

Title 21 PUBLIC DRAFT #1

(Chapter 1 through Chapter 7)

DDD July 29, 2005

CHAPTER 21.01: GENERAL PROVISIONS

21.01.010 Title and Effective Date (Public Review Draft #1)

21.01.020 Authority (Public Review Draft #1)

21.01.030 Purpose of this Title (Public Review Draft #1)

p.6..... After some general discussion about the purpose of Title 21, the committee wants to add the words “as appropriate” on line 17. This would help clarify that not all purposes listed apply in every section of the code or to every land use issue in the Municipality. There was also some question about the inclusion of the term “design aesthetic” on line 24, should it be deleted?

21.01.040 Applicability and Jurisdiction (Public Review Draft #1)

21.01.050 Official Zoning Map (Public Review Draft #1)

21.01.060 Conflicting Provisions (Public Review Draft #1)

p.8, lines 32-38..... How should conflicts between two sections of code best be handled? The draft indicates the most restrictive language should govern. The committee felt it preferable to add language saying a specific code provision should govern a general code provision and more recent code should govern older code. There should also be some language giving the Director discretion in such cases. It was the belief of one committee member that vesting discretion in the Director to apply the “most appropriate” provision the situation presented is the best solution because no one provision applies to all situations

21.01.070 Severability (Public Review Draft #1)

21.01.080 Comprehensive Plan (Public Review Draft #1)

p.10..... Is the table listing elements of the comprehensive plan current? Planning staff was requested to check prior to final Title 21 adoption. The committee also discussed having the other plans listed available either in a “library” somewhere [Assembly offices] or on line would be helpful. Planning staff will come up with suggestions.

21.01.090 Transitional Provisions (Public Review Draft #1)

p.12, lines 7 and 28 Is the six month time period for review of actions submitted under current ordinance reasonable? The committee suggested deletion. The concern was that the Department will receive a flood of applications immediately prior to the effective date of the rewritten Title 21 and that it will not be able to deal with all of them within six months. The better solution is that any complete application filed prior to the effective date of the new ordinance will be treated under the old ordinance.

CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

21.02.010 Purpose (Public Review Draft #1)

21.02.020 Boards and Commissions Generally (Public Review Draft #1)

p.17 The table is inaccurate. P&Z should be listed as responsible for review and hearing of school site selections.

p. 19, line 15Vacancies on boards/ commissions can stop business. One committee member favored new language giving the Mayor 120 days to make appointments to fill vacancies.

p.20, lines 36-38 We discussed the current code of ethics rewrite effort. We generally believe all members of municipal boards and commissions should fully disclose real and potential conflicts and that other members of the board/commission should then vote to determine if participation in the discussion and decision is allowed. The committee would like to delete the words “actual or seemingly apparent” and “prejudgment”. In the same manner, on the top of p. 21, line 6 we would like to add “as defined by the code of ethics, (with citation)”

p.21, line 18 The committee wants to delete the section allowing disclosure of possible conflict of interest in an executive session. Delete “Where appropriate, the conflict may be discussed in executive session.”

p. 21 line 27-31 The section needs to be rewritten to clarify that the decision on conflict of interest occurs before any discussion on the agenda item.

p. 21 and 22..... There were several questions and concerns about ex parte contacts. The committee would like the municipal attorney to review the proposed language, particularly the section on site visits.

p. 23, lines 1-7..... We believe all votes, except for board/commission organization, should be conducted so the public knows how each person votes. The sentence allowing an exemption for voice votes should be deleted as unnecessary. This does not mean that voice votes are not allowed, it only means that this section regarding voice votes is inappropriate here.

p.23, line 22..... Poor attendance at board and commission meetings can and often does stop all business. One committee member asked that attendance requirements be clearly stated in this section. Another felt that to be duplicative of language already in Title 4.

21.02.030 Assembly (Public Review Draft #1)

P.23-24, lines 35-28..... This section deals with the appeal and reconsideration process. The Assembly dealt with these issues in a recent code amendment. The

committee wants to be sure the language here fully aligned with that new code language.

21.02.040 Planning and Zoning Commission (Public Review Draft #1)

p. 25, lines 19-23 This section requires the Assembly to take no final action until it has received recommendations from subordinate bodies. The committee believes sometimes speed is important and would like to add new language exempting this requirement if a super majority of the Assembly agrees.

21.02.050 Platting Board (Public Review Draft #1)

21.02.060 Zoning Board of Examiners and Appeals (Public Review Draft #1)

p. 27, line 24-25..... This requires ZEBA to review and ratify each of the Director's decisions regarding unlisted uses. We believe this should be changed from "review and ratify" to "hear and decide appeals" of the Director's decisions on unlisted uses. If there is no objection to a Director's decision why create more work for a Board or Commission?

21.02.070 Board of Adjustment (Public Review Draft #1)

p. 28, line 6-7..... Board of Adjustment composition---add provision for one or two alternates to the three member board so the work load can be occasionally shifted. The current practice now with one alternate is to assign the alternate to cases on a regular basis and thus allow the other members some relief from the work load. If there were two alternates, this efficient use of our volunteers could be increased.

21.02.080 Urban Design Commission (Public Review Draft #1)

p. 28-29 Urban Design Commission

Concern was expressed about the level of responsibility given to the UDC.

Some members felt UDC responsibilities could be transferred to other existing bodies and that this would expedite decision making.

There were concerns about the broad scope of responsibilities listed in Section 4, lines 26-29. The committee would like to delete Section 6, line 36-37 requiring the UDC to review capital improvement plans and to recommend measures for their implementation.

We also suggested amending Section 7, to read exercise such other powers and perform such other duties **as delegated**. The recommended qualifications for UDC members should include business, project management and budget experience

21.02.090 Geotechnical Advisory Commission (Public Review Draft #1)

21.02.100 Municipal Staff (Public Review Draft #1)

DDD August 5, 2005

CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES

21.03.010 Purpose and Structure of this Chapter (Public Review Draft #1)

21.03.020 Common Procedures (Public Review Draft #1)

p. 34, line 28..... The committee felt it would probably be helpful to have a check off for projects involving Class A or B wetlands in order to be sure that the Corps of Engineers had given approval for the project before the pre-application conference.

p. 35, line 2-5..... This is a reduction from the last draft which contained a 50 percent increase. One committee member suggested small projects of less than an acre may still benefit from the 50%.

p. 36, line 20-25..... There was some discussion about how much time should be given after the pre-application conference before the entire application must be submitted. Several committee members suggested either extending to 12 or 18 months or allowing more than one extension.

p.38-39 There were several concerns about the required community meetings. Should they be centered around community councils? How should they be noticed, should they be discretionary, should the waiver process include small projects? Generally the committee felt the language reasonable. There was some question about MOA's responsibility in providing mailing lists for projects and the cost for such notification. One proposal was for MOA to provide notification for both the public hearing and the community meeting in order to ensure that all necessary notification had occurred. There was also concern expressed about the clarity of the current notification posters. The table which accompanies this section needs to be reviewed and considered relative to the three forms of notice which can be required. Further, there is no provision for website notification.

p. 42, line 6-10..... Notification is required for the 50 parcels nearest the land subject to application. In Turnagain Arm and Chugiak that could require notices be sent to properties miles away from the subject property.

There were several questions about the possibility of posting notification on the web. This could cut costs and potentially reach more people.

p. 42, line 40... It was suggested to add the word "public" before "hearing" for clarity.

p. 43, line 20-27..... Concurrent processing: A concern was expressed that we need to try and avoid requiring multiple trips to multiple agencies. Under current law, the Planning and Zoning Commission can hear platting matters when there are issues before P&Z which require platting action. According to staff, this is because the Platting Board is an adjunct to the P&Z Commission. The view was expressed that we need to allow/require more of this to avoid the necessity of applicants going to multiple boards and commissions for one project. Au contraire: each board or commission has its own expertise which may be lacking in a board or commission which hears a consolidated matter. The answer may lie in reducing the number of boards and commissions and increasing the membership of those that remain.

p. 44, line 1-8..... It was felt this language was not in accord with the recent Assembly action on this topic.

21.03.030 Comprehensive Plan Amendments (Public Review Draft #1)

p. 45, line 15..... It was clarified that the “decision making body” varied by situation and content. There was some question about the language “any citizen may propose a plan amendment at any time”. Does this mean anything brought to the planning department will go through a full staff and board review? It was suggested it might be helpful instead to bring the concept to the Assembly first in order to see if there was sufficient interest to warrant staff and commission analysis. The problem with the current language is that it opens up the Comprehensive plan to the revision process by anyone at any time. This takes up the staffs’ time when the proposed amendment may not have merit. One suggestion was to limit the right to propose amendments to the Comprehensive to the Assembly, P&Z and Planning Staff.

p.45, line 21-39..... There appears to be no process or procedure for plan amendment appeals which are referred by the Director to P&Z which then may decide not to take up the issue at all. One possible solution would be to provide Assembly notification of issues denied by P&Z in order to determine if at least three Assembly members are interested.

21.03.040 Amendments to Text of Title 21 (Public Review Draft #1)

p. 48, line 12-15.....This section again says any resident may propose a plan amendment. It goes on to say the “petitions for amendment shall be filed with the Director” This potentially could use vast amounts of staff time on issues with very little public or Assembly support.

p. 48, line 27-36..... Differences of opinion were expressed over the proposed limitation Title 21 amendments to two times a year. One member thought that was too frequent, other members thought it too strict to be workable.
The conflict in all of these sections lies between allowing amendments, but at the same time providing for certainty in the law.

p. 49, line 7-9..... The language is unclear. Shouldn’t the director draft the ordinance for the Commission’s hearing? Staff advised that it is the practice to have the draft ordinance before the commission at its hearing.

p. 50, line 14-18..... Concern was expressed about the prohibition on hearing a similar issue within one year. What if the Assembly was substantially different during that time period?

21.03.050 Rezonings (Zoning Map Amendments) (Public Review Draft #1)

p. 52, line 4..... This includes “visual and aesthetic information” related to the rezone. Concern was expressed about the kind of criteria to be used to judge this information?

p. 53, line 16..... One committee member requested asking for the protest information earlier than one day before the public hearing in order for the Assembly to have time to investigate.

p. 54, line 7..... Are there standards for defining “significant adverse impact”? The planning department indicated that would be at the discretion of the Assembly.

p. 55.... Overlay Districts: There was discussion and question about amending the “purpose and applicability” of such districts to allow the creation of districts that are less restrictive, possibly by adding another category (f). The committee also discussed the possibility of adding language for wildfire-urban interface districts as overlay zones vs. the possibility of adding such language to the building code.

p. 55, line 28-31..... One committee member questioned the size limitation of two acres as possibly being too small.

21.03.060 Subdivisions and Plats (Public Review Draft #1)

p. 56, line 30-36..... Neighborhood conservation districts, a subset of overlay districts, can only be created by recommendation of the UDC or P&Z. There was some question about this possibly being too restrictive.

Like the pending legislation involving “Neighborhood Plans”, there are pros and cons to this issue. The conflict is between the interests of some in the neighborhood versus the broader public interest of the city as a whole. Also, this process risks being “kidnapped” by special interests. In the view of some, this process should be very circumscribed.

p.58, line 19..... One committee member questioned the requirement that ALL improvements be installed prior to issuance of building or land use permits. The planning department believes the option of submitting an approved subdivision agreement makes this a workable requirement.

p. 59..... Existing Title 21 and the previous draft contained language granting waivers or exemptions of the subdivision standards for large parcels. This draft eliminates such language. Questions were asked about the implications of the deletion.

p.60, line 33.....One committee member expressed concern about allowing up to 60 months until a plat is finalized, since no enforcement action is possible until that time limit ends. One solution is to allow for 24 months in most instances, but more time (up to 60 months) when specific, enumerated circumstances warrant and the Platting Authority so finds.

DDD August 12, 2005

p. 59, line 38 – *Action On Preliminary Plat*. Zoning staff recommends eliminating 90-day time period as has been problematic. Other approval processes do not have time limit. Could put Planning into time bind if staff limited. What exactly does “taking action” mean? Is postponement an action? 90 days is primarily for applicant reassurance. Planning does not recall not making the time deadline in the past.

p. 60, line 33 – effective date of preliminary plat at discretion of Platting Board of 24 up to 60 months (existing is 18 months) Homebuilders would like to see consistency w/ abbreviated plats having 24 months rather than 18. (Page 66, line 17 change 18 to 24)

p. 63, line 36 – *Procedure when Final Plat Differs from Final Plat*. Submission 60 days before Platting Board meeting plus 90 days to take action from submission is quite a

length of time. Planning needs reasonable time to route applications for review and comment. Handled in order that they come in. Zoning staff strongly favors not reducing 60 days prior to scheduled meeting. Current code for a differing final plat is 30 days and is not enough time for staff review and notice requirements. 21 days notice required for public hearing. This section is rarely applied as seldom does a final plat differ from the preliminary. Planning explained that if final and prelim match up, it's all administrative, but a different final plat is a "surprise" and need time to review and advertise. The line for a major difference is drawn at 10%. See 21.03.080G.2.b.iii. at p. 74, line 22.

p.64, line 42 – Discussion whether need to clarify (e) "adequate and convenient open space" and whether necessary if development and design standards of 21.07 and 21.08 are clear. Keep (a) and (k) but eliminate the rest? These criteria are carried over from current code.

p. 65, line 10 – *Abbreviated Plat Procedure*. A table would be helpful for guidance on submission time, notice, action, expiration, etc. Proposed User Guide would be best place for such table. The abbreviated plat section has been carried over, but is there any way to state or re-word it more clearly?

p. 66, line 17-22 – *Duration of Preliminary Approval*. Why so much shorter? Policy issue as to how long the period for short plat should be w/o public scrutiny. Needs to be done quickly. Zoning staff agrees to change 18 to 24 months.

p. 67, line 25 – *Duration of Approval (Right-of-Way Acquisition Plat)* Right-of-way plat is different from short plat – government versus private. Should not treat differently. Suggest change 18 to 24 months to accomplish consistency and to cover 2 building seasons.

21.03.070 – Conditional Uses (Public Review Draft #1)

No comments.

21.03080 – Site Plan Review (Public Review Draft #1)

p. 72, line 8 – *Urban Design Commission's Review, Hearing and Decision*. Assembly concerns about how much responsibility be given UDC if the commission can "shut down" a project. Assembly will take a look at more efficiency by perhaps having commissions narrowed and responsibilities merged. Planning explained intent is to cut out redundancy as they are seeing more and more design review issues before P&Z and under this concept UDC will get involved with site plan review, building design, aesthetics. Currently public landscape is their main responsibility. Suggestion to have a reference back to 21.02.080 (p. 28 draft) as to powers and duties of UDC. Planning explained the advantage to this new process is more certainty than under CU process. Clarified Urban Design review is not review of construction detail and any decision can be appealed to P&Z.

p. 73, line 26 – *Amendments to Approved Site Plans* – Clarified that public hearing or UDC hearing for amendment of site plan depends on whether it is minor or major. Major revision starts the process over. Objective is to decrease number of projects going through commission review. Minor Amendments are defined on p.74 at (b)iii "changes in

building envelop, setback, and similar provisions of ten percent or less.” This will be judgment call on part of administrative official.

Committee member approves of this.

21.03.090 Public Facility Site Selection (Public Review Draft #1)

p. 75, line 4 – applicability to “any trail alignment not part of a road construction project.” This needs to be clarified so as not to be so global. Questions as to what triggers this provision – when would it apply to a sidewalk or path being moved.

Planning reiterated section applies to publicly owned land and agrees to clarify (i.e. trails, soccer fields). The intent is to address location and not design and example given of Ship Creek and Coastal Trail projects. Trails are not required to go through site selection or site plan review. Suggested language by Committee member “any trail not aligned w/ a road.” Discussion that this, too, problematic.

Connectivity important. Clarified that this section does not apply to alteration of a trail on school property. Suggestion to perhaps give a minimum distance before coming w/in purview of this review. Needs to be clear “yes” or “no.” Too much gray area as to whether it is a site selection issue. Need to look closely at exemptions when rewriting to determine what would come out. Need to answer SOA right-of-way question. (If they take over 5 acres would they have to go through P&Z.) Is there an issue w/ RR realigning track?

p. 76, line 1 – Add to approval criteria 1-7 another criteria of “financial feasibility, including operations and maintenance costs.” Committee member will address the problems with criteria #7 (government offices in Central Business District) at another time.

21.03.100 Special Flood Hazard Permits (Public Review Draft #1)

No new comments. All exists in Code.

21.03.110 Land Use Permits (Public Review Draft #1)

p. 78 line 27 – *Outside Building Safety Service Area*. Excavation of more than 300 cubic feet is too strict. That is approx. one dump truck load (297 cubic feet actually). This could be a garden. Committee member interested in amending to 600 cubic feet. The provision has been in Code since 1969. Planning suggests should correlate with Building Safety Service Area. 300 cubic feet is 10 yards and recommendation is to express amounts in yards not square feet.

a. Change floor area of 100 square feet to 120 square feet

c. 900 cubic feet = 33 cubic yards. Recommend to be consistent with Building Codes – 50 cubic yards.

e. This is new language “clearing and grubbing 2,000 square feet” (5% of an acre) and needs to be clarified (versus cutting trees down).

