

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 7-21-09

Submitted by: ASSEMBLY MEMBER OSSIANDER
ASSEMBLY MEMBER BILL STARR
Reviewed by: Assembly Counsel
For reading: June 23, 2009

ANCHORAGE, ALASKA
AO NO. 2009-26(S)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO AMEND ANCHORAGE MUNICIPAL CODE AND THE ZONING MAP OF THE MUNICIPALITY OF ANCHORAGE BY ENACTING A NEW CHAPTER 21.66, ESTABLISHING THE DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: Anchorage Municipal Code Title 21, Land Use Planning, is hereby amended to add a new chapter, Chapter 21.66, Downtown Eagle River Overlay District.

Chapter 21.66
Downtown Eagle River Overlay District

- 21.66.005 Title of chapter.**
- 21.66.010 Scope, goals and boundary description.**
- 21.66.015 Overlay R-O residential-office district.**
- 21.66.020 Overlay B-3 general business district.**
- 21.66.025 Repairs and maintenance.**
- 21.66.030 Design modifications.**
- 21.66.035 Permitted uses: Alternative equivalent compliance.**
- 21.66.040 Residential design standards.**
- 21.66.045 Commercial design standards.**

21.66.005 Title of chapter.

This chapter may be cited and referred to as the Downtown Eagle River Overlay District.

21.66.010 Scope, goals and boundary description.

A. *Scope:* The underlying area encompassed by the Downtown Eagle River Overlay District is within either the R-O residential-office district or the B-3 general business district. This chapter superimposes a unique set of supplemental land use restrictions, and implements certain site and architectural design requirements, in support of the community goals established for the Downtown Eagle River Overlay District. Developments within the area designated by this chapter as the Downtown Eagle River Overlay District are required to conform to the requirements of the

underlying district and the modifications imposed by the overlay district requirements, as set out in this chapter.

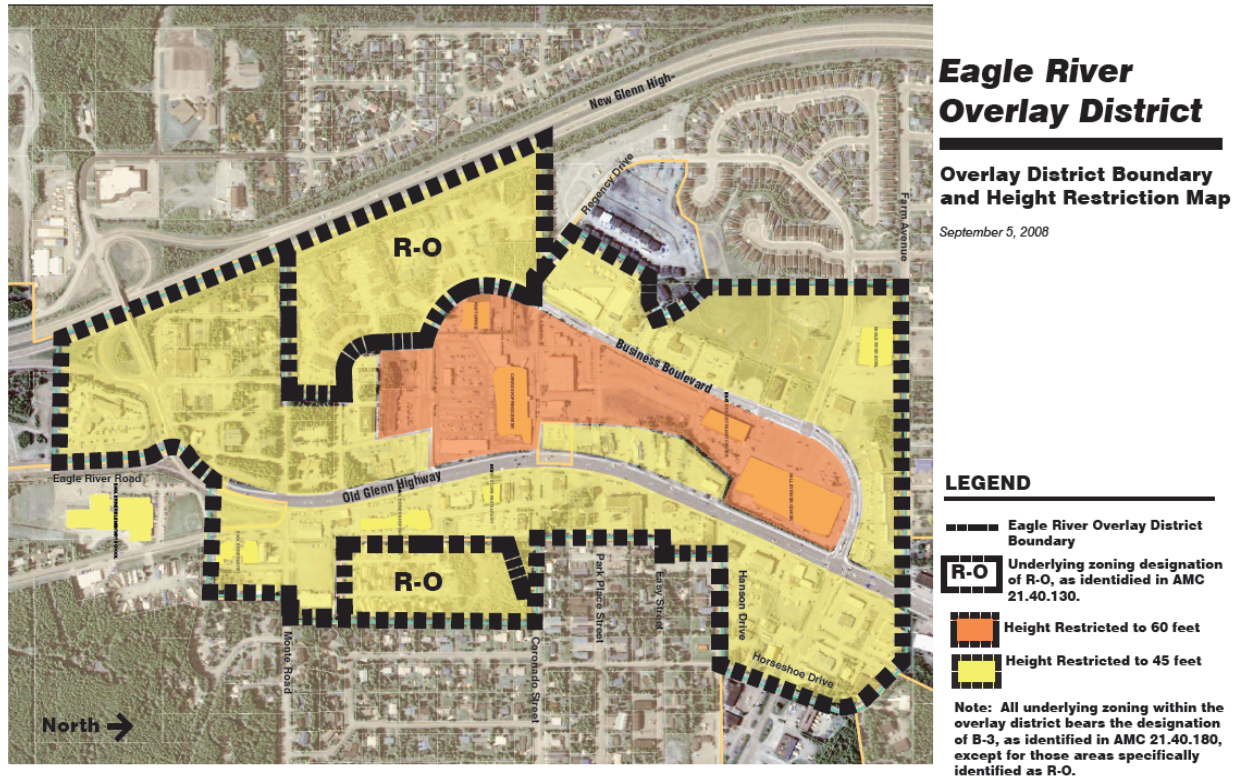
B. *Community goals for the Downtown Eagle River Overlay District:*

1. Create a cohesive town center.
2. Foster a sense of place as a unique, vibrant business district and community center.
3. Maintain a small-town character consistent with community values expressed through community meetings.
4. Promote incremental improvements in a manner that encourages business development and investment without creating additional costs or undue hardship to existing uses and businesses.
5. Promote residential and commercial development that is distinctive, compatible with the town center of Eagle River, and provides a transition between single family residential neighborhoods and the commercial core of the town center.
6. Provide variety and visual interest in the exterior design of residential buildings.
7. Promote a more pedestrian oriented town center.
8. Promote commercial and public buildings that reflect a human scale of limited height.
9. Promote a commercial design vocabulary compatible with our Alaskan setting that can serve as a unifying theme.
10. Establish alternative local business resources to the Anchorage business community and encourage the development of a local economic base.

C. *Boundary description of district:* The Eagle River Overlay District shall encompass the area described within the following bounds, as identified on the Downtown Eagle River Overlay District Boundary Map 21.66-A:

From a point of beginning at the northwest corner of Tract S-1-B of Timber Ridge Units Subdivision, as found on Grid NW0251, proceeding east on the south side of Farm Avenue, crossing the Old Glenn Highway and continuing east along the north property line of lot 1-B, Block 12, Walter G Pippel Subdivision, Addition 2, to the northeast corner of lot 1-B, then proceeding southwest along the eastern boundaries of lots 1-B and 1-A to the intersection with North Eagle River Loop Road, then crossing North Eagle

