works Department that construction is complete and ready for final inspection. Work done without inspection may have to be removed or done again.

F. Expiration: All work on the construction of a permanent driveway apron shall be completed within 60 days of the date of the pre-inspection or the permit is void, with the following exceptions:

1. permits for driveway aprons to be constructed as part of a local improvement district; or
2. with the Public Works Director's (or designee's) approval, and during the winter.

G. Hold Harmless: An applicant for a driveway apron permit agrees to perform all work in accordance with this Chapter, conditions specified on the permit, and any conditions made contingent for approval of a Land Use Permit; and, shall indemnify, defend, and save harmless the City of Wasilla, its officers and employees from all liability, judgment, costs, expenses and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or nonperformance of said work or the existence of said driveway apron.

(agents)

GS

H. Permit Revocation: The issuance of a driveway apron permit by the City of Wasilla waives none of the powers or rights of the City to direct the removal, relocation, and/or proper maintenance of any driveway apron within the public right-of-way. Any permit granted will be construed as regulatory and not contractual. Such permits are revocable by the City of Wasilla whenever the use and presence of a driveway apron unduly interferes with the required use of that portion of the right-of-way or constitutes a hazard to traffic, however:

1. the City of Wasilla will not deny or revoke any driveway apron permit if to do so would deny a property owner access to their property; and

2. the City of Wasilla must demonstrate significant cause for revoking a permit. Significant cause would include, but not be limited to, reclassification of the intersecting public thoroughfare, re-configuration of local traffic patterns or increased drainage problems; and

3. if the City of Wasilla removes a previously approved driveway apron, the City will construct at its expense a comparable driveway apron at ~~the~~ conforming location selected by the property owner. GS

I. Reconstruction: The City of Wasilla reserves the right to upgrade to City standards at City expense the portion of any existing permit - approved driveway apron that is on or over the public right-of-way. The City may require a property owner to reconstruct and/or upgrade to City standards at the owners expense any existing driveway apron or portion thereof that is on or over the public right-of-way if said driveway apron was constructed without a required permit, unless the driveway was built prior to Jan. 1, 1984. GS

J. Abandonment: If a property owner wishes to relocate a driveway apron he does so at his own expense, and must go through the normal permitting process for the proposed new location. It is the responsibility of the property owner to remove the abandoned driveway apron, and restore the public right-of-way to current City specifications at his own expense, prior to final approval of the new driveway apron. GS

K. Local Improvement District Projects: It is the responsibility of the property owner to see that all necessary driveway apron permits are on file prior to the local improvement district project deadline.

14.12.040 Design Specifications.

A. Allowance: The maximum number of driveway aprons allowed per lot is two (2). Additional driveway aprons will not be approved unless there is shown to be an absolute necessity for them.

B. Location: A driveway apron shall not be located in such a place as to interfere with another legal encroachment or create a hazard or nuisance.

1. Separation: Driveway aprons on the same lot must be separated by a minimum of thirty feet (30') measured from an apron edge to the next apron edge at the right-of-way line.

2. Proximity to Intersections. Driveway aprons may not be constructed closer than thirty five feet (35') measured at the right-of-way line to the intersection of two (2) public rights-of-way, of a lot corner or point of curve return. GS

3. Side Lot Line Setback. Driveway aprons may not be constructed less than ten feet (10') from the side lot line. An exception will be granted by the City of Wasilla for planned unit developments, zero lot line type facilities, and four-plex or larger residential buildings. This restriction may be waived for narrow lots (60' wide or less).

4. Angle of Intersection. Driveway aprons should intersect the public right-of-way at a 90° angle and in no case may intersect at less than a 45° angle. GS

5. Fillet Radii. The intersection of a driveway apron and a public road shall be constructed with a minimum fillet radii of six feet (6'). Recommended residential fillet radii is ten feet (10'). Recommended commercial and industrial fillet radii is fifteen feet (15').

6. Traffic Considerations. Driveway aprons for business enterprises that serve vehicles, or provide services or entertainment to customers while in vehicles, shall not be constructed so as to cause traffic congestion within the public right-of-way. The driveway beyond the right-of-way must be of sufficient length

and width to accommodate the vehicles and be designed to provide for the safe and expeditious handling of traffic as determined by the City of Wasilla.

