

ASSEMBLY TITLE 21 COMMITTEE
Summary of Discussion on Meeting September 9, 2005
Public Review Draft #1 Discussion Chapter 5

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

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

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.

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 I* 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.

Public wants to extend comment period since draft came out 30 days late, and to be fair, owed 30 days back. Planning says it will be a 75 day instead of 90 day review period. Need to do another resolution if extended. Mixed comments from Assembly – one comment that it's a process and opposed to extension.

Being next meeting page 219 and continue on health care facilities

Next meeting September 16, 2005, 1 p.m. to 3 p.m. at Planning.
Meeting September 23, 2005, 10 a.m. to 12 noon, ACR.

Respectfully Submitted by:

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Reviewed and approved by:

Debbie Ossiander
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