Planning explained this provision came out of Girdwood meetings and not suggesting it should be muni-wide as was written for different circumstance and could unfairly hit rural people. Any clearing on any undeveloped lot of at least 2 acres needs permit

21.67.050E.

p. 79, line 9 – “commenced within 12 months” (work begun once land use permit issued) is double from current language. “Inspection” language has always been in there (since the borough) but not been enforced unless a problem. Suggestion to print “annual inspection” on permit.

p. 79, lines 23-29 – Consider striking. Clarify where it is applicable.

p. 80, lines 1-2 – appeals of land use permit decisions relating to Title 23 is not new language. Subsection does not apply to appeals of associated with land use permits. Question as to whether this entire land use permit section is in conformance with the final “site condo ordinance” that passed last year. Planning believes Clarion may have worked from earlier proposed ordinance and not final ordinance and will conform language where appropriate. Suggestion to move land use permit section to subdivision standards but Planning explained this applies to more than subdivisions – for example, condo developments that are not subdivisions and approvals Outside Building Safety Service Area.

p. 81, line 8 – As to when traffic analysis is required, addressed in 21.07.060 at p. 353.

p. 81, lines 18-19 – What does “including without limitation visual continuity of improvements” mean? Do you have to see mountains? No answer. Planning not familiar with language. Will check to see if Clarion incorporated it or came from a draft of site condo ordinance. TIA is referred to inconsistently as “analysis or assessment” and Planning will make consistent.

p. 82, line 14 – *Oversizing*. Committee member sees this as problematic. Outside of road service areas how will this apply? Language “as soon as budgeted funds are available” could leave developers on the hook until funds available. Planning explained Muni’s responsibility re arterials and collectors (based on functions beyond immediate needs of immediate frontage area) and if oversizing required and not yet budgeted, it will be in next bond proposition, but cannot guarantee because dependent on voter approval. Issue has to be dealt w/ in Chugiak Eagle River area. Needs further examination. Suggestion to ask Mr. Holton to comment. Raising fundamental policy questions. This ordinance was passed by Assembly in 2003. Reexamine language.

21.03.120 Certificate of Zoning Compliance (Public Review Draft #1)

p. 83, line 9 – This *Certificate of Zoning Compliance* is an all new section. This mirrors procedures for certificates of occupancy inside Building Safety Service Area and expands to areas outside.

p. 83, line 38 – Question as to whether there is possibility of appeal to Assembly for improvements associated w/ land use permits. Discussion that any Platting Board decision can be appealed to BOA, as Assembly no longer sits as BOA.

p. 83, lines 28-31 – “additional conditions” are permit conditions. Very important to have “examination of the building” for applicable codes. Strong support for this provision came from Girdwood. Will help in financing and in closing. Discussion how this section protects the builder, buyer, owner.

21.03.130 Sign Permits (Public Review Draft #1)

No comments.

21.03.140 Temporary Uses (Public Review Draft #1)

Need a reference back to table of uses in 296 and need to be consistent. This section needs more clarification on specifics. Planning to look closely at temporary uses and specific exemptions on p. 218 (public institutions) and exemptions in Title 23.

21.03.150 Record of Survey Maps (Public Review Draft #1)

No comments.

21.03.160 Vacation of Plats and Rights-of-Way (Public Review Draft #1)

p. 88, line 23 – Need a definition of a “public square.” Planning and Clarion concur. Current provision comes from state law.

Street Naming (First Public Draft Section 21.03.170). Previous module draft had a section carried over from current code on street naming. Clarion recommended not codifying as no discretionary latitude. There is existing policy and procedure.

21.03.170 Verification of Nonconforming Status (Public Review Draft #1)

Discussion that this particular section is going to cause the most problems as the revisions will create a lot of nonconformities. This will be one of the most hotly debated sections. Rewrite is going to cause a lot more nonconformities. Hot topic coming up and consensus that there needs to be a real streamlined, simple and inexpensive process. Current fee schedule is \$115 per/hour and that’s pretty much the standard amount of time. Suggestion to possibly get nonconformity determination “at counter” at time of permit and have it written up then, or, maybe a 6 month freebie or something like that. Planning looking at amortization in some cases rather than grandfathering (example dumpsters). This section codifies a process already happening.

21.03.180 Minor Modifications (Public Review Draft #1)

p. 90, lines 30-33 – Question as to why limit to one application for minor modification. Discussion back to what constitutes minor modification. This section sets out what is allowed and happens now – cannot use minor modification process for major modifications.

21.03.190 Variances (Public Review Draft #1)

No comments.

21.03.200 Appeals (Public Review Draft #1)

p. 99, line 24 – *Conduct of Hearing.* Committee members concur no oral argument shall be heard before BOA. This is language passed by ordinance last year.

p. 101 – *Appeals to Zoning Board of Examiners and Appeals*. Question as to why an application for a mobile home park is not in this section when earlier drafts included it. Planning will double-check history. Need to look at Homeless Plan

p. 102, line 14 – Confirmed that 20 day time period was approved by Legal and the ordinance passed this year.

Hardship Relief Petitions (Module Public Draft 21.03.220). Questioned why earlier draft had this section and now it is excluded. Clarion put it in (believe it would help to avoid litigation), and Planning took it out. Planning will review that decision with legal.

DDD August 19, 2005

Opening Remarks Committee Member: Review committee ground rules. This is an Assembly Committee and all Assemblymembers are encouraged to attend and participate. The committee meetings are to identify sections of the Public Review Draft that Assemblymembers have concerns about, which may or may not be amended by Planning. The public shall raise issues by a show of hand and a Committee member will respond. Public participation will also be through the Web with committee notes posted along with all of Planning's documents relative to Title 21.

p. 103, line 13 – Clarified why this is 30 and not 20 days for appeal. This is an appeal from a final decision of Zoning Board to superior court and rules of court specify 30 days. Same as appeal from BOA to superior court on page. 101, line 30.

21.03. 210 Use Classification Requests (Public Review Draft #1)

p. 104, line 1 and continuing – *Procedure for Use Classification Request*. This procedure seems more complicated than what exists now. Public comment that a phone call and informal discussion can now resolve a matter. Planning explained that this formalized process puts into writing what is the practice now. Director shall review "within 30 days" is new language. Public comment there should be a step 1 to include an informal discussion situation, and then if either party disagrees, go to the formal procedure. Planning explained this procedure does not preclude an informal clarification and is a mechanism for documentation. This may be accomplished in 1 day, not necessarily take up to 30. Discussion that adding a new use is different than a clarification of a use. Planning to re-phrase to differentiate.

p. 105, line 36 – Discussed that "on a monthly basis" is not a definitive time limit for applicant to know of final decision. How does public have reassurance that there will be some kind of timely decision? If Director says okay, then goes to Zoning Board, but when is it finally ratified. May be limbo situation for applicant.

Why would it be necessary for director's decision to be reviewed if there is no appeal? Policy issue.

Planning explained this is infrequent occurrence.

Committee Member agrees it does not hurt to inform Zoning Board of new uses allowed. Adverse decision can appeal per appellate procedure on p. 102-103. Suggestion to add language "on next agenda." In practice, Director's decision is binding if decision favorable

21.03.220 – Assembly Alcohol Approval (Public Review Draft #1)

p. 106, lines 35 and continuing – This is the current CU process for alcohol approval. Committee has global concerns about the process as it exists. An ordinance has been introduced relative to catering licenses and the CU process, and an amendment is being drafted now to that ordinance. This section will be looked at closely again by the Assembly.

p. 107, line 8 – Fn 104 poses the question whether this is new language. Planning explained it should be same notice as any CU application but goes to Assembly and not Planning.

p. 107, line 22 – Committee member approves of language “Assembly may revoke such an approval.”

21.03.230 – Administrative Permits (Public Review Draft #1)

p. 108, line 6 – Committee member questioned why calendar year and not annually. Fee not prorated if issued in November.

Committee Member has strong objection to this. Discussion that this administrative permit applies to B&B permits issued annually. Spreading out over year entails more staff time as typically B&Bs apply for next year’s permit in the fall after receiving planning mail-out notifying them that permit expires. Monthly notification and follow-up more costly. Many examples of annual licenses (e.g. fishing, state business license of 2 years).

21.03.240 – Master Planning (Public Review Draft #1)

p. 108 – Committee Member asked for some history.

Planning explained this came from Girdwood regulations and resort development which is not conventional. (80% of Girdwood land undeveloped and owned by municipality). Very logical process for planning holistically large geographic areas. Proposing two tiers of master planning with greater detail in the second tier. Current process in Code is through a “planned community development.” Planning gave example of 2-tier master planning being used to develop 117 acres of Alyeska Resort in 1985 with Siebu.

p. 108, line 38 – Public questioned what is criteria for determining whether there is to be a community meeting.

Planning to amend back to “shall” rather than “may” be required. This Chapter 3 will be consistent areawide with change made in Chapter 9, Girdwood regulations.

p. 110, line 16 – Committee member comment that experience w/ Kincaid Estates proved that “hydrologic information specifying the quality, amount and direction of flow of surface and subsurface water” cannot be determined.

Planning explained this provision can be waived if not germane to proposed use. May be useful and appropriate, for example, in location of Girdwood golf course. Reminder this section only applies to designated wetlands and this process is required for a general permit. Developer needs to know what is expected to get permit right upfront in wetlands and list is very helpful to developers in presubmittal meetings.

Committee member comment that the language in this section (and need to take care elsewhere in re-write also) is too absolute and could tie up development.

Hydrology studies very expensive.

p. 110, line 32 – Master plans go to P&Z not Assembly. Committee Member suggests that in some cases (e.g. Powder Ridge) Assembly member should be involved in the approval process. Currently a “planned community development” goes through Assembly as basically a rezoning.

p. 110, lines 23-37 – There is no time limit for Director to act, and public comment that a time frame needed in this section. Developer needs assurance Director will act. These are very complex plans. Preliminary suggestion from public of 180 days.

p. 111, line 14 – Public concerned approval criteria too subjective (“compatible with the character of the surrounding area and minimizes any potential adverse impacts to surrounding areas to the maximum extent feasible”).

Committee member would like to have an “economic” criteria weighing benefit and cost besides the “fiscal impact on the Municipality” set out in (c). Discussion that this is basically a checklist, and it is presumed the decision maker will make a judgment call and have some discretion.

Planning discussed that many terms are defined (“extent reasonably feasible” at p. 547) and will be italicized in final draft for ease of cross-reference.

p. 112, line 13 – *Modification with Public Hearing*. Committee member concerned about “reduction of acreage of open space.”

p. 112, line 25 – Questioned meaning of “a change to any conditions of approval.” Ultimately this section will reflect who is the ultimate decision-making body (Assembly or P&Z).

p. 116, line 13 and continuing – *Institutional Master Plan Review*.

This entire new section came about as a result of meetings w/ UAA, was designed to apply to the University, and drafted by Clarion. UAA has laid out a campus master plan and it is problematic to implement in compliance with our current code – different parcels, subdivisions, etc. This will allow them to go through a process with more latitude and flexibility on designing and getting approvals. Alaska RR may also be interested. This is the *first* Clarion Draft and not in Module 1, so will be looked at carefully.

p. 116, lines 37-39 – “prior to any development within the PLI district” would apply to public schools. Planning says language will change.

p. 117, line 8 – Committee member asked why would director care if there was increase in number of employees (if applied to schools).

Planning comment that this would apply to a *development* project and not just an institution hiring new employees.

Public concerned some sections are mutually exclusive.

Committee member agreed one criteria could happen without the other.

(Aside: Comment from public as to how will everyone see the “tracked changes.”

Planning limited by computer memory which private sector volunteered to assist with.)

p. 117, line 28-29 – Committee member coming from ASD background suggests no planning can realistically cover 25 years.

p. 119, line 12 – Committee comment regarding 25-year development sites; timeframe may not be reasonable.

p. 119, lines 28-30 – Is TIA required for “transportation and parking management plan”? Planning to clarify.

p. 119, lines 31-38 – *Natural Resource Protection Plan*. Committee member concerned whether or not this section is specific enough and whether would require “something huge.”

Planning explained that it is not full EPA assessment and more of a map layer identifying sensitive natural resources.

p. 120, lines 13-16 – *Design Guidelines*. Recommendation to delete “colors.”

p. 120, line 18 – Committee member suggests be more specific and list “noise” as an impact on the quality of neighborhoods. Need a definition of neighborhood in Chapter 13.

p. 121, line 23 – Assembly approves institutional master plan, but an area master plan approved by P&Z.

Planning explained that Clarion developed this Institutional Master Plan section.

p. 121, lines 36-40 – Discussion that an Institutional Master Plan still needs to justify why proposing that they cannot meet standards of code.

Planning to amend to read “this Title” rather than “this Code.”

p. 121, lines 41-43 – Public comment that language is not balanced and impossible to quantify. (See definition “maximum extent feasible”)

p. 122, lines 5-39 – [OPTIONS] Assembly or community will pick option.

Planning to narrow down by next draft. Question is how much oversight for each significant development project.

Committee questioned whether Building Department has weighed in or any institutions that it would apply to. Committee member leaning towards Option #2.

CHAPTER 21.04: ZONING DISTRICTS

21.04.010 – General Provisions (Public Review Draft #1)

p. 128 – Significantly different from last draft. Discussed rename of GC to AC (Auto-Commercial Corridor) to reflect purpose of zone district. Confusion that B-3 would become GC. Committee member likes the change as it is clearer. Committee member will be strong advocate for adding another zoning district for Chugiak to allow dogs and more home-based businesses. Not needed everywhere in Eagle River but in the more northern parts.

Planning asked whether committee member was emphatic about new zoning district or would consider relaxing large animal and home business regulations in certain geographic areas.

Committee member also has constituents who are in favor of their own chapter of regulations.

Committee member questions why the terms “rural” and “urban” were removed. Planning explained they are “hot button” words with different meanings to different people. Cleaner to state Class A and B (as in subdivisions). Committee member recommends putting “urban” and “rural” back in certain zones.

21.04.020 – Residential Districts (Public Review Draft #1)

p. 130, line 36 – *R-3: Mixed Residential District*. Committee member recommends including word “urban” in the purpose.

p. 131, line 30 – *Incentive to Encourage Mix of Dwelling Types*. Committee member questioned why limit eight units per building. That is current limitation in R2. New R3 based on current R-2.

p. 132, lines 38 – *R-9: Low-Density Residential (2.5 acres) District*. Committee member recommends adding language “or where maintaining a rural lifestyle is desired.”

21.04.030 – Commercial and Office Districts (Public Review Draft #1)

p. 135, line 10 – Committee member takes strong exception to language as it could imply that a judgment is being made that use is not of high enough “quality.” Planning explained some uses do not have structures, i.e. car lots. To be re-worded.

p. 136, line 16 – *Restrictions on Ground-Floor Activities in CBD-1 District*. Committee member questions why “instructional services” like schools are better on 2nd floor and not ground level. Gave example of program in a parking garage. Schools need to be accessible to pedestrians.

p. 137, line 9 – *Alternative Structure Designs* . Committee member asks for clarification as to whether this means more scenic view from the street or more scenic view from inside the building. Unclear. This could read to give an incentive to block more light. Planning explained that this is describing “wedding cake” design.

p. 137, line 29 – Question date of 9/9/74. Discussion that Planning has only reviewed the CBD section cursorily as it is being looked at through a separate process. See footnote 15. There is a working group formulating a Downtown Plan.

p. 138, Table – *public restrooms at ground level*. Committee member recommends more bonus points in this category.

p. 140, line 21 – Committee member asked for clarification and Planning explained that height restrictions for Merrill Field overlapped with Downtown area.

21.04.040 – Mixed-Use Districts (Public Review Draft #1)

p. 142, line 7 – *Limitations on Retail Use*. Committee member questions whether this “knocks out” food carts. Planning explained the intent is to provide a buffer between retail commercial and residential. Need to reexamine this as kiosks are in food and beverage classification.

p. 142, line 11 – *Limitations on Visitor Accommodations*. Committee member asked if this applied to the Log Cabin Visitors' Center. No. See table of use categories p. 193 – hotels, inns, hostels. Excludes B&Bs which are an accessory use.

p. 142, line 18 – Need more discussion relative to the implication of increasing density from 12 units/acre to 18 units/ acre in B1 and B3.

p. 143, line 25 – *RMX: Residential Mixed-Use District*. Is this Peters Creek? Or anything in Eagle River? Planning stated part of Spenard, C & Arctic, Benson & 36th and possibly some RO in Eagle may become RMX. This is supposed to be dominantly residential surrounding business areas. Could you have a gas station in RMX? Currently would not be allowed. See chart p. 6.

p. 143, lines 15-22 – Public comment this is too subjective (especially line 19 re “air”). Not measurable. Planning explained intent statements are implemented through standards. Public asked if the building codes have these standards. Planning explained that setbacks cover privacy and air.

p. 144, line 17 – *NMU-1* Questioned why no “larger than 4 acres.” In a more rural area, may have a neighborhood business district that would be not as condensed. Planning explained Peters Creek would be AC area because it's near roads and not pedestrian. NMU-1 district is a walking district.