1 River Loop Road to the northeast corner of lot 7C1 of Block 11, then
2 proceeding southwest along the eastern boundaries of lots 7C1 and 7B2 to
3 the intersection with Hanson Drive, then crossing Hanson Drive to the
4 northeast corner of lot 10 of Block 7, [BOUNDARY OF LOT 1-B, BLOCK 12
5 TO THE INTERSECTION WITH THE NORTH SIDE OF HORSESHOE
6 DRIVE, THEN FOLLOWING HORSESHOE DRIVE ALONG THE
7 FRONTAGE OF LOTS 2, 3, 4, 5, 12, 11, AND 10 OF BLOCK 12, TO THE
8 INTERSECTION WITH THE EAGLE RIVER LOOP ROAD RIGHT-OF-WAY,
9 THEN CROSSING EAGLE RIVER LOOP ROAD TO THE NORTHEAST
10 CORNER OF LOT 4 OF BLOCK 11, THEN SOUTHWEST ALONG THE
11 EASTERN BOUNDARY OF LOTS 4 AND 17 OF BLOCK 11 TO THE
12 INTERSECTION WITH HANSON DRIVE, THEN CROSSING HANSON
13 DRIVE TO THE NORTHEAST CORNER OF LOT 7 OF BLOCK 7], then west
14 along the south side of Hanson Drive to the intersection with the northeast
15 corner of Tract A of the Martin Business Park, then south along the eastern
16 boundary of Tract A to the intersection with Easy Street, then crossing Easy
17 Street to the northwest corner of Lot 12 of Block 5 and then south along the
18 western boundary of lots 12 and 1 of Block 5, crossing Park Place Street and
19 proceeding south along the western boundaries of 1 and 12 of Block 6 to the
20 intersection with Coronado Road, then proceeding east on the south side of
21 Coronado Road to the northwest corner of Lot 5 of the Sunny Slopes
22 Subdivision, then south along the western boundaries of lots 5, 6, 15, 16, 25,
23 26, 35, 36, 47, 48, 49, and 65 to the intersection with Monte Road, then
24 crossing Monte Road to the south side, then proceeding west on Monte
25 Road to the northwest corner of lot 17 of Ashley Park Subdivision, then
26 proceeding south along the western boundaries of lots 17, 16, 15, 14, 13,
27 and 12 to the intersection with Lynne Drive, then west on Lynne Drive to the
28 Old Glenn Highway, then proceeding south on the west side of Eagle River
29 Elementary School and continuing south along the east side of Eagle River
30 Road to the southwest corner of the Eagle River Elementary School property,
31 then proceeding west across Eagle River Road to the eastern edge of the
32 New Glenn Highway Right-of-Way, then north northwest along the eastern
33 edge of the New Glenn Highway to the intersection with the southwest corner
34 of Tract B-5 of Eagle Glenn South Subdivision, then east to the intersection
35 with Regency Road, then north across Regency Road and continuing
36 northwest along the west side of Regency Road to the northwest corner of
37 Tract B-9, then following the northern boundary of Tract B-9 to the
38 intersection with the southwest corner of tract A-1, then continuing north and
39 west along the boundary of Tract A-1 to the intersection with Regency Drive,
40 then crossing Regency Drive to the north and proceeding north along the
41 western boundary of Tract S-1-B to the point of beginning at the northwest
42 corner of Tract S-1-B.
43



Downtown Eagle River Overlay District Boundary Map 21.66-A CLERK'S NOTE: SEE AMENDED MAP APPROVED 7-21-09 (NEXT PAGE)

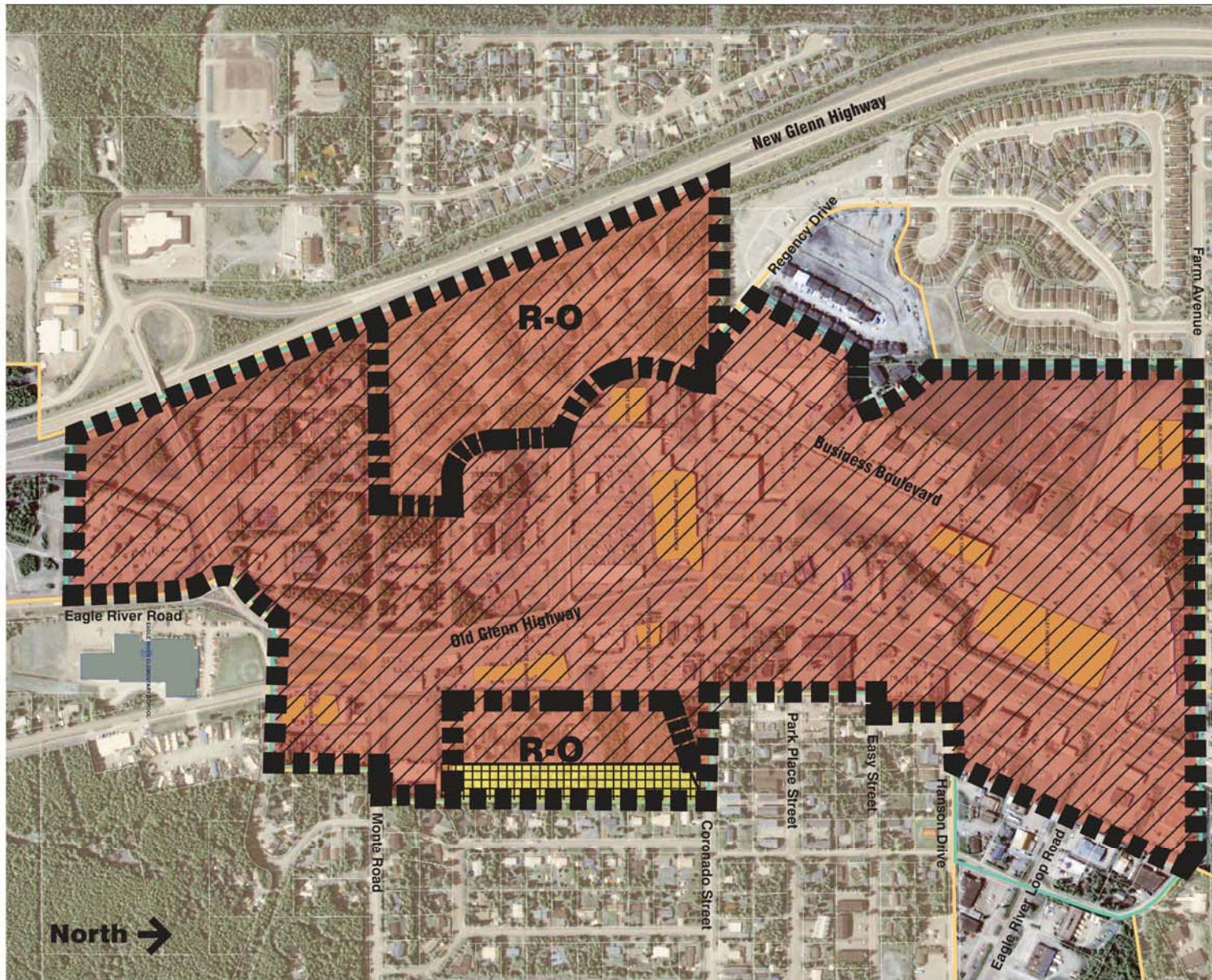
21.66.115 Overlay R-O residential-office district.

The following statement of intent and use regulations shall apply in the Downtown Eagle River Overlay R-O district:

A. *Purpose and Intent.* The Downtown Eagle River Overlay R-O district is intended to include urban and suburban residential and professional office uses that are needed and appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods. The Downtown Eagle River Overlay R-O district is further intended to provide a mix of low to medium density residential uses with certain specified business, personal and professional services [THAT CAN FUNCTION EFFICIENTLY WITHOUT GENERATING LARGE VOLUMES OF VEHICULAR TRAFFIC]. The regulations and restrictions in the Downtown Eagle River Overlay R-O district are intended to protect, preserve and enhance the residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical procedures.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Single-family, two-family and multiple-family dwellings.



Eagle River Overlay District

Overlay District Boundary and Height Restriction Map

Map 21.66-A

LEGEND

----- Eagle River Overlay District Boundary

R-O Underlying zoning designation of R-O, as identified in AMC 21.40.130.

 Height Restricted to 4 Stories within 55 feet

 Height Restricted to 3 Stories within 40 feet

Note: All underlying zoning within the overlay district bears the designation of B-3, as identified in AMC 21.40.180, except for those areas specifically identified as R-O.