C. Width:

1. Residential. The finished surface width of driveway aprons to serve residential or dwelling house lots shall be a minimum of ten feet (10') and a maximum of twenty feet (20') measured at their narrowest point, the right-of-way line. Ak

2. Commercial. The finished surface width of driveway aprons to serve commercial/industrial lots shall be a minimum of eleven feet (11') and a maximum of thirty feet (30') measured at their narrowest point, the right-of-way line. Ak

3. Exceptions. The City of Wasilla will grant automatic exceptions to residential and commercial driveway apron widths if all of the following conditions are satisfied:

a. the driveway apron intersects a public thoroughfare classified as rural, local/neighborhood, or minor collector, and

see page 5. b. the property owner has made adequate provisions on his own lot for the storage of snow plowed off of the driveway apron and fronting right-of-way, and GS

c. the property owner will accept any additional construction or maintenance expense incurred for the installation of culverts, etc.; and

d. the proposed design assures that vehicles will not be backing onto the public thoroughfare from the driveway apron.

The City of Wasilla may grant a width exception if only some of the immediately preceding conditions are satisfied.

D. Length: Driveway aprons shall extend from the edge of the finished surface of the intersecting public thoroughfare to the edge of the public right-of-way at the lot being served by the driveway. For a new driveway apron intersecting an existing paved public thoroughfare which has no remaining unimproved right-of-way, the property owner will construct a paved driveway apron at least six feet (6') long on his property. DD

E. Drainage: Driveway aprons shall be constructed so that all runoff is directed to the ditch line (and not across the public thoroughfare), and shall not cause erosion of the public right-of-way or deposition of silt onto the public thoroughfare. In the event that a driveway apron increases drainage to the roadway ditch, the City may require that the applicant provide a means of accommodating the additional drainage. soils GS

(or shall have manufactured end sections.)
F. Culverts: Culverts shall be installed when required by the City of Wasilla. Culverts are to be laid to the flow line grade of the existing roadside ditch. Culverts shall extend a minimum of two feet (2') beyond both edges of the slope of the driveway apron where it crosses the ditch line. In areas of major drainage the City of Wasilla may require a steam thaw pipe to be installed in the culvert. GS

G. Illumination: Driveway aprons onto public thoroughfares from major commercial and/or industrial establishments require a roadway illumination review by the City of Wasilla. The applicant will be required to install roadway lighting if the City of Wasilla determines that lighting is necessary for the safe and efficient use of the driveway apron. The City of Wasilla, using the latest guidelines established by the American Association of State Highway and Transportation Officials, and the Alaska Department of Transportation and Public Facilities, specify the type, number and location of luminaries to be installed. DD GS

(and/or City of Wasilla luminaries standards)

H. Delineation: For driveway aprons that are intended to serve commercial or industrial establishments markers, signs, curbs or other types of barricades shall be installed to clearly delineate and define the entrances and exits and to prevent egress and ingress at points other than the approved locations. All driveway aprons leading to four-plex or larger residential buildings shall be marked with reflective delineators. Delineators may be required at other sites for traffic safety reasons.

flexible

GS

I. Slope: To protect the structural integrity of the public thoroughfare no driveway apron may be constructed with a slope which would cause a standard passenger vehicle to drag bottom.

GS

(driveway centerline)

J. Line of Sight: For public safety reasons the City of Wasilla may require the removal of, or prohibit the construction or installation of any structures or landscaping features over three feet (3') high and one foot (1') wide at site level (between 3' & 8' in elevation) which obscure the line of sight in the triangular area twenty five feet (25') on two (2) sides bounded by the public thoroughfare and the driveway apron/driveway.

GS

K. Snow Storage: The property owner shall make adequate provision on his own lot for the storage of snow plowed off the driveway apron and fronting right-of-way.

14.12.050 Construction Specifications.

A. Interim (winter) Specifications: At the time of pre-inspection if the Public Works Director (or designee) determines that the soil conditions are unacceptable for the construction of a permanent driveway apron (i.e. frozen), the City Inspector will specify interim construction standards for a temporary driveway apron as well as the standards to which the driveway apron must be upgraded after breakup. The expiration date for a permit issued under such circumstance will be set by the City Inspector.

B. Material Type: Any driveway apron connecting to a public thoroughfare surfaced with crushed rock, asphalt pavement or other surfacing material shall be surfaced with the same material, asphalt pavement, or other approved material. Portland cement.