DDD September 2, 2005

p. 144, Gross Floor Area Limitation in RMX – Public comment that this table (and others in the rewrite) are over broad and too detailed. No need to list “animal grooming” or specifically set out different square footages of 1,500, 2,500, 3,000, 5,000 sq. ft. for very specific uses. Set limitation at one maximum (5,000). Planning explained RMX is a residential use district and not commercial, so those floor area limitations encourage small scale neighborhood centers (corner candy store). In a neighborhood center, typically grocery stores are larger with more inventory. A McDonalds is about 5,000 sq ft to give an idea of scale. This table actually simplifies and combines the permitted uses and structures of current B-1A (local and neighborhood business district). Animal grooming did not fit neatly into any of those and, thus, is listed separately. Clarion's alternative is to adopt maximum footprint.

p. 144, line 11 – Committee member asked for examples of these mixed used districts in Anchorage now, as it is difficult to envision where these fit. Would North Birchwood Loop neighborhood be a NMU-1 district (small scale neighborhood mixed use)? Planning gave examples: New Sagaya. More urban and walkable. Basically small neighborhood commercial. Committee and public comments that concept is good but that 4 acres is too microscopic, especially when you include parking. Planning comment that current B1A is 2 acres and this actually proposes to double that to 4 acres.

p. 145, line 21 – NMU-2 (neighborhood mixed use) is more comparable to Lake Otis and Dowling as it is now (post office, commercial mall). Difference in scale from NUM-1.

p. 146, line 18 – Committee comment: “at least 10,000 people” in a NMU-2 won’t fit in more rural areas.

p. 146, line 20 – “shall not be extended along street corridors or into adjacent residentially zoned areas” also not compatible with some rural areas as they exist. The intent of this section is to avoid “stripping” roadways with commercial uses. Planning comment that this district may not apply to certain rural commercial neighborhoods. Freestanding businesses in rural area may be addressed through home occupations. R9 district is different and allows commercial uses in certain circumstances.

p. 146, line 27 – CCMU (Community Commercial). Examples: Huffman and Dimond Center. Regional, large areas, encouraging residential uses.

p. 147, line 5 – Example of RCMU (regional commercial mixed-use) is possibly Northway Mall and Fred Meyer at Muldoon. Public comment that there is no definition for what makes up a neighborhood. Proposed Creekside Town Center would be zoned CCMU if town center not developed. Planning recognizes Committee concerns that it’s a challenge to imagine where these districts will fit into existing neighborhoods and each Assemblymember will look very carefully and specifically at their district. Planning comment that people will define their own neighborhoods for themselves as they evolve. Planning suggests looking at Land Use Plan Map to get a sense of where these districts might appear in the Anchorage Bowl. Table on Page 6 is very useful. (Muldoon and DeBarr given designation akin to town centers.)

p. 148, line 8 – FAR (floor area ratio) incentives. Planning explained that FAR restricts the maximum size of building to lot size proportionally. This section will give you a larger building per lot if you do certain things. The community asked for an incentive approach and Committee member agrees this is good and wants flexibility.

p. 148, line 12 – Public comment that an additional .07 of is not much. Currently can go up to a FAR of 2.

p. 148, line 25 – “all uses should be located and convenient to each other by walking.” Committee comment that the clustering of businesses in Peters Creek may not fit and does not want to disturb something that works. Planning comment that in Peters Creek there may be 2 districts separated by highway.

p. 148, line 29 – *public focus area*. Planning explained this provision is a key ingredient to any mixed use development area to encourage social interaction. Public comment that one acre is too small of a development and inappropriate for a public focus area. Plazas are in bigger developments. Discussion as to what constitutes “public focus area.” Small sitting area like Sagaya would qualify. Planning will look at the one acre size and re-word so as to clarify how it applies.

p. 148, line 38 – public comment 5% bonus on parking is minimal. Planning will look at full implications of parking. Mixed use generally reduces parking.

p. 149, line 7 – *building placement and street setbacks*.

Public question: How do you get café seating in 10 feet and keep sidewalk open? Public comment that snow storage needs to be considered (addressed in another section) and ADA (federal mandates).

p. 149, line 13 – Public question: Does every building on a corner need 2 entrances? Planning will clarify corner lot entrances.

p. 149, line 19 – *pedestrian amenities*. Committee comment that concept of mixed use is good but some of the pedestrian requirements are going to be problematic, especially in Chugiak. Street right of ways vary and no sidewalks.

Planning acknowledges Chugiak Plan may need to be updated to address unique circumstances.

p. 150, lines 1-4 – Public comment that some of these amenities are “ludicrous.”

Okay for government buildings but half a percent should be upper limit for art.

Public comments to maybe set a max. 1% ceiling or a dollar amount “not to exceed.”

(More expensive building could spend a lot on art at 1%.)

Planning gave example of development leaving a legacy or signature by spending more. Homebuilders suggest another option could be credit for enclosed walkways or sky bridges.

Committee member wants to discourage sky bridges and keep walkways at ground level.

p. 150, line 4 – *pocket parks*. Public comment that insurers have liability problem and public access parks should be muni owned.

Planning explained pocket parks do work in many places around the country and could be just a small outdoor seating area.

p. 150, line 15 – Planning explained Director may alter minimum area standards to give flexibility to unique site conditions, e.g., to make sure federal accessibility guidelines are met.

21.04.050 – Industrial Districts (Public Review Draft #1)

p. 151, line 29 – Committee comment that the Coast Guard presence is not included in Marine Industrial.

Planning stated that the CG is federal and out of local control. Does not anticipate problems and a security facility would be ancillary. The current hauling of gravel is a permitted distribution operation.

Where is the RR facility? Not in marine or industrial; now in PC district. RR is master planning now. Basically, MI waterfront is owned by RR and leased.

Transfer off of ships permitted. There are now legal nonconforming uses in the district. Public comment that a banker told him that a nonconforming designation of a piece of property could have a “chilling” effect on a loan application, and insurers also say nonconformity could be big issue. Discussed bringing in financial people for input on nonconformities.

21.04.060 Other Districts (Public Review Draft #1)

p. 151, line 36 – *AD: Airport Development District*. Planning suggests looking at map to get a good sense of this district. Elmendorf exempt. Lake Hood is part of Ted Stevens.

Public comment that the *purpose* section should also include the Air Force memorial. (Public comment that there was trouble obtaining that memorial permit at Merrill Field).

p. 152, line 3 – *Antenna Farm*. Discussion of where one exists in current code. Planning explained that they do not envision any more, but do not rule it out. As technology advances, is there any place antenna farm cannot go? Committee comment that table on p. 181 allows antennas most everywhere and they will address their concerns when committee gets to that page. Planning explained that you don't have to be an antenna farm to have an antenna. Depending on the nature of the facility, it would go through a site plan review.

p. 153, line 7 – Committee asked why need for CUP at 2,000 sq. ft. Public comment that a CUP can run as high as \$25,000. Planning explained Turnagain Arm is a hybrid and unique district, that this is current code, seems to be working since 1983, and that's what the people want. (commercial district CUP threshold is 4,000, other mixed is 2,000).

p. 153, line 17 – Does OL (open lands) include HLB? These are lands that don't have a current use (holding zones) but not necessarily publicly owned. Yes, does include some HLB land.

21.04.070 – Overlay Zoning Districts (Public Review Draft #1)

p. 154, line 5. Flood hazard overlay map is available.

p. 154, line 16 – Public question: Will airport height maps be redone? Planning has no control over maps done by state or FAA. Discussion about FAA maps that do not accurately depict contours and ground elevations for purposes of determining height limitations. Time delays in permitting when builders have to go to FAA for a letter to clarify. These maps are out of the control of the planners.

p. 155, line 28 – Clarified that Airport Height Overlay is carried over from existing code.

p. 156, line 4 – Planning clarified that “vegetation shall not be affected by the height limitation” means trees are exempt.

p. 156, line 5 – General discussion on NCO (neighborhood conservation overlay). Planning explained that this is not mandatory and that the intent is to provide a tool for preserving particular characteristics of a neighborhood. Typically this is some physical form or feature, e.g. style of building. New to Anchorage but very common Outside. NY has many overlay neighborhoods crafted to protect the character of neighborhoods. Redevelopment or new development could disrupt this without an overlay to maintain certain design characteristics. In some respects similar to certain types of covenants of a homeowners association.

One public comment: “dead against it.” Potentially, a property owner purchases property for development under existing regulations and then by a vote of the neighborhood, those regulations change and become stricter.

Planning explained that this is an enabling ordinance in response to public testimony. It is different from a neighborhood plan, but a neighborhood plan may or may not involve an overlay.

The Assembly has to approve it.

Committee comment that Assemblymembers get homeowner calls with covenant problems and expressed concern that this could potentially expand the workload for enforcement and the Assembly.

Planning confirmed that the NCO review process is not concurrent, but first to UDC, PNZ and then Assembly.

p. 161, line 19 – Committee comment that elapse of no more than 5 years for review of flood hazard maps is “in no way close to being true.” This is existing code.

Committee asks Planning to amend to what is actually reasonable. Planning comment that Anchorage flood zone is very extensive.

Public comment that this section (flood hazard overlay) is very long (about 13 pages) and asks if it could possibly be shortened. Short answer “no,” as this is modeled on state and federal law.

p. 164 line 21 – insert “one foot above.”

p. 166, 16 –Committee member request to make sure this section is accurate and clarify if it does or does not include any areas outside the flood zone.

Planning will review what is zone A99.

p. 167, lines 29-30 – Committee member asked if a family emergency left a home unoccupied for 12 months would this be a “discontinued use.”

Code enforcement clarified that use and occupancy are not the same, and in that situation the use would still be the same despite a home being unoccupied.

p. 168, line 33 – Committee questioned whether this means just within the flood hazard area or all structures. Survey has to file certificate w/ muni w/ lowest floor elevation.

p. 168, lines 23-29 – Committee asked whether Project Management and Engineering is doing this now. (*use of other base flood data* if not provided).

Planning presumes as this is outside of the department.

Planning stated that flood zones change as development happens. Planning to confirm that maps are being submitted to the Corps.

p. 173, FN 39 – Planning explained that the jurisdictional issues between state and city are being examined by attorneys. There are mixed opinions as to what degree local government can regulate state owned airport.

DDD September 9, 2005

CHAPTER 21.05: USE REGULATIONS

21.05.010 Tables of Allowed Uses (Public Review Draft #1)

Opening Remarks: It was decided at the last meeting to skip the tables and begin with use standards and definitions.

21.05.020 – Generally Applicable Use Standards (Public Review Draft #1)

p. 197, line 42 – Committee questioned the minimum distance exception in the TA district.

Planning explained this section applies to uses where minors are not allowed and TA is mixed – commercial and residential. Planning will consider deleting (d) and leaving in (e).

p. 198, line 6 – Committee questioned if this language regarding compliance with state standards is new; planning confirmed this is current law.

p. 198, line 12 – *Administrative permit required* is current law. Committee questioned if this is where Mr. Traini's 1,000 foot separation between adult uses would be applicable, if ordinance passes. May need to amend. The intent of this section is to protect children.

p. 198, line 28 – *Large commercial uses*. Committee asks how big is 25,000 square feet?

Planning responds City Market = approx. 16,000; Barnes and Noble 32,000.

21.05.030 – Residential Uses: Definitions and Use-Specific Standards (Public Review Draft #1)

p. 199, line 21 – Committee asks how would you know three or more families do not exceed number of dwelling units provided? Concern that we do not legislate how many live in building.

Public explained there are four elements of a residential dwelling: living, cooking, bathroom, sleeping. What does court identify as a family. This is a whole discussion outside definition of dwelling.

p. 199, line 28 – *Dwelling, Single-Family Attached*. Committee asks if this is a site condo.

Planning clarified a site condo is a multi-family development and the site condo ordinance is in Chapter 8. Acknowledged need to define site condo. Discussion about current site condos that will become nonconforming.

Committee member has concern as to who is maintaining roads.

Planning stated these standards are addressed in multi-family design standards of Chapter 8.

p. 200, lines 15-25 – Committee member could not tell difference between manufactured and factory-built. Discussion about affordable housing and design characteristics of mobile homes.

Planning is still working on how best to allow manufactured housing in the least complicated manner and will be reviewing these two definitions.

p. 200, line 38 – Committee asked if a fire wall will stick up above the roof.

Planning explained the parapet exception is in the Building Code. Public (builders) fine with this language.

p. 201, line 7 – Committee comment that “occupied by two families” again raises privacy issues. How do we know if two families live there? Does this apply to an ADU? Planning explains ADUs are dealt with separately in 21.05.070D.1.

p. 202, lines 7-34 – Long discussion on mobile homes.

Committee member applauds concept of smaller lots for mobile homes and owners owning their lot inside a park. Mobile home parks have been discussed as a way to address homelessness and HLB has some property identified.

Committee questions minimum site density. R5 allows 6,000 square foot lot to have mobile home (large enough to do a mobile home condominium).

Planning explained that the direction they are trying to go is that as long as a manufactured home meets certain standards then it’s allowed anywhere a stick-built house is. In order to get the community to accept mobile homes, they cannot be long and skinny, e.g. 14 x 70.

The definition needs to be dimensional.

Planning explained the minimum site size for mobile home park is enlarging from the current 2 acres to 5 acres (line 21).

Contiguous tract of 5 acres will allow 8 trailers per acre.

Public would like to leave the minimum site size at 2 acres. See Fn 10 for Planning’s recommendation of 5 acres (see Fn 10).

Public comment that cost-wise 8 units per acre is generous. Ten per acre is better.

Planning explained a “duplex mobile home” is not a doublewide (line 32) and a definition is needed.

Committee comment that density and site size will continue to be an issue for discussion. Example of size: Hillcrest near West High is about 6 acres and Committee member believes anywhere from 5-8 acres is a good density figure.

Committee comment that if there are too many requirements, there will never be any mobile home parks. Most have been in place a long time (8 remaining now in the Bowl).

p. 203, line 11 – Committee member does not like the word “discouraged” as it is not a standard and suggests permitted or prohibited. Prohibited does not allow any discretion. Another committee member likes “discouraged” that allows some discretion. Suggestion to define “discourage” and “encourage” if using those words.

p. 203, line 18 – Public concern that parks may not be accessible if roads not required to be dedicated and city does not maintain.

Planning explained that all the standards of this section still have to be met. It’s a private land issue.

p. 203, line 40 – Discussion of double-frontage spaces (space with frontage on more than one street). Public wants definition for double-frontage and reverse frontage.

p. 204, line 17 – Can you have a private water and sewage system? Yes, if approved. Most mobile home parks have own private wells approved by DEC.

Public suggests changing to “approved by appropriate governmental bodies” rather than the municipality.

p. 204, line 28 – Committee asked what does “building safety code regulations” mean exactly. Wants it to be clarified.

Public explained that this standard is applied to any building outside jurisdiction and that everywhere in the state of Alaska the International Building Codes apply. Whether they are enforced or not is another thing.

Planning warns not to confuse zoning and building codes.

p. 205, lines 8-17 – Planning explained that the purpose of this section is to prohibit intermingling of campers and mobile homes in parks. Campers need to have a separate parking space.

p. 205, lines 18-20 – Poultry and livestock is new language at recommendation of code enforcement. What about rabbits?

Planning does not believe rabbits are livestock. Need a livestock definition. Planning stated this is covered in another chapter re outdoor keeping of animals and animal control.

p. 206, line 5 – Planning explained that this is a lifesaving issue. Anchor straps of this standard prevent mobile homes from tipping over.

p. 207, line 13 – Questioned whether alcohol recovery school in Hiland area is “recovery from a legal infirmity.” This is carried over from current code.

Committee asks for clarification of legal infirmity.

p. 207, line 23 – Committee asks what is purpose of 500 feet distance. The distance separation from schools and parks is new language.

Planning referred back to Fn. 3 to understand the changes in this section. Halfway houses house criminals.

Changing from permitted to conditional use in certain districts.

Committee asks what is purpose of readdressing if assembly has dealt with this in the past years.

Planning explained correctional centers are CU in the current code in certain districts. There is a difference between misdemeanors (will be permitted in certain districts) and felons (CU).

Committee comment that Parkview across from Denali school was an issue. Went through this in 1995 and 1997 and does not want to revisit.

p. 207, line 33 – 50 sq. ft of outdoor recreation is small because it’s temporary living quarters. Committee wants rationale for some of the locational requirements.

This issue will come up again when discussing chapter on nonconformities.

Planning said distances have to be carefully considered so that you don’t totally exclude uses. There has to be a place for them to locate.

p. 207, line 40 – Committee member asks why none can be located in this district.

Has a problem with blanket prohibitions.