Where building height restriction is identified by stories, basements are excluded

2. Hotels, motels and motor lodges on sites with a minimum area of 14,000 square feet, provided that principal access to such uses shall be from streets of class I or greater designation on the official streets and highways plan. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.

3. Boardinghouses and lodginghouses.

4. Private clubs and lodges. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed by conditional use only.

5. Parks, playgrounds and playfields, and municipal buildings in keeping with the character of the district.

6. Museums, historic and cultural exhibits, libraries and the like.

7. Child care centers and child care homes.

8. Public, private and parochial academic schools.

9. Hospitals and nursing facilities.

10. Residential care facilities, any size.

11. Transitional living.

12. Offices of physicians, surgeons, dentists, osteopaths, chiropractors and other practitioners of the healing sciences.

13. Accounting, auditing and bookkeeping services.

14. Engineering, surveying and architectural services.

15. Attorneys and legal services.

16. Real estate services and appraisers.

17. Stock and bond brokerage services.

18. Insurance services.

19. Photographic services.

20. Funeral services; provided, however, that crematoriums are specifically prohibited.

21. Banks, savings and loan associations, credit unions and similar financial institutions.

22. Private employment agencies, placement services and temporary personnel services.

23. Headquarters or administrative offices for such charitable or eleemosynary organizations as the Red Cross, Tuberculosis Society, Cancer Society, Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of a noncommercial nature.

24. Veterinary clinics, provided that all facilities used for animal care at the clinic are completely enclosed within the building [SUCH ACTIVITIES SHALL BE CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING].

25. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

26. With a permitted non-residential use or residential use of 6 dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

27. Barbershops and beauty shops.

28. Computer aided learning center.

29. Offices and centers for family self sufficiency service.

30. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Accessory uses incidental to any of the principal uses listed in subsection B of this section.

2. For hotels, motels or motor lodges having 20 or more rental units, personal and professional service establishments and restaurants which are clearly incidental to the operation of the permitted principal use.

3. Bed and breakfast with three or less guestrooms.

4. Bed and breakfast with four or five guestrooms only by administrative site plan review.

5. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures of 6 dwelling units or less as specified in the supplementary district regulations.

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

1. Townhouses, row houses and office buildings built to a common wall at side lot lines.

2. Utilities substations.

3. Off-street parking spaces or structures.

4. Planned unit developments.

5. Privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval.

6. Habilitative care facilities.

7. Two or more drive-up bank stations.

8. Type 1, 2 and 3 local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.

9. Snow disposal sites.

10. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the

maximum average of 70 feet in height without the requirement for a conditional use.

11. Storage of equipment used to provide essential services to property within the Downtown Eagle River Overlay District, to include snow plowing, snow removal, parking lot clearing and property maintenance equipment is limited to four pieces. All equipment storage areas shall be screened in accordance with the design standards in AMC section 21.66.045D[XXX].

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Storage for use of mobile homes or Quonset-style huts.
2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.
3. Vehicle sales and rentals which include outdoor display of motor vehicles.
4. Self-storage facility, which includes outdoor storage of fully operable vehicles.
5. Mobile home or manufactured house display lot.
6. Natural resource extraction.
7. Camper park.
8. The outdoor storage or display of any scrap, junk, salvaged or secondhand materials, or any salvage yard or salvage operation.
9. Truck and heavy equipment repair, service and storage.
10. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:
TABLE INSET:

Use	Lot Area (square feet)	Lot Width (feet)
1. Single-family dwelling	6,000	50
2. Two-family dwelling	6,000	50
3. Three- through ten-family dwelling	6,000	50
4. Apartment buildings for 11 or more families may only be constructed on sites having a minimum area of 14,000 square feet and minimum frontage of 100 feet on a class I or greater street.		
5. Lot requirements for all other permitted uses are as follows:		
a. Lot area: 6,000 square feet.		
b. Lot width: 50 feet.		

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Front yard: Ten feet, except as provided in the supplementary district regulations.
2. Side yard:
 - a. Single-family, two-family and multiple-family dwellings: Five feet; provided that where buildings exceed 35 feet in height, minimum side yards shall be increased one foot for each five feet in height exceeding 35 feet.
 - b. All other permitted uses: 15 feet adjacent to a residential district; otherwise none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least 10 feet. [NONE; PROVIDED THAT, IF ANY SIDE YARD IS PROVIDED, IT SHALL NOT BE LESS THAN FIVE FEET, THE PURPOSE BEING THAT ADJOINING BUILDINGS SHALL EITHER DIRECTLY ABUT OR SHALL MAINTAIN A MINIMUM OF FIVE FEET BETWEEN SUCH BUILDINGS.]
3. Rear yard: Ten feet.

4. Multiple-family dwellings shall provide a usable yard area (open space area as identified in section 21.66.040B.4.) of 100 square feet per dwelling unit.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is as follows:

1. Single-family, two-family and multiple-family dwellings: 50 percent.
2. All other permitted uses: Unrestricted.

I. Building height [MAXIMUM HEIGHT OF STRUCTURES. MAXIMUM HEIGHT OF STRUCTURES IS FORTY-FIVE (45) FEET AS MEASURED IN ACCORDANCE WITH FIGURES 1 AND 2.

1. Allowable height. The maximum allowable height within the Eagle River Overlay District is four stories within 66 feet of measured height. Allowable height is reduced to three stories within 40 feet of measured height where the overlay district abuts existing single-family residential development. The boundaries for the three story height restriction are identified on the Eagle River Overlay District Map. [EXISTING GRADE: THE ELEVATION OF BASE POINTS FOR DETERMINING THE BUILDING ELEVATION SHALL BE BASED ON EXISTING GRADE, PRIOR TO CONSTRUCTION FOR UNDISTURBED SITES. ON PREVIOUSLY DISTURBED SITES, THE BASE GRADES ESTABLISHED BY PREVIOUS CONSTRUCTION SHALL SERVE AS THE ELEVATION BASIS FOR NEW CONSTRUCTION.]

2. Rules for measuring height. [HEIGHT EXCEPTIONS: THE HEIGHT LIMITATIONS CONTAINED HEREIN DO NOT APPLY TO SPIRES AND SIMILAR RELIGIOUS APPURTENANCES, BELFRIES, CUPOLAS, FLAGPOLES, CHIMNEYS, ANTENNAS, ROOFTOP MECHANICAL EQUIPMENT, STAIRWELL TOWERS, ELEVATOR PENTHOUSES, PARAPETS, FIREWALLS, OPEN OR TRANSPARENT RAILINGS, SOLAR REFLECTORS, PHOTOVOLTAIC PANELS, SKYLIGHTS, MISCELLANEOUS STRUCTURES ASSOCIATED WITH ROOFTOP GARDENS AND OTHER SIMILAR APPURTENANCES; PROVIDED THEY MEET THE FOLLOWING CRITERIA:]

- a. Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in Figure 21.66-1, following this section. [NO AREA OR APPURTENANCE EXCEEDING THE ALLOWABLE HEIGHT RESTRICTION MAY BE USED AS OCCUPIED SPACE OR FOR STORAGE.]
- b. Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the

structure. [APPURTENANCES MAY NOT COVER MORE THAN ONE-THIRD THE ROOF-TOP AREA.]

- c. Where maximum height is measured in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height. [CHIMNEYS AND STAIRWELLS MAY EXCEED THE HEIGHT LIMITATION BY 15 FEET.
- d. ELEVATOR PENTHOUSES MAY EXCEED THE HEIGHT LIMITATION BY 20 FEET.
- e. PARAPETS WALLS AND SKYLIGHTS MAY EXCEED THE HEIGHT LIMITATION BY 4 FEET.]

