

ASSEMBLY TITLE 21 COMMITTEE

Summary of Discussion on Meeting August 19, 2005

Public Review Draft #1 Discussion Chapter 3 and Chapter 4

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.

21.03. 210 Use Classification Requests

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.

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

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

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

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 up-front 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.

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

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

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

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

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

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 15-122 – 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.

Next meeting scheduled for **August 26th** from 9:00-11:00 a.m. in Assembly Conference Room.

Respectfully Submitted by:

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Reviewed and approved by:

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