Planning explained the downtown has the largest concentration. Changed to reflect new zoning districts. Nobody wants these.

p. 208, lines 3-11 – current code.

p. 208, line 44 – Committee comments that the assisted living ordinance has not yet been adopted and this is the section where it will go. This language is from previous draft and if enacted will be amended.

p. 209, line 32 – Where is the L2 buffer landscaping defined? P. 365.

21.05.040 Public/Institutional Uses: Definitions and Use-Specific Standards (Public Review Draft #1)

p. 210, line 15 – Adult care is also covered in the proposed assisted living ordinance not yet adopted. Public comment that wherever it says “traffic access” would like “pedestrian access” included. The ordinance addresses access.

p. 210, line 40 – Where did number 17 come from?

p. 211, line 29 – 15% of lot for open area is large considering parking and landscaping. Review assisted living ordinance and make factually accurate.

p. 211, line 42 – Wastewater requirements for outside systems – Municipality does single family units and ADEC does commercial.

p. 212, line 5 – Assembly has recently adopted child care ordinance that differs from these standards. Original draft of assisted living had child care in it. Planning to update and incorporate what was passed in the spring.

p. 212, lines 31-33 – Assembly just dealt with burial of human remains. Did not pass the “bury granny in the backyard” section (does not apply to cremated remains). This is not accurate and planning asked to compare to ordinance. Committee member supports a CUP for crematorium wall. Should not allow high walls of dust be built without public input. Difference of opinion. One committee member suggests deleting this section or bring back the ordinance and take a look at it again. Section b.i is not in current code.

p. 213, line 9 – *access to a street designated as a collector or greater* is current language passed in 1979. A cemetery generates traffic with processions through neighborhoods. Potentially too restrictive in more rural parts. Committee member suggests inserting “direct” access. Planning opined that we’ll not see a rash of cemeteries being built. We have 50 year supply. Girdwood wants a cemetery. Cost of maintenance is high. Committee members have constituents who want a cemetery in their area. Example of a grave on a private lot (thought by some to be a cemetery) in the South Fork Eagle River.

p. 213, lines 34-38 – Committee comment that “athletic” should be included in definition of community center as all community centers (Fairview, Spenard) have some sort of athletic function.

p. 214, lines 7-8 – Committee comment minimum lot area seems small. Planning agrees. That has been the standard for a long time. All churches have to be treated the same. Community center and churches are alike in many respects. Churches can have more than one function.

p. 214, line 9 – Public comment pedestrian access as well as traffic access should be required. In rural area may be no sidewalks, how do you ensure pedestrian access from the road?

Planning stated site design and connectivity covered in Chapter 7.

p. 214, line 12 – Class 1 collector is 2-lane roadway up to 10,000 trips per day. This has been code for many years. Concern many churches are not on streets that have curbs and gutters especially in rural areas. Next classification lower is “local street.” Not applied in Chugiak until 1984 and it may be churches existing prior to that time grandfathered in on local streets. Could get variance. Churches generate a lot of traffic. Churches grow and overwhelm. Code enforcement has many complaints. Neighbors in uproar. One day a week totally overwhelmed neighborhood. There is distinction between urban and rural collector street. Does not imply a street design standard.

p. 214, line 19 – Public asks if this includes “Fido”?
Public recommends crematorium for pets have separate standards, not sole use. Planning stated a crematorium impacts air quality with odor issues whether corpses or animals.
There are similarities. Stricter standard for stand alone or accessory (looser). New use category per Fn. 24. Has anyone talked to funeral businesses? Clarify if accessory standards are different. Concern that existing facilities will become nonconforming under Chapter 11. Suggest new standards for new facilities.

p. 215, line 10 – School standards apply for religious schools. Not Sunday schools. It’s a big thing because some churches add on huge schools. Planning to distinguish between academic and Sunday schools.

p. 215, line 20 – Maximum height of churches. Steeples are exempt. Reference Chapter 6 exemption.

p. 215, line 25 – Discussion about Performing Arts Center as a cultural facility. Planning believes it’s a major entertainment facility. Could athletic facilities be included in cultural facilities? They would be fitness and recreational sports center or major entertainment facility.

p. 217, line 34 – 100 seems high number for small charters and private schools. 1000 students would require 15 acres. School district standards are 50 acres for high schools and 30 for middle schools. So this is half the school district standard. This will apply to schools not within ASD. Committee has real strong concerns that this is too strict. Look at specific parochial and private schools to evaluate. Higher density not a bad idea. Charter schools have a real problem with sites. This language will exempt charters from lot requirements.
Planning will go back and look at this.

p. 217, line 38 – *100 feet of frontage on Class 1* applies to schools outside ASD as well. Optional schools and parochial school students typically not bussed and could potentially generate 1000 drivers. Discussion on nature of charter schools. Charter school curriculums are part of ASD but district is out of the picture for where charter schools locate. Impact on adjacent properties same as public schools. Intent is to try to treat them equally (practically exempt now). Dealing with large (Abbott) and small. Latest one on 2nd and E. All kind of protections are in place already to protect neighbors. Have to go through public process. No size standard. Concern that these specific standards may preclude certain charter schools. Does major and minor site plan analysis address this? Size relative to acreage is problematic. Each is unique. Relatively

new issue with wider range of nonpublic schools. Have to have some criteria that becomes basis for judging if it's appropriate. Set minimum standards and then have TA?

p. 218, lines 40-44 – Committee wants to reexamine this ground level and business school prohibition.

Planning is trying to keep pedestrian friendly activity on ground level. Will look at again in context of CBD planning.

DDD September 16, 2005

p. 219, line 42-45.....Does definition include or exclude small nursery?

p.220, line 3-6..... Committee believes we should make memorials permissible in this definition.

p.220, line 7.....Why differentiate urban vs. rural jails? Are there state standards for correctional institutions?

p.221, line 16.....Maximum lot coverage, committee member believes 25% is too much open space.

p.222, line 15.....adequate needs to be defined

p.222, line 27-30 and line 36-40..... look at the definitions of RR freight terminal and rail yard....Do SBS and Anchorage Sand & Gravel fit here?

p. 223-229..... Telecommunication Facilities....Committee requests that planning staff meet with representatives of the industry to review this entire section.

p. 224, line 1-6..... Is this specificity necessary and could it limit us in the future? Also have we distinguished between commercial and residential?

Planning noted this section came from the industry.

Public questioned whether the new radio system to be used by MOA, ASD, APD, AFD and state would be able to work with so many restrictions.

p. 224, line 40.....Committee asked if these height and distance requirements were problematic, 50 feet may not clear trees.

p. 225, line 28....committee recommends change to “unobtrusive color”.

Public question about line 37, planning response was that this is current language.

p. 226, line 28-29.....Committee suggested adding concealing fence requirements

p. 227, line 35.....Note was made that this section much more flexible towards non-conformities than recent ordinances.

Committee asked if the department intended no amortization of towers.

p. 227, line 36....Public noted confusion regarding the word “destroyed”.

Do we want to distinguish between a tower that falls down and one taken down to replace?

p. 229, line 10....Committee noted "area" a better word than "site"

21.05.050 Commercial Uses: Definitions and Use-Specific Standards (Public Review Draft #1)

p. 230, line 8....Committee member requested that commercial agriculture be defined by having items for sale.

Planning indicated that commercial is hard to define and used example of boarding horses for barter.

p. 230, line 17-24....Committee concerned this language too broad. A suggestion was made that we get specific where we have problems. Large Animal Ordinance discussion 9/23/05 will cover most of this material. It was noted that commercial kennels are covered in Title 17.

p. 231, line 13-26....Committee asked why we need specific regulation to cover animal grooming and vet clinics?

Planning response was that sometimes there are complaints of noise and odor.

p. 231, line 13....What does "to maximum extent feasible" mean?

p. 232, line 4-9....committee member believes definition of "commercial paddock/stable" and "minimum lot size" will cause problems.

p. 232, line 14-19...Some thought this too restrictive. Public noted exotic animals not defined.

p. 232, line 23.... Definition of veterinary should include large animals
Public noted standards precluded a pet shop from moving into an existing building.

p.233, line 36...Can a fitness center be an accessory use? Also noted these are sometimes found in small locations in strip malls.

p. 234, line 10-15....one committee member found these regulations objectionable and stated the focus should be on impact, not on tax status

p. 234, line 17-19....Is this meant to prohibit decks?

p. 234-235....Committee noted the differences in set back standards... 100 feet for horses, 50 feet for nightclubs and 300 feet for unlicensed night clubs.

What is the rationale for the differences?

Committee asked that unlicensed nightclub be better defined. Would this include a coffee house with live music or a restaurant playing recorded music? Committee requested the standards should focus on addressing problems such as:

1. conversion of a restaurant to a bar,
2. unlicensed/underage nightclub impact on neighborhoods, or
3. environmental impact on neighbors.

Planning agreed this section needed work.

p.236, line 1-6...Public asked if Tozer Track fits here?

p.236, line 24-43...Committee member felt this too specific and needed to be condensed.

p. 238, line 28...Does this include cross country skiing and sled dog rides/trails?
Planning replied this section developed with Larry Daniels from Alyeska Resort. Alpine skiing draws more people than X country.
Committee member wondered why define this whole thing.

p. 239, line 28...Members present felt 3,000 sq ft may be too small to do business.
Planning will check with existing banks to see if this or the 5,000 sq ft figure is appropriate.

p. 239, line 35...Committee member believe taverns not currently permitted under state law.

p. 241, line 6-9....Can we have a daycare in an office? Committee member wants to be sure it is allowed.

p. 243, line 24....Committee member doesn't think any exist that are less than 5,000 sq. ft.

p. 243, line 33-34....This is unclear. Are they permitted elsewhere?

DDD September 23, 2005

p. 244, line 1 – Committee member asks what does this do to traditional gas stations and why separate out fueling stations? Has this been problematic?
Yes, stated Planning in that there has been a proliferation of neighborhood car mechanics and autoshops out of residential garages which will be specifically illegal. These are uses that we have now or anticipate and it's best to have these distinctions. Planning explained a gas station is a fueling station but may not do repairs. It also could be two allowed principal uses.

Public objection to piecemeal way the definitions are set out and believes it leads to confusion by defining too precisely. Recommends fewer categories broader in nature and cut definitions a third or more. These decisions made at the permit counter and too many questions as to what use do you get the permit for?

Planning explained these uses impact neighborhoods and there is a rationale for separation. See the Fn 51. A convenience store in a neighborhood may not allow a gas station. Many fueling stations only sell gas, nothing else, such as Safeway Northway Mall, Costco.

p. 245, line 2 – committee member asks for definition of "taking chattel mortgage security." Another committee member explained this is not common language any longer and means encumbering personal property as a security interest.

p. 245, line 21 – Public has strong objection to the vehicular weight of 12,000 pounds. States industry standard is 20,000 pounds for large trucks. Long debate on what cutoff should be.

Planning and Enforcement explained a lot of research went into what manufacturers consider commercial and gross weight ratings is one way to determine. Over 12,000 pounds is what they found to be commercial and what they recommend. Traffic code allows up to 11,000 pounds in residential unless making deliveries. Committee member questions whether this is a “big deal” and discussion centered around new sales that also have warranty work and repairs (see p. 247 lines 29-37). Public member agreed that 12,000 pounds may be appropriate weight under this section *heavy equipment sales and rental* but has real objection on p. 247, line 15.

p. 246, lines 5-7 – Questions regarding *parking structures* on ground floor required to provide pedestrian oriented space facing on each street, except alleys, for the full length of the building.

Planning stated this is “the exception” and intended for maximum use of ground floor space with other uses (for lease or rent) other than just parking in certain districts. Example: 5th Ave. parking garage. Anticipate nonpublic parking garages also. Some existing now will become nonconformities.

Public suggests in the alternative to permit this but not require it if it serves the building occupants only and not the general public. By mandating, it may be economically foolish.

p. 246, lines 11-23 – Public comment “don’t play architect.” This is an engineering requirement and a terrible operational cost.

Public has concern that all this retail space in parking garage could get to the point that ventilation systems are required and a huge expense.

Planning stated this is not a problem right now but will look into the matter. If 5th Avenue built today it would require retail space on all four sides. Most don’t face all 4 streets. 6th and G the same except for the alley.

p. 246, line 24 – *incentives*. Committee member asked if the policy is to keep structures low so we can continue to have views.

Planning explained additional height is allowed if more human activities encouraged. Another committee member likes incentives and the fact it’s not a requirement but “luring.”

p. 247, line 7 – Committee concerned over prohibition on repair work as warranty work and repairs are done at dealerships.

Planning to make this consistent and compare to number 9, line 29. Sales of snow machines (line 21) contradictory to number 9. Need to make it consistent. Selling snow machines involves warranties and repairs and, again, concern over prohibition

p. 247, line 12 – 7b2 is “absurd” says public member (no more than 5% car inventory over 12,000 pounds). Recommends this be 20,000 pounds. Time and money to enforce. Planning Dept should not be making commercial determinations like that. Need weight examples: Hummer v. full-size pickup.

Planning will get example of heavy equipment weights.

Committee comment that this is an arbitrary line between vehicles, trucks.

Planning intent to have uniform standards and a gross weight threshold.

Committee member asks that Planning look at specific dealerships who sell small delivery trucks, semis.

Enforcement comment that 5% recognizes that auto dealerships do sell trucks and larger vehicles.

Committee comment if there are no problems now with impacts on neighborhoods and roads, why change? Eagle River car dealerships also sell motorhomes or RVs (this is covered – recreational vehicles, line 5).

Enforcement explained these standards are designed for the worst case scenarios. B3 businesses are now pushing the envelope.

p. 247, line 27-36 – Committee questions why are motorcycles allowed and not snowmobiles? Motorcycles don't take up as much space.

Planning says Eagle River is in CCMU. Planning explains there can be two principal uses but some places are only sales and some places only repairs. Repairs have greater impact.

Planning to consider eliminating eliminate 8b1 but keep it in 9. Reword to say *and/or* sales and repair could solve problem.

Public suggests deleting lines 27-28. Better to not allow motorcycle sales. Whole point of mixed use is to have uses that complement in a compact setting. These are auto commercial uses.

p. 248, lines 5-12 – Committee questions why car wash shall not face primary street.

Planning states this “goes to icing on the streets” outside carwashes and accidents.

Is this new 20 foot setback and landscaping?

Planning comments that typically you have a queuing area too and questions having this use in mixed use area at all as it's not complementary. These are types of uses that are auto corridor. Probably shouldn't even be in here. Not the kind of uses oriented toward a pedestrian environment and that's the point of mixed use districts.

Public comment that the Fireweed carwash is not a pedestrian friendly area and recommends they not be in mixed use districts.

p. 248, line 19 – Committee comment that the storage yard ordinance recently passed specifically allowed vehicles in self storage lots (page 2, line 18 of ordinance).

Committee comment that definition does not reflect ordinance as passed.

Planning stated this pertains to a *vehicle storage yard* and ordinance pertains to “mini-storage” (see page 258) Planning will review ordinance and put in correct standard.

p. 249, lines 1-3 – Committee member asks if this precludes camper parks in rural parts of the municipality.

Planning stated camper parks bring in traffic and that's rationale for requiring a collector street or greater.

p. 249, line 35– Public does not like counting “pillows” rather than beds.

Planning explained this is a common term in the resort industry that reflects the actual head count or single occupancy.

21.05.060 – Industrial Uses: Definitions and Use-Specific Standards (Public Review Draft #1)

p. 251, line 36 – Committee asks if this requires a research laboratory to be in an industrial area? Doesn't seem like good fit.

Planning explained these are accessory activities to an industrial use. See table of allowed uses on page 194. Hatchery on upper Fire Lake is aquaculture by definition and in PLI.

p. 252, line 12 – Committee member asks why art studio and gallery are industrial. Planning explained that this is actually a permitted use across a wide range of districts (See table p. 194). The intent is to actually allow these small scale activities or cottage crafts. This came from Girdwood. Basically display and sales and not manufacturing. Committee member clarifies that the definitions are not such a problem but need to look at where they are allowed. Cottage crafts would complement small scale retail and planning's intent is to encourage co-location.

p. 252, lines 27-28 – Committee asks if this is a prohibition on a shed. Planning states “no” but a prohibition on outdoor storage and materials. Don't want stacking of large amount of raw materials.

p. 253, line 16 – Discussion on national resource extraction and reclamation. Questions as to why characterize filling old site (Dimond and Jewel Lake) as natural resource extraction when it's reclamation. Planning explained it's an automated coding system and the closest thing. Gravel extraction will continue to require CUP and will continue to be (over 50,000 cubic yards, line 25).

p. 253, line 26 – Public concerned that excavation in conjunction with a building permit for a large commercial job or subdivision might need this permit. This section crafted after supreme court case; multi year component (one season construction project). Planning will review and make this distinction. This was issue at Lake Otis and Abbott school. Line 32-33 (one year deal).

p. 254, lines 37-39 – Committee comment that “safe, stable and aesthetically acceptable” is not specific enough. Example of restoration of Lucy Street in Kincaid area that is not acceptable but was approved. Committee suggests more specific language such as “restore generally to the contours prior to the excavation,” “permission to fill,” etc. Planning states that this language provides more latitude depending on nature of project. Each restoration plan is a case by case determination that comes at the beginning of project. You have to have finished restoration plan before plan approval. Planning stated that they would limit area of extraction to preserve buffers in sensitive use areas. Public would like see some financial assurances (bond) to ensure reclamation takes place. “Sell gravel, take sack of gold, run out, I'm broke, sorry.” Planning confirms that bonding requirements are in the code now and typically boilerplate conditions on conditional uses.

p. 255, line 18 – *aquaculture* in a *marine facility*. This does not necessarily preclude it from being somewhere else.

p. 255, lines 20-28 – Committee questions why trying to distinguish all kinds of storage. Caribou goes somewhere other than where you take your fish? Planning reiterated that this is a marine facility where these uses are allowed and it does not preclude cold storage being other places.

p. 257, beginning line 4 through p. 264, line 14 – This needs to be consistent with the ordinance passed by the Assembly.