3. Grade plane. The grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet from the building, between the building and a point six feet from the building.

4. Establishment of grade. The grade plane shall be calculated using the more restrictive of either the existing grade or the finished grade.

a. Existing grade. In no case shall the existing grade be altered by grading, such as an artificial embankment or where the ground has been built up to increase the grade around the building, to obtain a higher structure than is otherwise permitted in the district.

b. Adjustments to establishment of grade. In a case where existing grade or finished grade is, in the judgment of the director, inappropriate or unworkable for the purpose of measuring height, the director shall establish grade in such a way as to be consistent with this section. The proposed grade being requested by the applicant shall not, in the judgment of the director, be detrimental to the general health, safety, and welfare; result in the loss of any public views and shall be reasonable and comparable with the grades of surrounding properties and streets; consistent with the character of the surrounding neighborhood; and necessary for the preservation and enjoyment of substantial property rights of the applicant.

1

Average height
of highest roof
deck surface



Flat

Parapet walls
may exceed
height limita-
tion by a
maximum of
4-feet

Midpoint
for slopes
greater than 4
vertical to 12
horizontal. For
lesser slopes,
top of roof



Shed

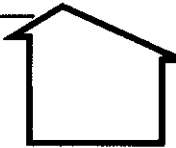
Midpoint
for slopes
greater than 4
vertical to 12
horizontal. For
lesser slopes,
top of roof



Gable or Hip

Dormer does
not constitute
a roof plane for
computing
building height

Midpoint
of highest
plane



Asymmetrical Gable

Deck line



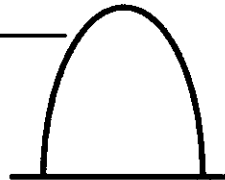
Mansard-Style Skirt

Midpoint
of highest
plane



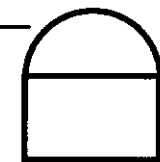
Gambrel or Mansard

10 feet below
highest point



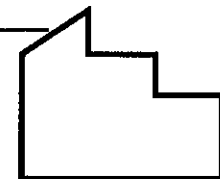
Curved

10 feet below
highest point



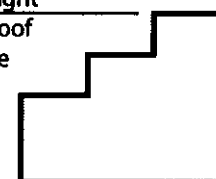
Curved

Midpoint
of highest
plane



Stepped or Terraced

Average height
of highest roof
deck surface



Stepped or Terraced

Figure 21.66-1[2]. Building Height Measurement

2
3

J. *Signs.* Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. *Parking.* Adequate off-street parking shall be provided in connection with any permitted use as specified in Section 21.45.080.

L. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.

21.66.020 Overlay B-3 general business district.

The following statement of intent and use regulations shall apply in the Downtown Eagle River Overlay B-3 district:

A. *Intent.* The Downtown Eagle River Overlay B-3 district is intended for general commercial uses in areas exposed to heavy automobile traffic. The district specifically is intended for areas at or surrounding major arterial intersections where personal and administrative services, convenience stores and retail shops [AND SHOPPING GOODS], and automobile-related services are desirable and appropriate land uses. The extension of the Downtown Eagle River Overlay B-3 district commercial uses along arterials, except as identified in the comprehensive development plan, is to be discouraged.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Business, business services, professional services and personal services, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, except conditional uses under subsection D of this section and uses prohibited under subsection E of this section.

a. Large retail establishment, subject to public hearing site plan review.

b. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.

2. Offices.

3. Veterinary clinics, provided that all facilities used for animal care at the clinic are completely enclosed within the building.

4. Other uses:

- a. Multifamily residential uses, at a density of not less than 12 dwelling units per acre.
- b. Dwellings in commercial structures with a gross floor area not less than 5,000 square feet.
- c. Private clubs and lodges.
- d. Parks, playgrounds and playfields, and government buildings and uses.
- e. Vocational or trade schools.
- f. Child care centers and child care homes.
- g. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
- h. Roominghouses.
- i. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
- j. Public, private and parochial academic schools.
- k. Business colleges and universities.
- l. Adult care facilities.
- m. Hospitals and nursing facilities.
- n. Transitional living facilities.
- o. Large residential care facilities.

5[4]. Computer aided learning center.

6[5]. Offices and centers for family self sufficiency service.

7[6]. Unlicensed nightclub, provided such nightclub conforms to the requirements of Section 21.45.245.

8[7]. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
2. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

1. Utility substations.
2. Heliports.
3. Marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon.
4. Planned unit developments.
5. Drive-in theaters.
6. Habilitative care facilities.
7. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
8. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.

9. Snow disposal sites.

10. Correctional community residential centers, not to exceed 30 residents.

11. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

12. Storage of equipment used to provide essential services to property within the Downtown Eagle River Overlay District, to include snow plowing, snow removal, parking lot clearing and property maintenance equipment, is limited to four pieces. All equipment storage areas shall be screened in accordance with the design standards in AMC section 21.66.045D[XXX].

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. The outdoor storage or display of any scrap, junk, salvaged or secondhand materials, or any salvage yard or salvage operation.

2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

3. Storage or use of mobile homes.

4. Truck and heavy equipment repair, service and storage.

5. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.

6. Vehicle sales and rentals which include outdoor display of motor vehicles.

7. Self-storage facility, which includes outdoor storage of [FULLY OPERABLE] vehicles.

8. Mobile home or manufactured house display lot.

9. Natural resource extraction.

10. Camper park.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:

1. Residential uses: As provided in Section 21.40.060.F.

2. All other uses, including residential uses associated with other uses:

a. Width: 50 feet.

b. Area: 6,000 square feet.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Residential uses: As provided in Section 21.40.060.G.

2. All other uses:

a. Front yard: Ten feet.

b. Side yard: 15[TEN] feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least ten feet.

c. Rear yard: 15 feet adjacent to a residential district; otherwise, none.

H. *Maximum lot coverage.* Maximum lot coverage is as follows:

1. Residential: As provided in Section 21.40.060.H.

2. All other uses: Unrestricted.

I. *Maximum height of structures.* Maximum height of structures shall be as identified on the Downtown Eagle River Overlay District Height Restriction Map 21.66-B.

J. *Signs.* Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. *Parking.* Adequate off-street parking shall be provided in connection with any permitted use, subject to the provisions of the supplementary district regulations.

1 L. *Loading facilities.* Where applicable, off-street loading facilities shall be
2 provided in accordance with the provisions of the supplementary district regulations.

3
4 M. *Refuse collection.* Where applicable, refuse collection facilities shall be
5 provided in accordance with the supplementary district regulations.

6
7 N. *Landscaping.*

8
9 1. Buffer landscaping. Buffer landscaping shall be planted along each lot
10 line adjoining a residential district.

11
12 2. Perimeter landscaping. Except adjacent to collector or arterial streets,
13 visual enhancement landscaping shall be planted along the perimeter of all
14 outdoor areas used for vehicle circulation, parking, storage or display.

15
16 3. Arterial landscaping. Arterial landscaping shall be planted along all
17 collector or arterial streets.

18
19 4. Visual enhancement landscaping. All areas not devoted to buildings,
20 structures, drives, walks, off-street parking facilities or other authorized
21 installations shall be planted with visual enhancement landscaping.

22
23 5. Maintenance. All landscaping shall be maintained by the property
24 owner or his designee.