AK

C. Gravel: Gravel shall be well-graded and non-frost susceptible, with 100% passing a three inch (3") sieve and less than 6% passing a #200 sieve and laid a minimum of two feet (2') deep. Deeper gravel in a large fill will have 18" maximum rock size.

GS

D. Asphalt Pavement: Asphalt pavement on driveway aprons shall be a minimum of two inches (2") in depth, laid on a minimum two (2) inches D1 leveling course, on a base as specified in C. above, or as specified by the City Inspector.

GS

E. Culverts:

1. the bedding material within a minimum of six inches (6") of a culvert shall have 100% passing a three inch (3") sieve; and

2. all culverts shall be corrugated metal pipe or other material approved by the Public Works Director (or designee), and shall have a minimum diameter of twelve inches (12"), unless a larger culvert is necessary to handle the drainage.

GS

DD

F. Lighting: For illumination required under 14.12.050(h), unless otherwise specified in the permit, the lighting materials and installation shall conform with Section 660, "Signals and Lighting", of the Alaska Standard Specifications for Highway Standard Details L-03.00, L10.00, L-14.00, L-20.00, L-23.00, L-30.00, (the most recent edition).

GS

G. Site Safety: During construction appropriate and adequate safety measures (barricades, lights, signs, flagmen, etc.) must be taken to protect the public. The public thoroughfare may not be closed to the public without prior approval of the Public Works Director (or designee). A minimum of one (1) ten foot (10') wide traffic lane must be kept open to traffic on the public thoroughfare at all times.

DD

(locates before construction and utility)

H. Utilities: Utility relocation is the responsibility of the permittee.

DD

I. Curb, Gutter and Sidewalk: Existing or broken curb and/or gutter and/or sidewalk shall be removed for the full width of the driveway apron with a saw cut at the nearest expansion joint or score mark. A form board must be used at the gutterlip and the pavement restored to current specifications.

J. Excavated Material: All material ~~other than gravel~~, excavated in the construction of driveway aprons or building projects and deposited on public rights-of-way shall be removed. The dumping of frost susceptible material, stumps, etc. on public rights-of-way will be considered as an unauthorized encroachment and subject to removal under Section 14.08.050 through 14.08.070. Ak

14.12.060 Maintenance. All driveway aprons constructed or reconstructed over, across, or upon any public right-of-way in the City shall be kept and maintained at all times in accordance with the provisions of this Chapter by the owners and/or users of said driveway aprons. The only exception being that in those cases where the City requires installation of thaw pipes, the actual cost of thawing operations will be born by the City.

14.12.070 Administrative Waiver(s): Unless specified otherwise in the pertinent sections of the code, the Public Works Director (or designee) may, with the written concurrence of the Planning Director (or designee), and the Mayor (or designee), waive any restriction in this code for a specific case and two (2) stated reasons.

14.12.080 Appeals. Unless otherwise specified in the pertinent section(s) of the code, all appeals shall be made in writing, to the Public Works Director (or designee), the Mayor (or designee) and the City Council, in that order. The Mayor (or designee) may not overturn a decision of the Public Works Director (or designee) without the written concurrence of the Planning Director (or designee).

SECTION V. Severability. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City of Wasilla hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases declared unconstitutional.

SECTION VI. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

ADOPTED by the Council of the City of Wasilla on this _____ day of _____, 1997.

SARAH H. PALIN, Mayor

ATTEST:

MARJORIE D. HARRIS, CMC
City Clerk

(SEAL)

MEMORANDUM

DATE: October 9, 1997
TO: Council Members
FROM: *JWC*
John Cramer, Deputy Administrator
RE: Call from Attorney Dick Deuser

I was contacted by attorney Deuser concerning the driveway ordinance issue and communication with Anne Kilkenny. He asked that I prepare this memo to inform council Ms. Kilkenny had phoned Mr. Deuser and wanted him to engage in discussions regarding comments to city staff on issue. He informed her that (while city attorney in August) he had written a memo to city staff. Ms. Kilkenny requested a copy and Deuser told her that he could not provide her a copy and that she should contact me. I provided Ms. Kilkenny a copy of Deuser's memo on Tuesday, October 7 at her request. Deuser also told her that he was no longer the city attorney and he declined to get involved. Mr. Deuser wanted me to express that his August memo speaks for itself. He has not been involved with this issue since his input to staff in August. Therefore, he has not commented on the draft presently before the council. Consequently, contrary to Ms. Kilkenny's indications, Mr. Deuser has expressed no view on the current draft before council.