Comment that storage yard definitions and locational requirements were not included in ordinance.

Committee comment that we don't need to reinvent junkyard CUP or revisit something, but bring forward what was passed. Discussion surrounding storage yard of Spenard Lumber with construction materials next to a school. Would that be permitted? Planning states SBS is a *building materials store* defined on page 243 and does not fall under storage ordinance.

p. 263, line 42 – public comment that federal law clearly prohibits contamination of water supply no matter what type of use.

p. 264, line 23 – Is a recycling center a composting facility? Recycling can cover whole range.
Planning would not view it as a recycling. Need to clarify where a recycling center allowed.

p. 264, line 32 – Committee asks if this 660 feet setback is far enough away. Small composting units on property with large animal facilities are not a primary use. Planning comment that composting facilities are noisy operations involving equipment and usually odor problems. Clarion probably came up with 660 (roughly 2 city blocks – 300 feet long). Discussion on what constitutes “waste and salvage.” Specifically planning to address recycling asphalt.

p. 265, line 42 – 5,000 cubic yards is approx. 500 dump trucks. Fill permit required at 50 cubic yards. Becomes land reclamation at 5,000.

p. 267, lines 36-39 – Committee comment that language “to conform the use to the standards set forth for this use” is nonsensical.
Planning agrees and will reword.

p. 268, line 15 – Committee asks if height limitation for snow disposal site new? See Fn 74. It was raised to 35 from 25 feet in first draft. No height limitation under current code. Snow piles are dangerous; taller ones take longer to melt. Enforcement stated there are lots of complaints. State property is excluded.

p. 268, line 26 – Public comment that screening, fencing, berming requirements are excessive and everyone benefits and pays for snow removal. Is there enough industrial land for this use permitted in I1 I2. Municipal sites are PLI zones. Just a couple private lots. Planning asks if you want these in other districts?
Compounding snow storage problems by not allowing commercial businesses to store own snow. 35 foot standard probably reduces capacity by a third.

p. 269, line 11 – *dust and litter control*. Existing code requires a site to be clean by October. This language just restricts impacts on adjacent property. What happens to all the garbage that comes into these sites? CU standards in our code apply.

DDD September 30, 2005

Pg. 269, L 23.... Why 500 ft.? Planning: because of noise complaints

Pg. 269, L 24..... Distance discussions can be problem, how can we consistently weigh impacts of various uses?

21.05.070 Accessory Uses and Structures (Public Review Draft #1)

Pg. 270, L 32..... Committee member, "Rural areas should be able to have larger accessory structures" Can we apply FARS here?

Planning responds that this may be possible.

Committee, "floor area ratios related to lot size work better here"

Pg. 270, L36..... Committee member, "Location of Accessory structures seems exclusionary. Why so specific? (particularly in large lot, rural area)."

Pg. 271, L 35..... Committee : Can you have multiple accessory buildings?

Recommends approaching this the way Girdwood did it.

Pg. 272 Accessory Use Table.....Committee: Does the section on Child Care reflect the change in code we made a year ago? (6 kids)

Public: Is Adult Care an accessory use?

Planning: It is a Permitted Conditional Use

Committee: Do we really need Beekeeping? Computer aided learning center? family self sufficiency service? Maybe these should be deleted.

Planning: AHFC requested learning center and self sufficiency through previous Assembly.

Public: Why are Paddock, stable not permitted in R10?

Planning: Possibly this could be addressed with a Site plan review

Pg. 273 Accessory Use Table....Committee: Why can't you have drive through in CCMU?

Planning: this district not auto oriented

Committee: Why can't you have hobby farm on PLI?

Planning: good point

Pg. 274 Accessory Use Table....Committee: Vehicle Repair, Is this an outdoor hobby?

Why can't it be an accessory use in any business district or mixed use district?

Planning: In multi family area must do vehicle repair in garage

Pg. 277, L12-16.... Committee: ADU has to be above garage or next to alley. Why? (especially in large lot, rural areas)

Planning: public testimony was against ADU elsewhere

Committee: if you're over 20,000 sq feet, why can't you have a separate ADU Plan?

Pg. 279, L5.... Add the words "or beside" after behind

Pg. 280-281....adult care will be discussed in upcoming ordinance

Pg. 281, L 20.....Committee: Why is Bed & Breakfast only allowed in detached single family? Why not in a duplex?

Pg. 281, L 38....Committee: Why couldn't a bed and breakfast be in an ADU? (esp. in rural district)

Pg. 282, L 5.....Contradiction with previous page line 20, duplex or single family?

Pg. 283, L13-20.... Committee: recommend deletion

Pg. 283, L 37..... Committee: what does “entertained in their vehicles” mean? consider deletion

Pg. 283, L 40-42..... Public: Pharmacy, banks should be allowed for drive through. Why are they not allowed in CCMU?

Committee: Agree, this is problematic

Pg. 284, L15 down to L 14 Pg. 285..... Committee: delete because only one exists in Anchorage?

Planning: this at AHFC request

Pg. 285, L32-34.... Committee: propose different size limits in rural areas.

Public: garages may encroach but not sheds? Why?

Planning: garages allowed by alley, but are normally bigger structure

Pg. 286 , L21.... Committee: Recommend change to 50% or 1,000 sq. feet. This is too strict.

Planning: this came because of Amway

Pg. 287, L. 20.....Public: Hours of Operation changed. Why? It was 7-10, now 8-8

Pg. 287m L 30-36....Public: Does this prohibit Building/Business use of waste oil burners? If so it should not be included

Pg. 292, L10.... Committee: This is overly intrusive. The rabbit and chicken keepers are unhappy.

Planning requested to get copy of Seattle ordinance dealing with small animals. Large Animal ordinance will address some of these issues.

Committee: Maybe we should distinguish between lot size and zoning for animal issues.

Pg. 292, L37..... Committee: Don't we need to get storage vans out of parking lots?

Planning: This is intended to distinguish between display/goods for sale & storage areas.

Public: But the wording is unclear.

Committee: Can't storage be at the side of the principal structure?

Pg. 293, L1-19..... Committee: This is overkill and too restrictive

Pg. 293, L 24-5.... Committee: this is the definition of corral instead of paddock

Pg. 294, L4-6.... Committee: Does this include driveway? Planning: needs to be added

Pg. 294, L18-27..... Committee: why is this such a problem, especially if it is not visible to the neighbors?

Pg. 294, L 28.....Public: Construction needs Connex trailers.

Committee: Is there a difference between a connex and a shed, would they be ok if screened or sided?

Public: These must be specifically allowed for construction

Pg. 294, L35..... Committee: If inoperative vehicle not seen does it matter?

21.05.080 Temporary Uses and Structures (Public Review Draft #1)

Pg. 295, L1-5.....Committee: What about the use of the RV in the driveway when Grandma comes to visit? How do you define temporary?

P.295, L 6.... Committee: Does this ban ice cream trucks?

Planning: No, because they operate on street.

Public: Does this ban Taco Dan?

Planning: No, because they are principal use, and line 15 solves it.

P. 295, L 28-34.... Committee: When a truck is driven home with commercial logo, why is this a problem?

Planning: Commercial vehicles don't belong in residential neighborhoods

Pg. 296, L13.... Committee: clarify if trailers are included in building permit.

Public: Should say it allows for office trailers

Planning: This is allowed.

Pg. 296, L 24.... Committee: Why does it matter if people have cloth garages?

Planning: They are allowed temporarily.

Committee: Does an allowed temporary use need a permit?

Pg. 298, L 7-18.....Committee: This is too much paperwork for a temporary use.

TABLES (Public Review Draft #1)

P. 179..... What is difference between site condo and single family attached?

Planning: need to define this better.

Committee: Why is single family attached (zero lot line) not included in R4?

Planning: this is a density issue.

P. 180.....Committee: What about a k-12 school or a charter school?

Planning: These have a different parking size impact.

Committee: Are neighborhood libraries allowed in residential districts?

Planning: yes

p. 181.....Public and Committee: There are fire stations in residential areas now, please look at this again.

Planning: ok

Committee: if telecommunication facilities are concealed, are they allowed anywhere?

Planning: They are allowed where defined, but this section needs work.

p. 182..... Committee: What waste and salvage is allowed in residential areas?

Planning: only land reclamation (see page 196)

p. 184.....Committee: Do government administration and civic buildings have a greater impact than an office in a business district?

Planning: They may, this why they have site plan review.

p. 185.....Committee: Why are churches not the same as other civic buildings?

Planning: We will take a look at this.

Committee: Why aren't schools allowed in NMU?

P. 186.....Committee: Why aren't airports allowed anywhere?

Planning this is because we used to have a separate airport district that was eliminated, we will look at this again.

Committee: What defines a bus transit center?

Planning: This is more than a parking area and a covered shelter.

p. 187....Committee: Are the heliports for hospitals?

Planning: they are also allowed for downtown office buildings

p. 188....Farming, horticulture and commercial stables should be allowed in PLI.

Planning agrees

Committee: Why can't we have pet shops and vet clinics in strip malls (RMX, NMU1)?

Planning: good question.

Committee: Why aren't amusement establishments allowed in CCMU?

Planning: We will look at that again.

DDD October 7, 2005

Pg.190....Committee: Tavern in the top column should be eliminated, since this is not a definition used in Alaska. Why are no taverns, bars, etc. allowed in Turnagain Arm district?

Planning: It is not in their land use plan.

Committee: Why have bar and brew pub as separate classifications?

Planning: We could make them the same. Brew Pub has the implication of industrial use, more parking and increased use.

Committee: Under Office, business or professional in TA, conditional use is listed for offices, you may want P/C.

Planning: Yes

Committee: Why is a site plan review needed in mixed use districts?

Planning: Not sure

Committee: Broadcasting and recording are different uses.

Planning: Understands difference.

Committee: Funeral services are a necessary service in a community. Maybe you could define it more openly and with more flexibility. Planning: A funeral home is not necessarily wanted in a residential area. It's better in a higher density area.

Committee: Why is small equipment rental not allowed in mixed use? That will be a problem for rural areas.

Planning: This is more appropriate for auto corridor districts. We'll look at it for rural.

Pg. 191.....Committee: Why are repair shops and building material stores not allowed in mixed use districts? This will be a problem for Chugiak/Eagle River. That is where the stores are.

Planning: You are making a good point for Eagle River being separate.

Committee: Thank you.

Planning: Areas of different use and density need to complement each other. It would be helpful to have a land use plan map.

Committee: We want you to hear that there is a problem with meat/seafood processing in the table. These businesses are often very appropriate for mixed use, pedestrian friendly neighborhoods.

Pg.192.....Committee: Why no pawn shops, plumbing/electrical in mixed use? These tables seem too detailed to cover the needs and desires of different parts of town. In some areas they are broad, but in many more areas they seem extremely specific.

Planning: We are going to make revisions. Maybe we should combine some of these and make them broader. (The same point was made for page 193.)

Pg. 194..... Committee: Why no catering in mixed use areas?

Planning: This was meant for the airport area.

Committee: But not all catering is large volume. Maybe you could delete the word catering. We have to keep turning back to the definitions, maybe we could put the page number next to the category in the table. Why is resource extraction allowed in mixed use districts?

Planning: It's been done that way for a long time, typically to allow for preparation in construction.

Committee: There are very few places where a boat storage facility is permitted. Does this mean one couldn't be built on a lake?

Planning: Good point.

Pg. 195.....Committee: Why is marine wholesale not allowed in marine commercial?

Planning: We consider this industrial activity.

Committee: The self-storage ordinance passed earlier this year allowed storage in commercial areas, why is it not allowed in mixed use?

Planning: We believe it is more appropriate in commercial or industrial.

Pg. 196.....Committee: Why are there so many land reclamation areas allowed?

Planning: It is intended for a short period of time and to bring properties back to a potential higher use.

CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS

21.06.010 Dimensional Standards Tables (Public Review Draft #1)

Pg. 307..... Committee: In R-1, is the 30 ft. height for a 2 story house? Isn't 3 stories permitted? Are site condos allowed in R-1?

Planning: We haven't figured out the site condos yet.

Committee: Is a 3 story house allowed in R-2?

Planning: No.

Public: In R-3, on lots greater than one acre, you are forcing contractors to build multifamily units instead of single-family detached. Is that intentional?

Pg. 308,309,310..... Planning: These are basically the same as existing standards.

Pg. 311.....Public: In auto commercial district and office district, max. height limits, shouldn't this say 45 feet or four stories?
Planning: It should say whichever of these is greater. Side setback standards are set to encourage intensive use.
Committee: What is mean sea level? Shouldn't it say mean high water or mean low water?
Planning: point taken

Pg. 312.....Committee: Why do we have a height limitation for industrial zones?
Planning: Few uses here are over 50 feet.

Pg. 313..... There was a general discussion about how we will implement existing neighborhoods into mixed use areas, particularly with these district size limitations. Committee felt they could be seen as arbitrary and too limiting.
Public: Can these limitations be adjusted at a public hearing?
Committee: Some of these size limits won't work in rural low density areas.
Planning: Everything here is new because we haven't yet seen true mixed use districts in Anchorage. These size limits came from the Urban Land Institute.

Pg. 314....Planning is still working on the airport development standards, so this table is not complete.

21.06.020 Measurements and Exceptions (Public Review Draft #1)

Pg. 316, L14-16..... Committee: What does this mean? It needs to be rephrased.
Planning: It means that two separate buildings may not use the same setback area.

Pg.317, L9....Public: Are these the only requirements for handicap access ramps?
Planning: No, ADA standards and building codes apply.

Pg. 317, L28-29....Public: These setbacks seem to have changed, why mess with something that has worked fine?
Planning: Recommendations from the consultant

Pg. 317, L30.....Committee: Why are double frontage lot setbacks so restrictive on both sides?
Public: Could the administrative official give exceptions?
Planning: We will look at this.

Pg. 317, L39-41 through Pg 318, L1-20.....Committee: Why all these requirements for written permission from utilities before using their setback? Please look at these, especially those for open space, yards, surface parking, landscaping...

Pg.319, Table... covering setbacks from projected ROW centerline, this is not changed from current standards

Pg. 320, L16-33.....Committee: Sight distance triangles need to be defined consistently throughout document. This is not currently the case.
Planning: We have started that process.
Public: We need to clearly identify pedestrian crossings.

Pg. 320, L31.....Public: Please define major street more clearly.

Pg. 322, L1-14.....Usable yard,

Public: Why can't setbacks be considered usable yard?

Planning: If we don't clearly define and require usable yards, they would not exist—especially in multi-family housing areas.

Committee: The slope restrictions would virtually prohibit development in many areas of Eagle River and the Hillside.

Pg.322, L25.....Committee: What is a belt course?

Planning: It is something that sticks out of a building, (like a shelf on the building's side).

Pg. 323, L2-3.....Gross parcel size includes all setbacks, easements and ROW on property

Pg. 324.....Public: In flag lot F#17, why is the flag portion considered a front setback when it is not at the front of the property?

Committee agreed this didn't seem to make sense.

Planning: This is current practice

Pg. 325.....Public: lot #9 and lot #10 both reference note three, this should be eliminated on lot #10 because the reference belongs to the other lot

DDD October 14, 2005

CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS

21.07.010 General Provisions (Public Review Draft #1)

p. 333, line 18 – Committee asks for clarification of the functions of “natural areas”
Planning enumerates preservation value as wetlands, flood control, wildlife habitat, etc.

p. 333, line 35 – *Alternative Equivalent Compliance* – Committee calls attention to the Real Estate Advisory Task Force document, specifically page 16, as significant amount of work went into this and language as written may not capture Task Force recommendations as well as Dean Architect's comments. Task Force wanted more direct access to Planning and Zoning, avoid unnecessary delay. Potentially the process outlined could cause plans to be approved twice.

Planning and Code Enforcement acknowledge this section is very important and will review Task Force and Dean Architect remarks.

Committee: Developers like alternative compliance – be creative, do what they do best.

Public: Please quantify “in timely fashion” line 31. Adding 90 days could determine whether a project gets in the ground this year or next.

Planning discussed timeframes of Chapter 3 and workloads. Uncomfortable stating exact timeframe.

Committee suggests “find rough average and then maybe go beyond.”