25
26 **21.66.025 Repairs and maintenance.**

27
28 A. On any non-conforming structure or portion of a structure containing a non-
29 conforming use, work may be done within any three year period that does not
30 exceed fifty percent of the value of the existing structure, as determined by the
31 Municipality of Anchorage. Improvements that include repositioning the building or
32 reconfiguring the site are not allowed under this standard, unless the change brings
33 the site closer to or into conformity with the standards of this chapter. Nothing in
34 this chapter shall be deemed to prevent the strengthening or restoring to a safe
35 condition of any building or part thereof declared to be unsafe by any official
36 charged with protecting the public safety, upon order of such official.

37
38 B. The standards herein do not apply to remodels that do not change the
39 exterior appearance of the building.

40
41 1. Improvements that include interior and exterior work shall be valued
42 as the sum of all of the work.

43
44 C. Preexisting antennas and preexisting towers

45
46 1. Preexisting tower structures shall be allowed to continue their usage
47 as they presently exist. Routine maintenance (including replacement with a
48 new tower structure of like construction and height) shall be permitted on

such preexisting towers. New construction other than routine maintenance on a preexisting tower structure shall comply with the requirements of this ordinance.

2. Notwithstanding abandoned community interest and local interest towers and/or antennas, bona fide nonconforming tower structures or antennas that are damaged or destroyed may be rebuilt without having to meet the separation requirements. The type, height, and location of the tower structure on-site shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the community interest or local interest tower or antenna shall be deemed abandoned.

21.66.030 Design Modifications

A. Design modifications shall not undermine the intent of the design standards and guidelines.

B. The planning director shall have the authority to:

1. Require changes in project design to meet these standards,
2. Allow deviation from certain standards of this chapter, pursuant to "Alternative Equivalent Compliance" and if necessary to allow for the reasonable development of the site, and
3. Modify the design standards and guidelines as they apply to individual properties, pursuant to "Alternative Equivalent Compliance" and if necessary to allow for the reasonable development of the site.

21.66.035 Permitted Uses: Alternative Equivalent Compliance

A. This alternative process is to promote creative design approaches resulting in development equal or superior to development that fully meets all requirements.

B. A proposal to modify development standards or requirements shall not undermine the intent of the core design standards.

C. This alternative process differs from the variance procedure because approval is based upon meeting or exceeding the intent of the standard by an alternate method, instead of allowing non-compliance based on unusual circumstances.

D. Pre-Application: An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference before submitting the site plan for the development. Based on the director's preliminary response, an applicant shall include in the site plan application explanation and justification, written and

graphic, sufficient to support the alternative equivalent compliance requested by the applicant.

E. An applicant may propose to deviate from the design standards [AND GUIDELINES] if the proposal satisfies the evaluation criteria of this section.

1. Aspects of property development which can be modified including:
 - a. The core design standards,
 - b. [GUIDELINES, AND
 - C.] Building set-backs.
2. No other standards can be modified including the following:
 - a. Building Height,
 - b. Uses permitted by the zone in which the property is located, and
 - c. Regulations for non-conforming uses,

F. The planning director shall have the authority to approve or disapprove designs that seek alternative compliance.

1. The planning director shall not approve a request for modification unless it provides architectural and urban design elements equivalent or superior to what would likely result from compliance with the core design standards and guidelines.
2. The planning director shall consider the following criteria in evaluating proposals:
 - a. The unique characteristics of the subject property, its surroundings and how they will be protected or enhanced by modifying the design standards.
 - b. The positive characteristics of the proposed development and whether such characteristics could be provided by compliance with the design standards proposed to be modified.
 - c. The arrangement of buildings and open spaces as they relate to other buildings and/or uses on the subject property and on surrounding properties.
 - d. Visual impact to surrounding properties caused by parking facilities in the proposed development and whether such

impacts are less than would result from compliance with the design standards to be modified.

- e. Whether the proposed design mitigates the impacts that could be caused by the proposed modification of the standards.

G. Formal Appeal of the Planning Director's Decision: An applicant may appeal the planning director's decision to the planning and zoning commission. An applicant shall file an appeal within thirty days of the planning director's decision.

21.66.040 Residential design standards.

A. Pedestrian Access.

1. Intent:

- a. Orient development to the pedestrian by making pedestrian access convenient, safe, and inviting.
- b. Encourage walking and bicycling within the core of Eagle River.
- c. Enhance the character of development within the Downtown Eagle River Overlay District.
- d. Minimize impact of development on residential privacy.

2. Requirements: An on-site pedestrian circulation system meeting the following standards shall be provided for all multi-family developments:

- a. Pathways between dwelling units and the street are required to meet the material standards in subsection A.4.[XXX.4.] Pathways between the street and dwelling units fronting on the street shall be a direct route. The planning director may allow exceptions where steep slopes prevent a direct connection, or where an indirect route would enhance the design or use of a common open space.
- b. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-family developments, pedestrian connections to other areas of the site such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities are required.
- c. Elevated external walkways and external stairways which provide primary pedestrian access to dwelling units located above the bottom occupied [GROUND] floor are prohibited.

See Figure 21.66-3. The planning director may allow external stairways and walkways located within or facing interior courtyard areas if they do not compromise visual access from the units into the courtyard.

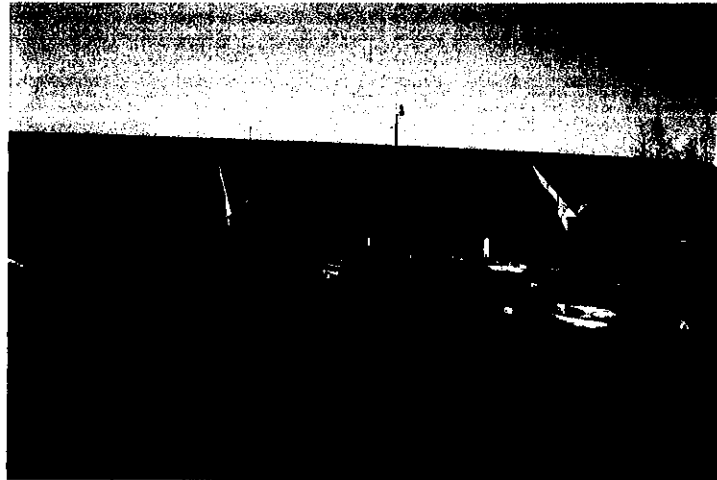


Figure 21.66-3. Elevated external walkways and external access stairways are prohibited.

- d. Appropriate screening or buffering shall provide a physical separation between pedestrians, vehicle access areas, and the windows of residential units. Acceptable treatments include landscaped beds that separate the pathway from a building façade by a minimum distance of six feet where the façade has windows; placement of windows to maximize privacy without obstructing surveillance capability from within the dwelling unit; raising the ground floor units above the level of the walkway; and equivalent treatments which limit pedestrian view into dwelling unit windows.
3. Pedestrian circulation standards for multiple detached dwellings on one development site: Clear pedestrian access shall be provided between all dwelling units and the street to meet the material standards pathways included in this section.
 4. Material Standards for Pathways:
 - a. The pedestrian circulation system shall be hard-surfaced and at least five feet wide (clear width).
 - b. The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking or loading areas. At least two of the following design features

shall be used to accomplish this:

- i. Raised curbs,
 - ii. Elevation changes,
 - iii. Bollards,
 - iv. Landscaping,
 - v. Decorative Fencing
 - vi. Use of paving material other than asphaltic concrete, and
 - vii. Other methods, as approved by the Planning Director.
- c. Striping does not meet the separation requirement for pedestrian circulation. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that will allow snow removal. Bollard spacing shall be no farther apart than 10 feet on center.
 - d. No portion of the building [ROOF] may shed snow or meltwater onto the pedestrian circulation system.