21.07.020 Natural Resource Protection (Public Review Draft #1)

p. 336, line 18 –Currently 100 feet setback in R-10.

p. 336, line 28 – Setback in R-5, R-6, R-7, R-9, I-1 and I-2 has changed from 25 feet to 50 feet. Many public comments on setbacks and they have been varied.

Planning explains national accepted standard is 100 feet for purposes of filtering pollutants and runoff. Planning determined to go from 25 to 100 feet was too big of a step right now. Smaller lots already developed will remain at 25 (though comments from public indicate some want that changed). Properties will be grandfathered if within 25-50 foot setback but will not be able to add on to a structure and increase the encroachment into setback.

Public comment that this setback is problematic if stream bisects a lot and takes 100 feet out of the middle of a lot. Question to be answered by Planning as to how many properties impacted by bisection. New subdivisions will try to avoid this problem and put streams on lot lines. Enough GIS information is available to get a rough idea. All streams have not been mapped in the Bowl, Eagle River or Girdwood.

General discussion of definition of stream, as public commented that state's is different. Code enforcement explained that Storm Water Management Group identified stream characteristics. Page 566 has definition.

State definition is any flow of water that does not result from rainfall or snowmelt.

Applicable to Title 15 for wells and septic. Constant problems for developers trying to site their homes.

Committee: What is the experience? Is there some great harm being done to our streams?

Planning says "yes, all our urban streams are out of compliance because of runoff."

Research shows a greater setback needed.

Planning believes definition of stream is very close to the state's definition.

p. 336, line 22-23 – "except as provided in 6 below."

Committee: This is not clear enough. The only way you could disturb any part of a setback is if it has a recreation, education, or scientific purpose.

Committee member would like to see language similar to Utilities (p. 338, line 45)

"regrading to original contours and revegetation with native species" be included in buffer/setback requirements, as currently written you can't do anything in that buffer.

Need more flexibility than is permitted. Should be able in some circumstances to clear and replant for reasons other than utility, recreation, education or science.

Planning explained why this is not allowed as undisturbed natural vegetation provides the functions that are needed for water filtration. Clearing land and revegetation itself disturb ground and contribute to sedimentation and pollution. When root mat ground cover is disturbed, there is a period of time when the land is not able to filter pollutants. Committee member advises that this nondisturbance in buffer area is an issue that is going to come up again.

Discussion about the current bad state of Anchorage streams due to activities in the 25 foot setback.

Committee: In urban area why is this 50 feet necessary and what if someone wants to remodel an old house on a stream and build new one. Planning clarified that in some zoning districts the 25 foot setback is being maintained, predominantly in developed areas. See p. 336, lines 33-39. Acknowledged many Peters Creek properties may not be noncompliant.

Committee comment that not allowing any work in buffer will exacerbate problems.

Planning: Intent is to preserve undeveloped areas.

Survivability of new vegetation is an issue also and there are cumulative problems with disturbances in setbacks. Planning to take a look at how many properties affected along Peters Creek and attempt to address their circumstances as many homes on both sides will be nonconforming.

Planning states list of streams is not all inclusive.

p. 336, lines 40-41 – Committee asked if this means where streams come out of culverts they are then required to have setback.

Planning: Yes.

p. 337, lines 18-20 – Committee asked if 15 feet is far enough back from water bodies (lakes). Planning stated that at this time no setback is required.

Public concern if trees have to remain then property owner loses view.

Planning emphasized that this 15 foot buffer is to protect lakes from nitrates, fertilizer runoff, etc. Without a buffer, eutrophication (algae growth in lakes) and bacterial eutrophication is speeded up.

Committee member asks about economic impact and recommends eliminating “no disturbance is permitted” provision. In essence, this means one literally cannot walk on the buffer.

Planning reiterated that the intent is to have a vegetation buffer to mitigate the problems we have now with our lakes and the growth of weeds and eutrophication. Campbell Lake, as an example, has lawn sprinkler systems running right into the lake. Discussion about Fire Lake (artificial) and float planes.

Planning states that at lines 21-24 they have provided for this with exemptions for docks, boathouses, floatplane storage sheds.

Committee member suggests a more effective tool would be to follow the example on the Kenai where people were shown how best to protect the edge of the river rather than prohibit any disturbance whatsoever.

p. 337, line 38 – Committee: Is boundary delineation being done by Corps of Engineers rather than Watershed Management Division?

Planning: They work in conjunction; use same scientific reasoning.

Planning added the language that the procedures and methods of the Corps of Engineers will be used (lines 41-44). Needed a standard for “qualified professional” (see Fn 7)

p. 338, lines 12-13 – Committee asks if the Anchorage Wetlands Management Plan which is incorporated and adopted by reference is out of date. It is also an element of the Comprehensive Plan in Chapter 1.

Planning:

Not that old, updated 6-7 years ago and updated every 10 years by Corps.

What changes? Discover more; get additional information that warrants reclassification, identified wetlands may no longer be. Studies are ongoing.

p. 338, lines 32-37 – *channel alteration*. About 15 years ago Peters Creek flooded or glaciated and threatened homes. Committee wants language added with regard to exemption for emergencies.

Planning: Emergency measures should get concurrence on the spot, i.e. Girdwood flood, they took backhoes and dug out channels around the clock.

p. 339, line 16 – Committee suggests adding [shall be preserved] “to the maximum extent possible” [all existing vegetation].

Public questioned whether the language “municipality finds to be a threat” means someone in the city has to verify that a tree is a threat before homeowner can deal with it. Will muni accept liability or is homeowner liable?

Committee recommends adding word “damaged” as well as dead trees.

p. 339, lines 28-30 -- Redundant language. Third time saying this.

p. 339, line 31 – Committee: Why redefining Class A, B, C if we have a wetlands management plan. No need to reinsert language when simple reference would suffice.

Planning: This is a rollover from current code. Did planning answer all of Clarion’s questions in footnote 9? Look into it.

p. 341, lines 11, 13 18 – Committee comment that it is sometimes challenging to get agreement on what is visually significant and what is innovative. May be helpful to add “accomplished to the maximum amount feasible.”

Code enforcement explained that “encourage” and “discourage” are purpose statements and defined by standards.

p. 341, line 30 – Discussion about slopes greater than 30% to remain undisturbed.

Planning: Eagle River Comp Plan in 1993 called for nondisturbance of slopes greater than 25%. Precedent set in 1984 area wide zoning with 30% limit, though Comp Plan later called for 25%. Eagle Crossing an example of significant alteration of landscape. Where do you apply 30% threshold? Because of the experience of going through this determination for every plat, this section establishes basic criteria so expectations are clear as to what can be disturbed and what cannot be graded.

p. 341, line 33 – Planning added exemption if it’s a small, isolated area.

p. 342, lines 1-2 – *cut and fill slopes shall be entirely contained within a lot*

– Committee asked if this applies only to small lots? Why does it have to stop at lot line?

Planning to clarify that this applies to individual lots as opposed to subdivisions.

Committee: subsection iii is very prescriptive and should be limited to single lot development. Would rather have platting staff deal with this for subdivisions and hope that it is applied topographically specific.

p. 342, line 26 – Building Code requires that anything over 4 feet be specifically engineered to meet needs of lot.

Planning: 4 feet came from standards applied in other hillside circumstances in Lower 48.

Suggestion made to make it more site dependent and use character of the slope rather IBC requirement for retaining walls. Adding language “requires an engineered solution” discussed. (Not necessarily good.) What is potential financial impact?

Planning: Concern is that development is going higher into steep areas. Home builders will have to work more with natural landscape.

Committee does not favor a blanket prohibition.

p. 343, line 13 and 16 – What is a cartway? Defined in chapter 13, p. 543.

p. 343, line 26 – *To the maximum extent feasible* – Committee wants “economic” inserted.

Planning: term is defined on p. 555 and economics not included, gave example of a current situation in Eagle River now where 2 lots are being developed and person downhill is getting all the runoff. There are natural drainage impacts and development drainage impacts, but all parties do not agree which is which.

p. 343, line 36 – Committee: “all” is a problem (development shall mitigate all negative or adverse drainage impacts on adjacent and surrounding sites).
An absolute prohibition creates paranoia. Hard to judge “all.”

p. 344, lines 1-5 – *winter erosion blanket*.

Public: Need a final date here, when does the exemption go away?

p. 344, line 7 – Committee: Strike “where the landowner” (requires buried utilities). All new lines go under. Utility chooses which to bury.
Planning stated language came from Chugach Electric.

p. 344, lines 12-19 – *Wildlife Conflict Prevention Areas*. Committee: This will affect many houses. Why no campgrounds allowed?

Planning: Recognizing existing campgrounds but not a good idea to establish new ones in areas with bear conflict. This is innocuous, not very hard language. This section does not take property or regulate; it only says you have to have bear proof containers. Very extensive recommendations from bear study (based on anecdote and experience) were actually watered down significantly.

Guidelines make people aware and hope they practice this. Comp Plan requires this and an element of the community feels very strongly about it.

Came up with what is practicable and workable but only one real standard (bear proof container) or if you are commercial.

Committee: Are we sure all streams mentioned are wildlife corridors?

p. 344, lines 29-30 – *designed to facilitate wildlife passage* – Intent is to let wildlife through along corridor rather than enter property where humans are.

Planning to look at the list of streams and may exclude certain areas if they are not bear areas. (below Glenn)

21.07.030 Open Space (Public Review Draft #1)

pp. 345-346 – *Open Space*. Committee very surprised that Planning kept private open space in this draft and eliminated public open space provisions that were in first draft.
Why?

Planning explained public open space presented number of challenges (setting up equitable process, dedicated fund to acquire, tie to geographic area). Most development in 10-30 years will be small, infill redevelopment. Amount that you could require most, Parks & Rec does not want. Consultant does not agree and believes public open space should be included. Lots of public feedback on this version wanting them to restore it. Others in support. Hotly debated issue and will affect Chugiak area.

Committee member believes Eklutna would have preferred public over private. Impact fees have a lot of value. If we could get school sites out of new large developments, that would be incredible benefit.

Planning is reconsidering.

Planning: public very concerned during debate on 2020 that there be play areas and open spaces in immediate proximity to households in higher density areas. The Assembly was adamant that private open space be provided. Easier and more effective as private open space requirement.

Committee questions if this requires covenants to maintain private open space?

Planning says no.

Committee has many concerns: What happens when open space supposed to be joint ownership and then one owner gets foreclosed? Everyone in subdivision has to pay taxes on open space property. Liability coverage is a problem.

Planning: This is a continuation of what we have now, which is very minimal. This proposal increases open space requirement. Only applies to multi family 6 units or more and commercial mixed use. Line 27. Currently 100 sq feet and going to 300.

Public: Do math, factor in parking (this will force parking under units). We would have only about 700 sq feet per unit on 8,000 sq foot lot.

Planning will check economic impact.

p. 345, line 29 – *Commercial/Mixed-Use development: 15 percent of total land area.*

Planning to review this 2b section also. Planning explained that open space does not all have to be lawn or ground level yard area. Can be rooftop gardens, balconies, etc.

p 346, line 8 – Public: want to take out word “maximum.” Planning: p. 555 defines entire term, so cannot take it out.

p. 346, line 22 – Is snow storage credited?

Planning: No. See p. 407.

Committee: cross reference or put it in here too.

p. 346, lines 27-28 – Committee: look at economic impact of this.

p. 347, lines 4, 5 – Does Director have to approve any use of open space?

Code Enforcement explained that that is not what is intended here. When someone comes up with another use that is not normally seen but falls within open space allowance, here are other possible uses (walking, biking, picnicking, fishing, preservation, parks, environmental education, wildlife habitat protection) the director will consider when approving.

p. 347, line 38 – Committee will continue to push for *fee in lieu of*. (This was proposed earlier for public open space).

21.07.040 Drainage, Stormwater Runoff, Erosion Control (Public Review Draft #1)

p. 347, line 41 – *Drainage, Storm water Runoff, Erosion Control*. What is status of this ordinance? Will Planning add language or a cross reference?

21.07.050 Utility Distribution Facilities (Public Review Draft #1)

p. 348, beginning line 1 – This incorporates underground ordinance that recently passed dealing with distribution lines. Overtime, existing overhead lines have to be undergrounded.

Committee asks what sections were rewritten for clarity (or Clarion) as they do not want to revisit ordinance but would like to know changes.

Planning explained main change with ordinance was expenditure of 4% down to 2% (p. 351, line 27).

p. 349, lines 22-23 – Committee: Subsection C4 (“a variance issued under this subsection shall expire within two years of its issuance”) is wrongly placed and should be subsection C2 because it refers to variances under subsection C2 for temporary overhead lines.

Planning will investigate.

p. 352, line 24 – Public: currently code requires undergrounding before freezing weather. If this goes through, you could have a live line staying on top of ground an additional year. Builders have had to battle to get them in before October. Take out [if placed underground] “within one year of installation” and replace with “by September of the following year” instead of “within one year.”

Planning believes will review.

DDD October 28, 2005

21.07.060 – Transportation and Connectivity (Public Review Draft #1)

p. 353, line 22 – *Traffic Impact Analysis Required*. Committee asks if there is a threshold and when will it come.

Planning states subsections a, b, and c are the minimum requirements and there is some predictability, but there are going to be situations when traffic will require TIA.

Public: Commercial construction builders are highly incensed with this section. It needs to be simplified and worked on. TIA costs \$25,000; it's time-consuming; grossly increases what is required. Asks that it be thrown out entirely. TIA should be required when requested by Director of Planning and then hold meeting with developer to discuss it. By requiring every CUP (p. 354, line 3) to have a TIA will grossly increase costs.

Believes this document will require a small restaurant with a dumpster to have a TIA. Not currently this way. Way over the top.

Planning: Understood that development community didn't want it to be “leave it up to someone unless they ask for it” and they had been requested to put in something with predictability.

Public: Objects that this portion had been developed strictly by traffic and no public input; developed by regulators. It is good to have specifics when developing a project by having objective standards, but this goes too far. Currently the process is a meeting with muni staff to look at project and determine whether or not TIA is required.

Planning: Incorrect that traffic developed this without consultation. It was offstreet parking standards developed by Traffic, not this section.

Public comment that there is absolutely a need to build collector roads and that developers do not produce a TIA until the day before Platting Board meets so timeliness is an issue. It should be a requirement that it be done prior so public can review.

Another public comment that it may be appropriate to not require TIA for CUP but for rezoning or major site plan review. Might be the balance.

page 353, line 30 – Public comment relative to what mechanisms in place to ensure pedestrian safety in a TIA? Seems pedestrian analysis is almost left out.

Public gave example of a rezone this week involving 5 properties that would have had to come up with a TIA under this document, and they were already paying nearly \$5,000 just to get rezone through planning.

Committee asks developer to suggest a reasonable “trigger” if this one is not.

Public: The point is that 3 years ago builders first raised this issue to have a dialog so would not be sitting here today. Will get “trigger point” alternative by Wednesday. TIA’s start at \$25,000 and go to \$100,000.

p. 353, lines 32-33 – Planning reiterates that in C.1.a. the trigger point is trip generation (exceed 500/day or 100+ during one-hour peak). Suggestion to eliminate subsections b and c and keep subsection a.

Public comment that another trigger might be that if an area in question is in study area in a long range transportation plan, it would require TIA.

Committee: P&Z or Assembly should be able to require TIA if believe there is a concern with a specific site.

Another public comment that if small development is inside a study area and they want to make a change, should not obligate them to pay \$25,000. Developers not arguing 400 new homes or a hospital wing should not have a TIA but infill development is the nature of our city and it’s a hardship to have TIA for small development.

p. 354, line 14 – Committee: Is the review process similar to what is happening now? Planning believes so.

p. 354, lines 21-30 – *Traffic Mitigation Measures*.

Public: These are overly broad (e.g. other capital improvement projects).

Committee: Isn’t that good?

Public: There has to be some weighing of size and what is asked for; nothing here. City can ask for everything and developer provides. Adding the word “reasonable” or “economical” would go a long ways.

p. 354, line 28 – Public comment that “pedestrian” mentioned here again and there may not be mechanism in place to produce the intended result. This concern regarding “pedestrians” presents itself throughout the document.

p. 355, line 13 – *Connectivity index*.

Committee: More rural parts of community may have difficulty meeting this standard. People like cul-de-sacs and this appears to limit them.

Planning: It is intended to provide connectivity between subdivisions and flexibility. This will allow them and developer can design appropriate to the site. Planning will find examples.

p. 356, lines 4-7 – Committee asks if a sidewalk has to be provided at the top of every cul-de-sac. A blanket requirement is not good language. There could be a cul-de-sac with nothing behind it but a cliff!

Public asked if this was intended to require connectivity for emergency vehicle access? Is the intent to make it a combination pedestrian and emergency vehicle access?

Response from public: Width requirement for emergency vehicles is typically between 15 and 20 feet.

p. 356, lines 14-15 – *External street connectivity*.

Planning clarified intent that with regard to a developing subdivision and undeveloped land there is a reasonable expectation that some day there will be development, and streets are to be arranged so that eventually they will connect.

Committee believes section c (external street connectivity) is nonspecific and inconsistent with section e (connection to vacant land) which is very specific.

Planning says you don't have to build to boundary line but c says you do.

How many public streets do you have to have now for vehicular access for a 100 unit development? Two. Section d increases this from 2 to 4 public streets.

Public would like justification for increasing.

p. 357, line 8 – Public: “Where cul-de-sacs or dead-end streets are unavoidable” substitute *proposed* for *unavoidable* and add “if adjacent properties considered likely to be developed.”

Public: subsection (h) looks like a Catch 22 by saying minimize ability to cut through.

Committee: The goal is to create grid pattern that takes congestion off the streets, create a street that is traffic calmed, moves at good rate but does not run through a neighborhood really fast, with more than one way into the neighborhood.

Planning: Each development is reviewed on a case by case basis. Intent to provide connectivity.

Public: this is exactly what is needed in subdivisions to minimize cut-throughs.

p. 357, line 20 – Committee: What exactly is *cross access easement*?

This is a fairly common situation in platting. Two properties have one common access to two lots. Done by easement or access agreement with already developed lots.

p. 357, line 36 – “Sidewalks shall be installed on both sides . . .” is a current requirement. In Design Criteria Manual and Title 21 subdivision regulations.

Committee: On large rural lots, don't know if a sidewalk is necessary.

Planning: This specifically exempts large lot areas of approx. an acre (40,000 sq. feet).

Committee: Criteria used to be volume of traffic and now is size of lot? Change proposed here would make sidewalks more places than current law.

Planning: It likely will. Again, does not apply to rural areas. New R5 is actually a large lot district of an acre. R6 is half acre lots. There will be a waiver process.

Public: Stay with volume of traffic.

Public: On a bus route separated sidewalks should be on both sides.

Committee: Does not like blanket requirement.

p. 358, line 2 – *Pedestrian facilities*.

Discussion on “eliminating free right-turn lanes.” In some circumstances beneficial for flow of traffic. Can they be looked at individually?

Public: Medians give pedestrians shorter crossing distance.

Another public member believes they are a “death knell for the blind.”

Planning: There is qualifying language.

Committee: In LRTP not mandatory in certain neighborhoods. “Whenever possible” sounds stricter than what is intended.

Planning: Decisions are based on reasonable judgment on case by case basis.

p. 358, beginning line 8 – *On-site Pedestrian Walkways*.

Public: Do we need to split lots to put in these walkways?

Planning: If you put a building on a lot, you have to have a pedestrian connection to the road.

Public: Confused on subsections a and b and request Planning prepare sketch as to what is actually required. Is this requiring a dedicated pedestrian access from the street in front? How wide and where and how do car lanes cross this? What about satellite stores, for example in Fred Meyer complex on Abbott Loop. Is there pedestrian access required to those?

Planning: Now requiring that with site plan review and agree it's good to have an illustration and will prepare.

Public: Think this causes a drastic increase in parking lot sizes. One developer said it added 10 feet to a small lot.

Planning: Objections are not being made where this is being applied. Fairly minor increase in percentage if commercial property.

p. 358, beginning line 41 – *Trails*.

Committee: In local service areas there is a real desire to hold costs down. All the road design standards say separated path from road. But with a wide shoulder, snow plow blade can do road and shoulder together. Separated trails also cause a greater "taking" of property on road construction.

Planning: It depends on function and amount of traffic on street whether sidewalk is separated. Generally speaking separate moving traffic from pedestrians for safety and backsplash.

Committee: On major roads in Chugiak a wider shoulder would be good because separated sidewalk covered with snow. It would take property to meet this new standard.

Planning: 50 mph traffic not safe for pedestrians. There is a different standard for rural areas.

p. 359, lines 9-17 – If restricting poles, signs, trees and utility boxes in the sidewalk area; will those nonconforming be grandfathered?

Planning: This new application is most likely with new subdivision development. Makes no sense to put poles, etc. in sidewalk.

Public: If this is intent, need to clarify grandfathering and desire to maintain 4 foot width for pedestrians. Rewrite to more clearly state intent.

Public: Surprised bollards or garbage containers allowed. Impossible to use equipment around them and requires hand shoveling. Bollards are necessary to keep motorized vehicles off sidewalk.

p. 359, lines 19-21 – *Maintenance and Snow Removal*.

Public: Do not like language "maintained in a useable condition throughout the year, including snow removal as appropriate." This is too watered down. "Usable" too weak a word .

Appropriate for all users? Any areas exempt? Who is responsible? This is not appropriate for Title 21. Other parts of code say property owner responsible (even if not done).

p. 359, line 23 – *Bicycle Lanes Encouraged*.

Discussion about Southport: public believes bike lanes there are excessive and Planning explained that that development is not the standard but was a choice.

21.07.070 – Neighborhood Protection Standards (Public Review Draft #1)

p. 359, line 39 – Discussion about which decision-making body makes decisions. Major site Plan review is UDC. P&Z on CUP. Process different for each body.

Public objects to overly broad list of conditions to minimize adverse impacts. Site plan review includes placement of vending machines and telephones!

Planning gave example of gas station next to apartment building. There is a lot of noise and activity surrounding vending machines and phones day and night. Not an issue in rural areas.

What if Platting note has landscaping easement requirement in conflict with other requirements in code?

Planning will look back at notes.

p. 360, lines 9-10 – *Placement of trash receptacles, compactors or recycling.*

Employee of waste service company commented that relative to screening, service companies are not involved in review of plans and utilities should be if possible to ensure access. Not always a municipal agency so how do you get them involved?

It's now an informal determination working with trash hauling companies and waste management and Planning acknowledged it is not fully adequate. Incumbent on developer to work with service company. Cost for screening can be significant.

p. 360, line 14 – B9. *Preservation of natural lighting and solar access.*

Public would like to delete and other public member disagrees.

21.07.080 – Landscaping, Screening, and Fences (Public Review Draft #1)

p. 361, line 33 – *Alternative Equivalent Compliance.*

Public: Who has resources to inspect and identify all of these nonconformities and to get approval?

Planning: Very few things are proposed for amortization here.

p. 361, line 32 – *Title 21 Users Guide.* How and when will that be developed and will there be a public process?

Planning: A shortened, illustrated manual and no public process. Nothing in it that will differ from what is adopted. Developers will get real familiar with Title 21 but single property owner will use manual. Intent to have it prepared by the time this takes effect. Public wants to make sure it is consistent.

Planning: Reference to Users Guide may not stay in Title 21.

p. 363, Table 21.07-2

Public: Once all the points are assigned who adds them up and how many do you have to have? The tables are backwards, and table on page 367 that tells you how many points you need should come first.

Planning has developed a spreadsheet to total these points for you. You can play with it, get something conforming, print it out. Available to landscape architects now.

Level of landscaping separating parking lots from streets has security issues.

Public: not a proper balance given to security. Drawings could help.

Planning: The point of crafting in this manner is to be less proscriptive and provide more latitude. Point scale only seems complicated.

Planning will look at reversing tables.

Committee comment that this draft reflects concerns of landscape architects in Real Estate Task Force report.

Public comment this has a horrible impact on spaces for parking.

p. 364, Table 21.07-02 landscape boulders, include length or height

p. 365, line 3 – *Site Perimeter Landscaping*.

Discussion regarding deciduous trees, security. Type of vegetation depends on location, use, and owner's preference. Owner may want site obscured. Case by case basis. Intent is to provide that latitude.

Committee member believes our city looks so much better. Buildings closer to street with lots of activity are the most secure.

Discussion of landscaping beneath utility lines and committee surprised because before you needed permission from utility.

City does not want to talk to utility and utility does not want to talk to city.

Committee: It would be nice if city would take lead and recommends specifically requiring some type of landscaping and being selective in exactly what. Envision being in crosshairs. Try to strike workable solution everyone can accept and work with.

Planning will try to avoid conflict.

p. 366, line 7 – *Specifications for Site Perimeter Landscaping*.

Public says access driveways should be (rather than shall not be) subtracted from linear frontage in calculation. About half of parking lot is access driveways.

Planning: landscaping gets concentrated, so should use whole length of site to calculate.

p. 367, Table Additional Standards [3].

Committee asks about a directional sign along freeway.

Planning states DOT directional signs are exempt. This standard applies to properties adjacent to a freeway. No signs shall be permitted w/in 30 foot wide highway screening line. Examples: Welcome to Chugiak is in right of way and approved by DOT.

Minnesota is part freeway and part limited access.

This could create confusion.

p. 371, lines 9-11 – *Minimum Tree Density*.

Public: Average tree worth 8 points, requires 21 trees per acre. Is quite high.

Homebuilders request 1 per lot (on the low side). 7 or 8 per acre might be more reasonable requirement.

Planning: Will look at. This density is for newly planted trees. Requires fewer for retaining; point values for retaining is 10 or 12 per acre.

p. 371, line 26 – Committee asks how to define a landmark tree.

Planning: Definition on page 552, but need to amend this as city does not have municipal arborist.

p. 371, line 42 – *Tree tracts*:

Committee: Is this private open space and do Homeowners associations own tree tracts? This will require covenants. Don't want city dictating this.

Planning: This is pretty standard. Trying to preserve high value of trees.

DDD November 2, 2005

Pg. 373 – Bottom

Committee: What are the requirements for landscaping in utility easements?

Planning: Utility and landscaping easements overlap. We've tried to compromise with half the easement being utility and half landscaping. Trees must be off the utility easement.

Public: We strongly object to losing 50% of our easements. We're in favor of removing this. Do not take away lands from private development. It is not a compromise because we pay property taxes on it.

Pg. 373 – Line 25

Pub: What does "extend warm outdoor season" mean?

Plan: By planting appropriate vegetation you get wind protection and therefore warmth. It can be used earlier in the Spring and later in the Fall.

Com: This is overreaching, and best left to the property owner.

Pg. 374 – Line 14

Pub: This is a lot of overkill. You are looking for any trees and then putting orange fencing around them. They end up dying anyway.

Pub: With this you can end up with a tree on an island in the middle of fencing.

Plan: I am thinking about Eagle River High School. There was an undisturbed area with no orange fencing that was destroyed by construction because we didn't have it marked.

Pg. 375 – Line 19-20, Retention Ponds

Com: What are permanent water features?

Plan: They are improvements like water fountains, but are not required.

Pub: This will seem like a drainage retention pond to someone on a D9. It is not the same definition as a landscaped pond.

Com: It could be either a drainage feature or something pretty.

Pg. 375 – Line 24-28 Installation of Landscaping

Com: Must the landscaping be done before the certificate of zoning compliance is issued? Could a bond be issued instead?

Plan: The bond is done afterwards. We're trying to insure survival. The certificate of zoning compliance is the same as the CCO in the building service area.

Com: What happens when the project is finished?

Pub: You get the certificate of zoning compliance or a certificate of occupancy.

Pub: The date "by June 30" -- shouldn't we use August 15th for consistency?

Com: This could mean that we are requiring planting in the fall, just before freezing.

Planning: There is not a problem in extending that date.

Pg. 375 – Line 43

Pub: Is F5B reference correct?

Com: Look on page 321 #s 1,2,3, and 4.

Plan: It is on the bottom of page 365. We'll check editing references like that.

Pg. 376 – B, Irrigation

Com: If you put in an irrigation system, then you don't need bond?

Planning confirmed.

Pg. 376 – Line 9-10

Pub: For landscape screening and fencing, we think "shall" should be replaced by "may".

Plan: suggested adding "Only if or when necessary".

Pg. 376 – Line 23, Screening

Com: What about screening dumpsters and utility boxes? Is this intended for specific elements?

Plan: Yes. Or on the border of two incompatible uses.

Pub: Applicability is hard to understand. When you have a six-plex or townhouse with dumpsters there should be a screening standard, but what about a triplex? It would be challenging to support. If we prohibit dumpsters in some of these multi family units we could have large numbers of cans and bags.

Plan: We will address and look at it.

Pg. 377 Screening enclosures

Com: Why not three sides? We want to be sensitive to cost.

Plan: The intent is to have all owners do a better job of screening garbage.

Pub: It is a time and safety issue for the collectors when they have to get in and out of a truck and if they have to open gates.

Com: We suggest changing it to three sides.

Pub: We would like the word “durable” as opposed to “compatible in architectural design and materials with the principal building”

Plan: Compatible doesn’t mean the matching of existing siding.

Pub: Who is responsible for compliance here?

Com: There are some instances where people won’t be able to comply.

Plan: We need to look at new versus existing.

Pub: Enforcement is still the issue.

Pg. 377, Street and Off-Street Loading areas.

Com: Does fencing limit snow removal? And what if the loading area is in an alley?

Plan: It would not be required in an alley, but we should clarify.

Pub: Screening should be screen from residential property.

Com: It should be between zones.

Plan: We are trying to establish standards in areas. We could work on screening from public areas and right of way. We want walkability.

Com: We need balance. There are security issues with the fencing, ex: places for kids to smoke or street people to congregate. We need to look at how it is used and abused.

Plan: We have to decide to what degree we take pride in our community.

Com: Please don’t interpret this so strongly that there are security and safety issues.

Pg. 378 – Line 1 Rooftop Mechanical Equipment

Com: If you have a tall building is it screened if you can’t see it? What about snow removal and cost?

Plan: This is about having the HVAC on top of buildings being enclosed. We are starting to see this happen as a standard with new construction.

Com: With one to two stories sometimes you can’t see the roof anyway.

Plan: This is generally happening now with new construction.

Com: You are not proposing amortization are you?

Pub: You need language that excludes existing. It is a huge cost issue and it needs to be a cost benefit. People with small stores would be nailed and 80% of Spenard would be out of compliance.

Pg. 378 – Line 15-17, Wall Mounted Mechanical Equipment

Com: Is wall mounted section a change from current standards?

Pub: They must be put where utilities dictate.

Plan: I am not sure that's accurate. People don't like to look at utility boxes.

Pub: Then paint them out.

Pub: Does this include multi-family housing? How many utility meters in a group are needed for the requirement to kick in?

Pg. 378 – Line 34, Outdoor Display Areas

Com: Are sidewalk sales and seasonal displays okay?

Plan: This is intended for permanent sales.

21.07.090 Off-Street Parking and Loading (Public Review Draft #1)

Pg. 380 – Line 30, Parking---Applicability

Com: Is this existing building parking?

Plan: We are changing parking standards.

Pg. 381, line 2

Com: What is a temporary parking lot?

Plan: It is for special events like the Three Barons Renaissance Fair.

Pg. 381 – Line 19

Com: Could this be a building official or a traffic engineer?

Plan: It needs to be a traffic engineer.

Pg. 381—Line 29

Com: I thought the real estate group said this should be for 30 spaces, why is it down to 10?

Pub: I questioned the threshold also.

Com: I thought the real estate said to delete lines 39-40.

Pub: It was changed. A four-plex can now be designed by the owner.

Com: Could a surveyor be considered a professional?

Public: Service companies should be involved in setting standards for trash collection areas. It is important to include the turning radius for trucks.

Planning: Can the companies provide suggested standards?

Public: They are different for every building.

Pg. 382-389, Table 21.07-5

Com: On page 385

ASSEMBLY – What is a principal room?

Plan: The largest room in the building.

Com: Why does parking relate to fixed seating versus movable seating.

Plan: It anticipates occupancy. They are different forms of figuring.

Pub: In group living you need to make sure the first handicap spaces are van accessible. As with adult care on 383.

Plan: There are standards for handicap spaces. They should be able to handle a van. The regulations for accessible parking start on page 409.

Pub: It's important that these standards are applied and enforced.

Com: What about charter schools with no auditorium? You may want to increase the parking or differentiate the category a bit.

Plan: There are some variations we may need to look at.

Com: You need to break up high school and middle school and divide them out.

No kids in middle school drive.

Planning agreed.

Com: Just a reference on page 386-- there are no taverns in Alaska.

Pub: What if a building changes uses? The parking then changes and you could end up with more people than allowed.

Plan: If the building use changes then it should have changed permit.

Com: Hopefully with new planning we will need less parking.

Pub: There's no parking requirement listed for Assembly? You suddenly reference the International Building Code.

Plan: That's the fire code. It synchronizes Title 21 and Title 23.

Com: In recreation vacation camp (p.388) the parking seems excessive.

Plan: We will look at it.

Pg. 391 Maximum Number of Spaces Permitted

Com: If you build in stages how do you deal with parking?

Plan: You would have to do parking in stages too. We are trying to make minimum and maximum parking standards.

Pub: What does the developer do when the maximum limits are too low? Does the area intended for parking in the future need to be landscaped?

Plan: Yes, you can't leave bare dirt.

Pg. 392, Exceptions

Pub: The thresholds at the top of the page are too small. About 10% too low.

Com: C.ii A,B,C – Should they be “and” statements or “or”?

Plan: They are “and” statements.

Pub: Just a note, this does nothing but make lots bigger.

Plan: We are trying to minimize the space for parking because too much paving impacts drainage.

Pg. 393 – Line 12-13, Shared parking, location

Com: Where do the distances come from? I don't understand the impact of 600' or another distance.