B. Open Space

1. Intent:

- a. Provide accessible, safe, convenient, and usable on-site open space for the enjoyment of residents of the development;
- b. Create open space that enhances the residential setting; and
- c. Maintain some (not unlimited) views for adjacent residential neighborhoods.

2. Open space requirements for detached single family uses: Detached single family uses shall provide at least three hundred square feet of private yard space adjacent to each unit. Areas with any dimension less than 15 feet in width shall not be counted in this total.

3. Open space requirements for attached single family units (townhouses or site condominiums) and duplexes: Attached single family uses and duplexes shall meet the on-site open space requirements for multi-family buildings, except that private patios and private landscaped areas directly

adjacent and accessible to the single family unit may be used to meet one hundred percent of the on-site open space requirements.

4. Open space required for multi-family buildings: Multifamily buildings shall provide one hundred square feet of on-site open space per dwelling unit. Areas with any dimension less than 15 feet in width shall not be counted in this total. Acceptable types of open space include common open space, and private open space in combination with common open space as described in these standards. Except for spaces meeting the dimensional and design requirements of these standards, setbacks and parking areas shall not count towards meeting open space requirements.

5. Common open space: Where accessible to all residents, common open space may count for up to one hundred percent of the required open space. This includes landscaped courtyards or public decks, [FRONT PORCHES,] gardens with pathways, children's play areas, or other multi-purpose recreation and green spaces meeting these standards:

- a. Common open space shall be large enough to provide functional leisure or recreational activity. Except for porches and balconies, no dimension shall be less than fifteen feet in width. Alternative configurations may be considered by the planning director where the applicant can successfully demonstrate that the common open space meets the intent of these standards.
- b. Common open space shall include pedestrian amenities, with at least two of the following:
 - i. Paths,
 - ii. Lighting,
 - iii. Seating.
- c. The requirement for pedestrian amenities is fully met by the installation of play equipment in common open space, without installation of other amenities.
- d. Common open space shall be separated from ground floor windows, streets, service areas and parking lots with landscaping, low-level fencing, or other treatments to enhance safety and privacy as may be approved by the planning director.
- e. [FRONT PORCHES QUALIFY AS COMMON OPEN SPACE PROVIDED THE PORCH IS AT LEAST 35 SQUARE FEET IN AREA AND NO DIMENSION IS LESS THAN 6 FEET.

F: DECKS, PATIOS, COVERED PRIVATE BALCONIES, AND COVERED PORCHES SMALLER IN DIMENSION THAN REQUIRED FOR A QUALIFYING FRONT PORCH MAY BE USED TO MEET UP TO FIFTY PERCENT OF THE OPEN SPACE REQUIREMENT IF SUCH SPACES SHALL HAVE NO DIMENSION LESS THAN FOUR FEET.]

C. Design Standards for Single and Two-Family Residential Structures

1. Intent:

- a. Reduce the dominance of garages and blank facades in residential design on Eagle River streetscapes.



Figure 21.66-4 Example of garage and blank facade design that should not dominate residential design on Eagle River streetscapes.

- b. Encourage the incorporation of pedestrian scale design details into building facades.
- c. Promote architectural variety that adds visual interest to Eagle River core neighborhoods.

2. Requirements:

- a. Housing mix by model: Any development of five or more units shall have a mix of housing models.
- | | | |
|------|---------------------------|---------------------|
| i. | 5-10 Units | 2 Models |
| ii. | 11- <u>20</u> [30] Units | <u>4</u> [3] Models |
| iii. | <u>21-30 Units</u> | <u>5 Models</u> |
| iv. | <u>More than 30 Units</u> | <u>6</u> [4] Models |

- b. Variation for adjacent lots: The development shall be arranged to avoid placing identical housing types, including mirror-image floor plans, on adjacent lots. Each housing model shall have at least two of the following variations:
 - i. Noticeably different exterior elevations and massing [FLOOR PLANS].
 - ii. Noticeably different placement of the building footprint on the lot. A four-foot setback differential between the two longest planes of adjacent homes on the side of the homes facing the street will be acceptable.
 - iii. Noticeably different garage placement.
 - iv. Noticeably different rooflines.
- b. Garages: Garage doors facing the street shall comprise no more than 65% of the total length of the dwelling façade and, except for single story residences, garage doors shall not comprise more than 30% of the overall square footage of the dwelling façade facing the street. Garage doors that face the street and comprise more than 50% of the width of the dwelling façade shall be articulated forward or back from other portions of the front façade by at least 4 feet.
- c. Windows: Transparent windows or doors facing the street are required. Buildings shall have a minimum of 15% of the façade facing the street composed of transparent windows.
- d. Detail to enhance the primary façade: All residential buildings shall be enhanced with at least three of the following details on the primary façade:
 - i. For double garages, provide two individual garage doors rather than a single double-wide door.
 - ii. Prominent front entrance distinguished by a separate roof, double doors, focal stairs or deck, fenestration, decorative porch design, or other means as approved by the planning director.
 - iii. Decorative roof line to include multiple dormers, hip roofs, and multiple rooflets.
 - iv. Decorative use of building material, textural variation, and color to include shingles, tile, stone, wood siding, or

other materials as approved by the planning director.

- v. Decorative molding and framing details to include exposed decorative trusses, special moldings for attic and roof peak vents, balconies, and decorative or unique moldings for windows and doors.
- vi. Use of trellises, decorative retaining walls, or other elements as approved by the planning director that help to integrate the building to the site.
- vii. Other elements that meet the intent of the standards, as approved by the planning director.



Figure 21.66-5. Details that enhance the primary facade

B. Design standards for zero-lot-line, townhouse residential development, and multi-family development

- 1. Building articulation and architectural variety:
 - a. No more than six (6) townhouse units may be attached in a single row or cluster.
 - b. The building[, WHICH IS THE AGGREGATION OF UP TO 6 TOWNHOUSE UNITS,] shall be given architectural and visual interest through at least three of the following methods:
 - i. Repeating distinctive window patterns at intervals less than 30[25] feet on center.

- ii. Vertical Building Modulation: Building modulation is a repeated pattern of changes in plane or articulation along the length of a building façade (See Figure 21.66-6). [THE MINIMUM DEPTH AND WIDTH OF MODULATION IS 18 INCHES FOR DEPTH AND 4 FEET FOR WIDTH]If the vertical modulation is coordinated with a change in color, texture, or roofline, the minimum depth and width of modulation is 18 inches for depth and four feet for width, and the minimum distance between articulated elements is four feet (See Figure 21.66-7). If there is no change in color, texture, or roofline, the minimum depth is four[4] feet, [AND] the minimum width is 10 feet, and the minimum distance between articulated elements is 10 feet (See Figure 21.66-8). In both circumstances, t[he] maximum distance between modulations is 30 feet. Balconies may be counted as modulation if they are either recessed or extended from the main façade in accordance with the dimensions identified above.

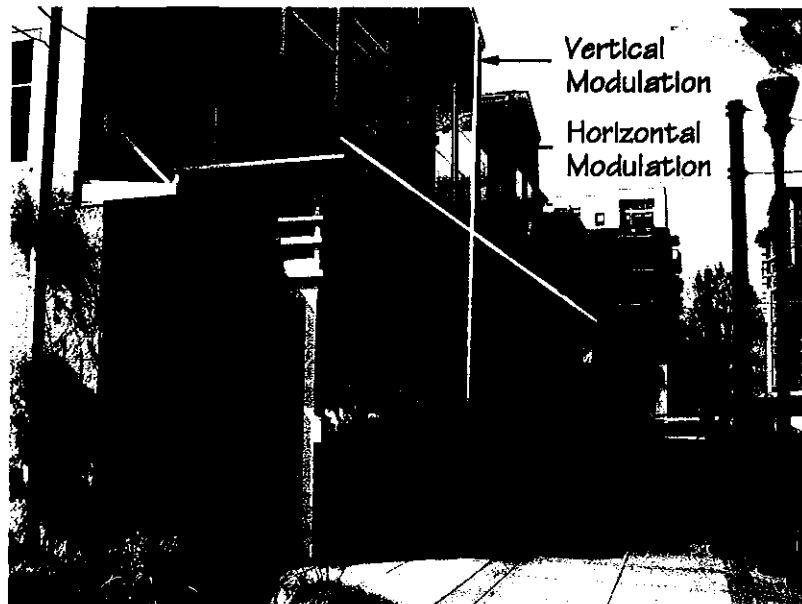
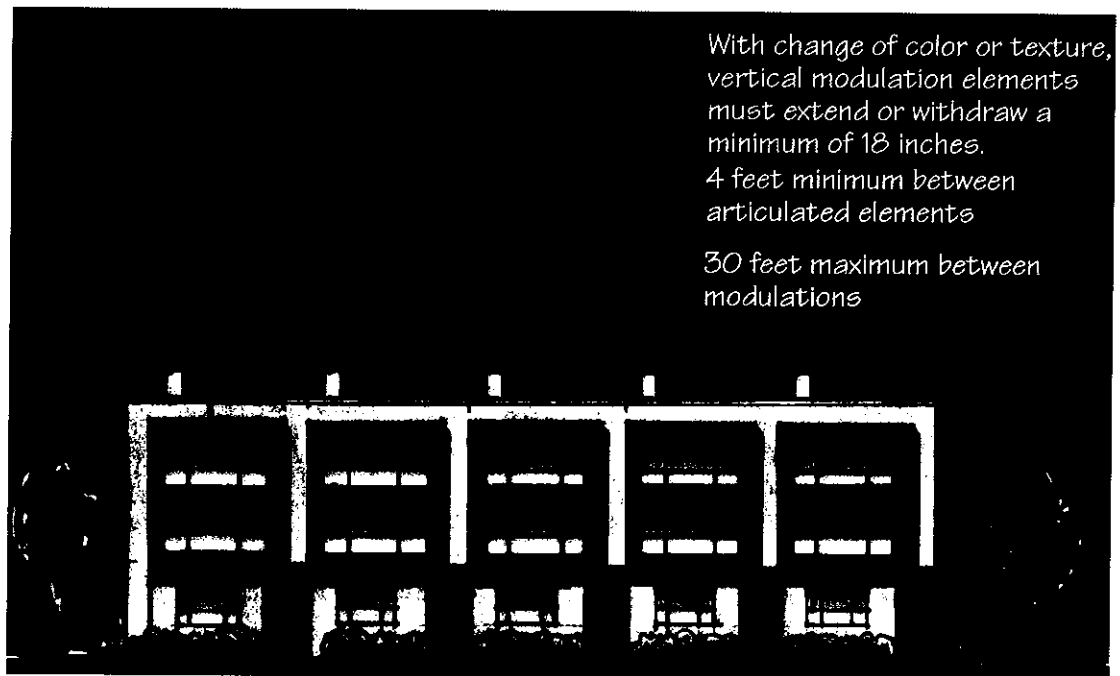


Figure 21.66-6. Horizontal and Vertical Modulation

- iii. Articulation of the building's top, middle, and bottom: This calls for a ground floor that is distinctive from the middle floors of the building and a top floor that is distinguished by changes in roofline, materials, texture, or fenestration (window placement).
- iv. Horizontal Modulation: (either a step-back or extension of the building along a horizontal line), minimum

horizontal modulation is 4 feet.

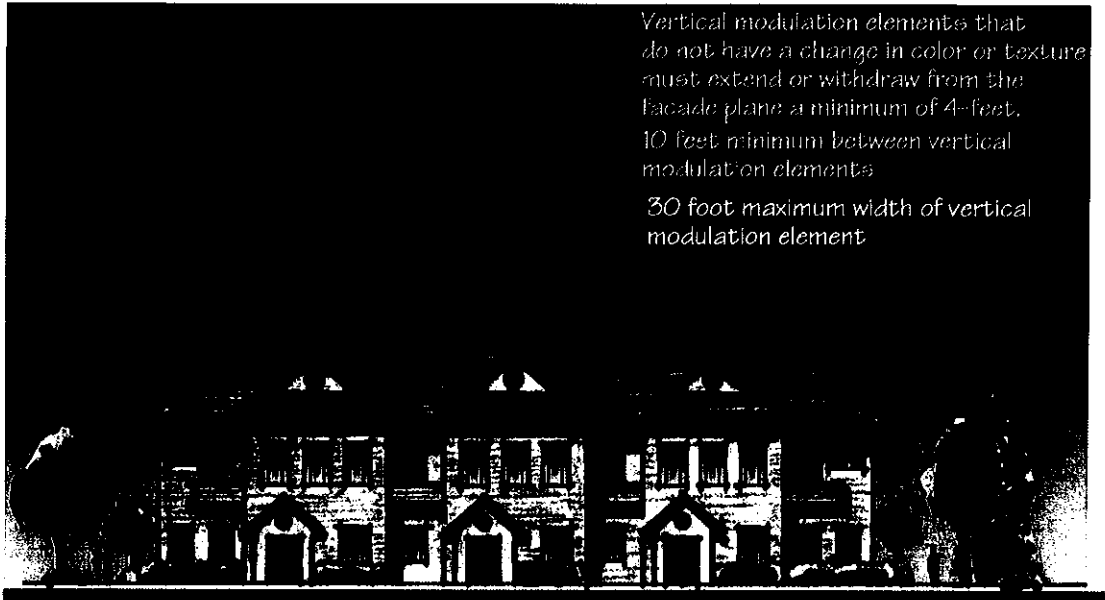
- v. Change in building material or siding style (may be coordinated with vertical or horizontal modulation). Use of different materials, such as wood siding, shingles, metal siding, Stucco or EFIS (Exterior Finish and Insulation System), stone, tile, or other materials or texture as approved by the planning director.
- vi. Use of sloped roofs or change in roofline. To qualify, sloped roofs shall have a minimum slope of 4:12 (vertical to horizontal). The use of gables, hips and other changes in the slope are encouraged. (See *Figure 21.66-9*). For buildings with flat roofs, or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10th of the wall height. The change in roofline shall occur at a frequency of no greater than 30 feet as measured horizontally on the front façade. (See *Figure 21.66-10*).
- vii. Other methods, as approved by the planning director that reduce the scale of multi-family buildings or add visual interest.



Building Modulation with Change of Color or Texture

Figure 21.66-7. Modulation Requirements for Residences with Changes in Color and Texture.