Pg. 393 – Line 32-45

Pub: Is requiring an agreement in perpetuity realistic? How about as long as you have the use?

Plan: Its current language, but we could change to “for the life of the use”.

Com: Do we really need traffic engineer and director? We want to be able to go to one person and let them do what needs to be done next.

Plan: It shouldn't be up to the developer. We need to coordinate this agreement with traffic. But in terms of the language here, it would be fine to eliminate one because the agreement is shared review in house.

Pg. 393 – Line 41

Pub: Is the recordation of the agreement needed before the issuance of CO?

Yes

Pg. 394—Line 24-39

Com: Could a recorded easement substitute for an agreement in perpetuity?

Plan: The agreement needs to be done for the public, in public. Private agreements are enforced privately. When there is a joint parking agreement it only takes a phone call to

change. That is why it is important to have a recorded agreement, enforceable by the city.

Pub: With a private agreement, after several owners, the only way to change anything is court.

Pg. 395 – Line 33-44, Sites in Mixed use Districts

Com: Are i, ii and iii cumulative?

Plan: Yes.

Com: Why is this reduction (iv) only in mixed use?

Plan: The idea was to compact use in mixed districts. There may be less auto use and better pedestrian facilities, so require less parking.

Com: Maybe the standards should no be so specific. What if transit is available 30 minutes in one direction, not each direction? Someone has to be able to deal with it. We could have a reduction in parking if the director determines there is sufficient transit service.

Pg. 396

Pub: We think the dimensions of the loading births (under off street loading requirements) is too small for freight delivery.

Plan: We are evaluating this

Pg. 398 – Line 16

Pub: Retail stores should be able to share one birth.

Plan: You can have a loading agreement as well as a parking agreement.

Pg. 399 –Line 8-12

Com: How does 7.01 equal 8?

Plan: The logic is, if you need 7.01 spaces and you only have 7 you will be out of compliance.

P. 399, Line 39-41

Pub: It says the exception is “noted below” where is that?

Plan: It is way below on page 401-409.

DDD November 9, 2005

There was a presentation of the Land Use Plan Map that is intended to serve as a 20 year plan for growth of the Anchorage Bowl.

DDD November 16, 2005

Pg. 400

Committee: How much are we reducing parking? What are the cumulative effects?

Planning: We are trying to have less parking spaces and more reasonable lot sizes.

Public: The square footage would be 20 – 25% more. The AGC paid \$15,000 to have a study done by DOW to determine the impact of this language. Parking lot sizes will increase about 15% because of the landscaping. We may do another study.

Committee: Is this the same compact car space as current code?

Planning: Traffic wanted compact car spaces, planning does not. The table reflects Traffic's plans.

Pg. 402 L1

Committee: The 70% doesn't seem right for an auto area zone or rural zones. Couldn't the lot's drainage, the traffic pattern and economics dictate this? Why not have a site plan for each property rather than have the regulations written out?

Planning: Maybe a site plan would kick in with the size of the building or lot. Traffic is already reviewing this for larger properties. We will probably propose 50% in mixed-use areas.

Public: Why not have 50% in all areas, because otherwise it would make too many properties non-compliant. Committee: Why 70% in industrial areas?

Pg. 402 L33

Public: I question the 30%. It should be the same as the table.

Pg. 403 L1

Committee: How many units is multi family?

Planning: Three or more

Committee: It seems like you have moved in this draft to a more incentive based program. Maybe there would be more flexibility given if you added car/van pool space.

Planning: We're not sure what other flexibility should be given. For example, we are not sure who has the authority to reduce fees.

Committee: How about reducing the 70% at this point. Why not have incentives for underground parking?

Public: That is way too expensive.

Committee: They are talking about parking under the building not underground parking.

Pg. 403 L 5

Public: Table 21.06.3 says there will be a minimum of 35%. We need continuity.

Pg. 403 L 7

Public: When you have parking under a building and parking in front of the building why require screening? You'll have a security problem.

Committee: Why require screening when you have landscaping. What do we gain besides the cost? Just a comment.

Pg. 403 L15

Committee: Is this current law?

Planning: No.

Committee: It is expensive to build parking. If we want to build these to get cars off the street then we shouldn't have a lot of other requirements. When you are adding housing and parking why do you shove retail requirements into it? I hope we would look into that before mandating it.

Pg. 403 L 26

Committee: Here is the word perpetuity again.

Planning: It will be changed to "for the life of the use".

Pg. 403 L36

Public: Does this require private parking enforcement?

Committee: It's incentive for car/van pool spaces. It's better to have incentives rather than punishments. If you put in two car/van pool spots, the incentive should be to reduce other spaces.

Pg. 404 L 26

Committee: How does this work with winter driving?

Planning: We are trying to encourage something other than striping, such as light poles to designate areas.

Public: What happens when circulation and pedestrian ways collide?

Public: Raised objects in the concrete can cause problems for handicapped. The slashes are a different tactile so the blind can feel the egress.

Committee: What do we gain with these requirements?

Public: Safer pedestrian areas.

Planning: We are trying to provide a specific place for pedestrians so they aren't just walking everywhere.

Pg. 405 L 21-23

Committee: Is this in all districts?

Planning: Yes.

Committee: Does this include residential?

Planning: Yes, for new developments.

Committee: Does adjacent mean contiguous? This shouldn't be required across the board. It's too costly.

Planning: Maybe a map would help here, to illustrate what is being asked.

Committee: Shouldn't this be at the discretion of the Director?

Pg. 405 L 33

Public: Can these drop-off areas be in the ROW?

Planning: We have no immediate response.

Public: Sometimes parking would work in these areas.

Pg. 406 L 10-14

Public: Class 1 or greater street – You can't back out into a collector street. You must nose out. This language creates a conflict.

Pg. 406 L32-36 Snow Storage

Committee: If you have a grassy area, can that be landscaping and snow storage?

Planning: Yes.

Committee: There is no snow disposal site in Eagle River and we only plow one sidewalk. This will create problems in service areas.

Pg. 406 L 36

Public: The 15 feet snow piles should be 25 feet here. It would allow you to store 65% more snow.

Pg. 407 L 1-15

Committee: Does this require paving a certain area to provide for snow storage?

Planning: If you wanted to pave and stripe you could, but you can also have grass to push the snow onto.

Committee: I wonder if five units are the right size to require this? The costs are prohibitive. Shouldn't we exempt developments with parking garages?

Pg. 407 L 21

Public: I would like to propose that any space needed for a trash dumpster and screening should be considered parking space.

Planning: We may want to exempt residential.

Committee: This is not acceptable for existing developments.

Pg. 407 L 32

Committee: There are many existing places that will need grandfathering, particularly for parking spaces in front of garages.

Planning: Traffic wanted to research this a little more. They see the problem and are figuring out how to change it. There will be more work on slopes.

Pg. 408

Committee: This table is too prescriptive.

Planning: We suspect that these are national numbers.

Pg. 409 L11-14

Committee: The raised medians will increase costs for snow removal.

Pg. 410 L 2 Dimensions

Committee: It would be helpful to have a drawing here.

Public: The 1st space has to be van accessible. Not sure if this is clear enough – I wrote a comment on this for planning.

21.07.100 Residential Building Standards (Public Review Draft #1)

Pg. 412 L 17-20

Committee: You will hear discussion from the assembly as to the purpose of this.

Public: The Homebuilders Association says that this will result in a 15% increase in cost.

Pg. 413 L18-21

Planning: We will delete “on the elevation of the dwelling facing the front lot line of the property”.

Committee: This language on garages creates much non-conformity. Why bother?

Planning: We have heard many complaints about this.

Pg. 413 L 33

Planning: We will change “ranch style” to single story.

Pg. 414 L 9-18

Committee: I like the choices and options available.

Pg. 414 L37

Public: Why do the driveways have to be paved when the street isn't?

Planning: We have noted that.

Pg. 415

Committee: You might want to think about a way to make things consistent for multifamily housing. Where are the break points meaningful? I compliment your menu of choices.

DDD December 2, 2005

Pg. 416 L 28-29

Committee: There seems to be two standards applied here, mixed use and residential.

Planning: Mixed use standards relate to placement on lot, the residential standards relate to the building itself.

Pg. 416 L 32

Committee: It is difficult to enforce encouragement.

Planning: It is also difficult to find language showing flexibility.

Pg. 416 L 38-40

These are new distances (now 6 – 10')

Pg. 417 L 9

Committee: Will this raise security concerns?

Planning: This came through consultation with Real Estate Task Force. It doesn't mean the landscaped area has to be heavily shrubbed.

Pg. 417 L 13-15

Public: This section increases the required size of parking lots.

Pg. 417 L 34-35

Planning: This step down is to create a visual transition between different zones and street.

Public: If on a corner this could cause step down on both sides.

Planning: We'll look at that.

Pg. 418 L 18-19

Public: Why is "CMU not allowed as primary"? Can be manufactured many ways.

Some smooth faced CMU can be colored, shaped as bricks, etc. This section needs to look at the alternatives, not create a blanket prohibition.

Pg. 418 L 29-30

Committee: Windows were at 10% but now increased to 12%. Why is that?

Planning: The intent was to provide more windows on the front and backs of buildings.

Public: Why not let the market decide this?

Planning: There are many buildings in Mt. View that have very few windows and there is more criminal activity there.

Public: I don't think that criminal activity concerns should be in the building codes.

Pg. 419 L 4

Committee: Why no more than one curb cut every 100 ft. here? What is the concern?

Planning: This is so the whole area doesn't get paved.

Committee: What about pedestrian walkways?

Planning: We are only trying to reduce driveways here. We will clarify.

Pg. 419 L 16-18

Public: Is the intent here to make all entryways roofed?

Planning: No. It's performance based.
Public: I'm not sure that it's conveyed well.

Pg. 419 L26

Committee: What about the dumpster prohibition in this section?

Planning: We plan to reduce this to tri plex from 6 plex.

Committee: We have dumpsters at some single family homes in our area. Could we do this by zone?

Planning: We might be able to do it that way.

Public: This doesn't reflect temporary bins for construction. Also some home based business may need dumpsters.

Committee: Temporary dumpsters are allowed elsewhere. We're in multi family section so this doesn't cover single family homes, correct?

Planning: It should be moved to apply to all residential areas. There may be some tweaking needed here. We allow dumpsters in 4-6 plexes but they have to be screened.

Pg. 419 L 33 Garages

Public: This is going to cause problems and use extra space if you have to have a driveway to the garages and also a turn around.

Planning: The concern is using a front yard set back area for parking. The wording does need help.

Pg. 420 L 6-7

Public: I have a problem with placement of garage doors being offset 2 ft. Why do we need it? It just adds expense.

Planning: The object is to break up the plane on the face of a building. What people don't like about multi family housing is how it looks. We are trying to upgrade for future development, to integrate with what is already there.

Committee: Making the costs of building higher will raise apartment rents. We'll need to use more land to do this and land costs will go up.

Planning: That is not the objective. We are trying to better utilize the land we have.

Pg. 420 L 13-15

Committee: By underground do you mean daylight parking which is more like 2/3 underground?

Planning: It could be that or fully underground. Underground parking is more desirable than above ground parking.

Committee: When you fully enclose garages you put costs through the roof.

Committee: I'm hoping that the approach will be different in rural areas or with different density areas.

21.07.110 Public/ Institutional and Commercial Building Standards (Public Review Draft #1)

Pg. 421 L 8

Committee: A pedestrian oriented façade is unclear. Does it require awnings? Can you see if that's what we mean by this?

Pg. 421 L 12

Public: 60% of ground floor facade is quite a bit.

Planning: The idea was for depth. If we want shade and snow cover then it has to be functional.

Public: Sketches would be helpful here.

Planning: Yes.

Committee: We already shovel the sidewalks.

Public: This may be a problem in the summer. It causes shade at a time when people appreciate sunlight. Awnings also accumulate and shed snow into the street or the edge of the sidewalk.

Pg. 421 L 17

Public: Do I have to put a roof over sidewalks?

Planning: This is so there won't be rain or snow falling on tenants in multi family.

We want to think about/solve problems before they happen.

Public: I believe this language is in the building code. It seems like it's being said twice.

Pg. 421 L 27

Committee: Is a wind study simple to do and are there firms that do that sort of thing?

Planning: There are firms to do these studies.

Public: A ten story building is a good place to do this.

Pg. 421 L 34-36

Committee: This makes more sense than the other step down requirement (on bottom of page 417).

Planning: If there's a street you wouldn't need to do this.

Pg. 422 L 38-39

Committee: Who determines "unnecessary substantial shade"?

Planning: You can avoid this by moving the building on the lot or stepping it down. There are ways to minimize shadows on buildings.

Committee: It depends on who has the tallest building. If you have a 4 story building and build a 2 story there's no problem but if you have a 10 story building and build a 15 story it creates shadows.

Public: If you have options they need to be viable, this one seems very limited.

Planning: It's a choice to choose this specific option. Higher buildings have more impact than smaller buildings. When building in mid town or downtown mixed use areas people already there don't want to lose access to views and sunshine.

Public: I think planning has gone into the area of architecture.

Planning: We have great architects but some buildings could have been built better. If you're building a large building, the intent is to be aware of the impact to the surrounding area. It may be that for certain projects we do like other cities and have an architect on retainer for consulting on design.

Committee: People in this town seem to value their view more than shade or sun.

Planning: We haven't done any analysis for which views are better than others.

Committee: I would hope that the architectural people would weigh in on this. If there are better or more realistic options, we should consider them.

Planning: Local architects have already helped on this section.

Pg. 423 L8-12

Public: Why does it have to be as pretty on the back side of building as the front?

Planning: There are options to choose in this section that will determine what's done.

Pg. 423 General comments

Public: The options should be useful.

Committee: They are for certain buildings. Maybe it would be helpful to determine another option to add in this section, since we have heard of problems with 2 out of 7 listed options.

Public: Contextual design would be a way to add another option (possibly in the section on façade appearance).

Planning: Will you come up with the language for that? Public: Yes.

Planning: That's why it would be nice to have a designer on retainer. It would be helpful at least at first while we implement these ideas.

Pg. 423 L 27

Public: What about the façade appearance?

Planning: We forgot to add after facade appearance (one option required).

Pg. 424 L21-22

Public: This section is unclear.

Planning: We are looking at rewording here. We have heard this comment before.

Pg. 425 L 21

Committee: I don't understand what microclimate wind mitigation is.

Public: At five stories you would probably need wind analysis study.

Planning: We know we need to change some wording in this area.

21.07.120 Large Commercial Establishments (Public Review Draft #1)

Pg. 426 L 11

Committee: My memory was that earlier we had talked about 30,000 sq. feet being a better defining space for large commercial. I believe we looked at examples of the different sizes of buildings when we talked about this in the last draft.

Planning: Possibly, but this is already an increase over the current 20,000 feet.

Pg. 426 L 34

Public: Why is T 111 excluded? There are a lot of varieties including cedar, stainable, etc. that are really nice. It certainly looks better than board and batten.

Committee: Originally we were talking about apartments going up with cheap T 111.

Planning: This is the large commercial section. The last draft complaints centered around this prohibition in multifamily residential.

Committee: Are you taking into consideration these other types of T 111?

Planning: No, we'll look at it.

Pg. 426 L 35-36

Public: There are many schools and commercial buildings using concrete blocks because it is economical and limits graffiti. You've banned products that are used a lot and can be really nice. This material is more attractive than concrete tilts which are still permitted.

Planning: Point taken. We will look at this. We are trying to say that these products should be used with other materials on a façade.

Pg. 427 L 4 Permanent Outdoor Display

Committee: Is this new?

Planning: Yes.

Do the enclosed garden centers at Lowe's and Home Depot fit in here? What is the definition of outdoor? What is the impact on current business? Would a lumberyard fit in here?

Planning: We'll have to look at this. We are recommending breaking up the B3 district, which should also impact this. We don't want big retail stores in some districts.

Pg. 427 L 22-26

Public: Does this prohibit downtown merchants from having T-shirt racks on the sidewalks?

Planning: No, that's in the ROW.

Committee: Does this prohibit AIH from having equipment chained up in front of their store?

Planning: Wording may need change. The idea is not to totally block required walkway.

Committee: This should be clarified.

Planning: Yes.

Pg. 428 L 3-4

Committee: Does a small business have to have two entrances if it's on a corner lot?

Public: Look at lines 29-32.

Planning: It's an option.

Committee: It's an option for a principal structure or large business, but required for a secondary or smaller structure?

Planning: The question for the community is what kind of streetscape do we want for the city.

Committee: I heard a lot from the community last year on this topic. I anticipate lots of discussion here.

Public: Economics have to come into play here. This will be hard on small business.

Planning: Maybe it needs to be accompanied by exemptions.

Pg. 429 L 27

Public: Large buildings need a flat roof. The PAC wouldn't have problems if it had a flat roof.

Planning: We don't disagree with you.

Committee: If there is a new roof form option, please let us know. Public input would be appreciated.

DDD December 7, 2005

(No notes available on muni.org website.) Irk

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