1

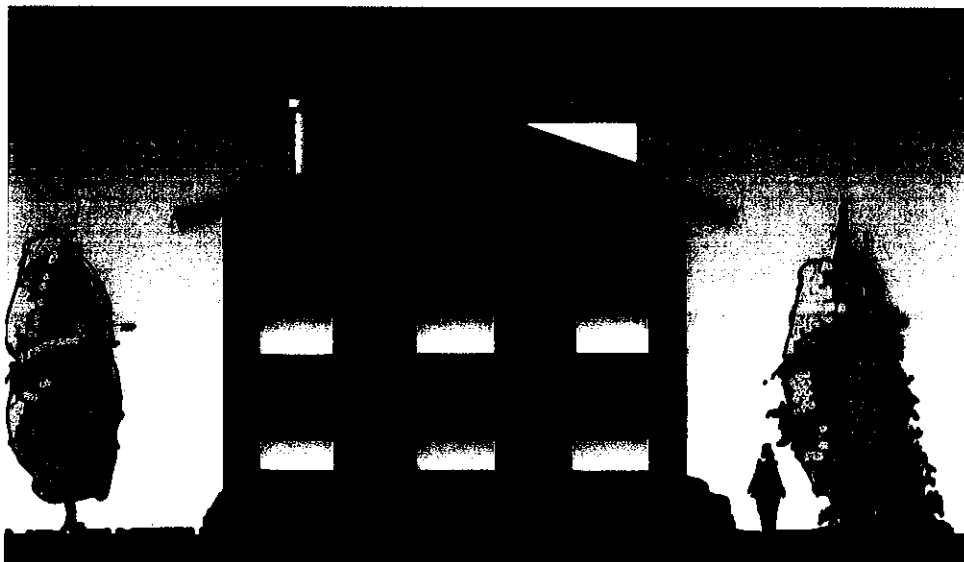


Vertical modulation elements that do not have a change in color or texture must extend or withdraw from the facade plane a minimum of 4-feet.
10 feet minimum between vertical modulation elements
30 foot maximum width of vertical modulation element

Building Modulation for Buildings Without Changes in Color or Texture

2
3
4

Figure 21.66-8. Modulation Requirements for Residences without Changes in Color and Texture.

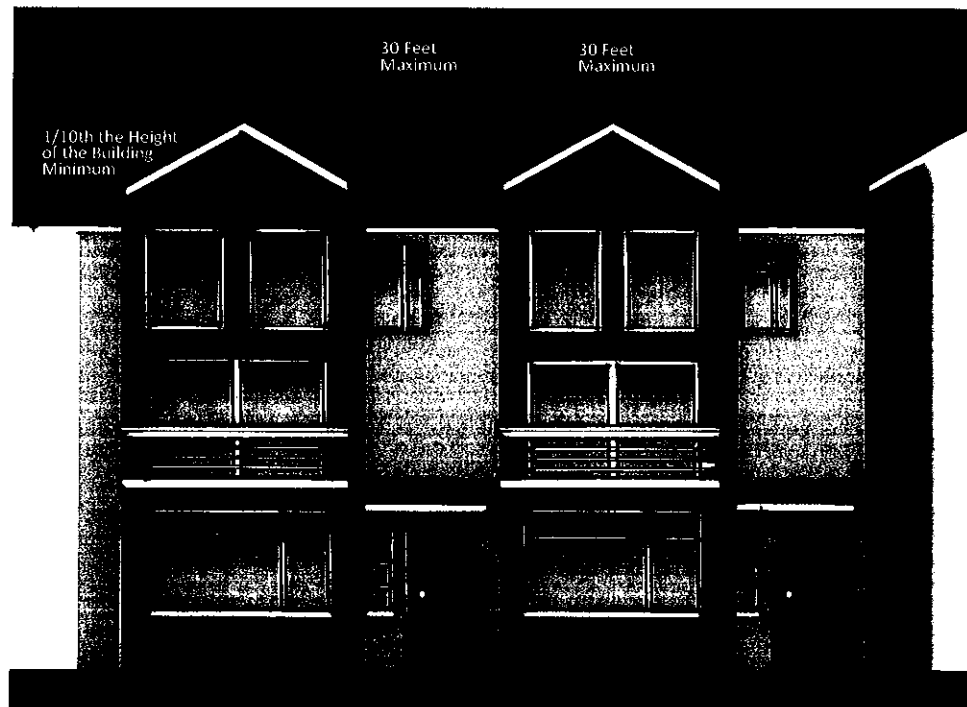


USE OF SLOPED ROOFS

To Qualify, use of sloped roofs must have a minimum slope of 4:12 (vertical to Horizontal). the use of gables, hips and other changes in the slope are encouraged.

5
6
7
8

Figure 21.66-9. Use of Sloped Roofs



FLAT ROOFS OR COMBINATION OF FLAT & SLOPED ROOFS

For buildings with flat roofs or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10th of the wall height. This change in roofline shall occur at a frequency of no greater than 30 feet, as measured horizontally on the front facade.

Figure 21.66-10. Changes in Roofline for Flat Roofs

21.66.045 COMMERCIAL DESIGN STANDARDS

The following commercial design standards implement recommendations of the Eagle River Central Business District Revitalization Plan, approved in 2003.

A. Intent:

1. Ensure that commercial buildings add to the liveliness of streets and the overall community character by making buildings, pedestrian spaces and landscaping more prominent than parking lots and free-standing signs.
2. Encourage walking and bicycling within the core of Eagle River by making pedestrian access convenient, safe and inviting.

B. Building orientation, pedestrian, and open space requirements:

1. Distance from the Street: All new commercial buildings within the Eagle River Overlay District that front on the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be set back not more than 20 feet

from the street right-of-way.

2. An on-site pedestrian circulation system meeting the following standards shall be provided for all new commercial development:

- a. Pathways between individual commercial developments and the street shall meet the material standards for pathways in this section where buildings are not directly adjacent to the public sidewalk. Such pathways shall form a direct connection between the street and buildings fronting on the street. Exceptions may be allowed by the planning director where conditions merit other consideration.
- b. The pedestrian circulation system shall connect all main building entrances on the site. For commercial buildings with multiple entrances to individual retail stores, the community sidewalk may be used to meet this standard.
- c. Elevated external walkways and external stairways which provide pedestrian access to commercial units located above the ground floor are prohibited. The planning director may allow exceptions for external stairways or walkways located in or facing interior courtyard areas.

3. Material standards for pathways:

- a. The pedestrian circulation system shall be hard-surfaced and at least six feet wide (clear width).
- b. The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking or loading areas through the use of at least two of the following design features:
 - i. Raised Curbs;
 - ii. Elevation Changes;
 - iii. Bollards;
 - iv. Landscaping;
 - v. Paving materials other than asphaltic concrete.
- c. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that allows snow removal.

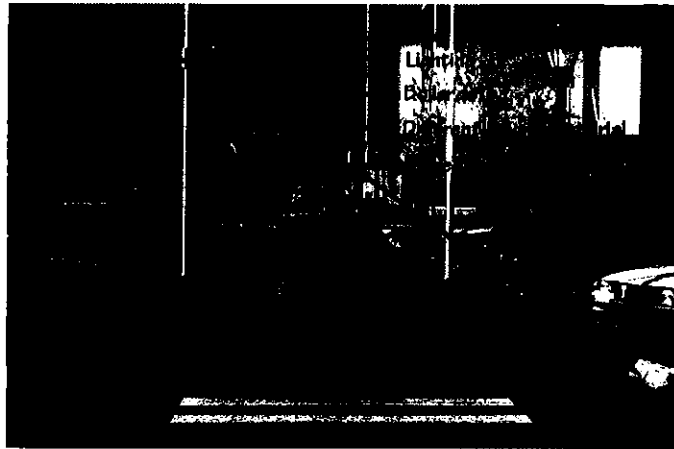
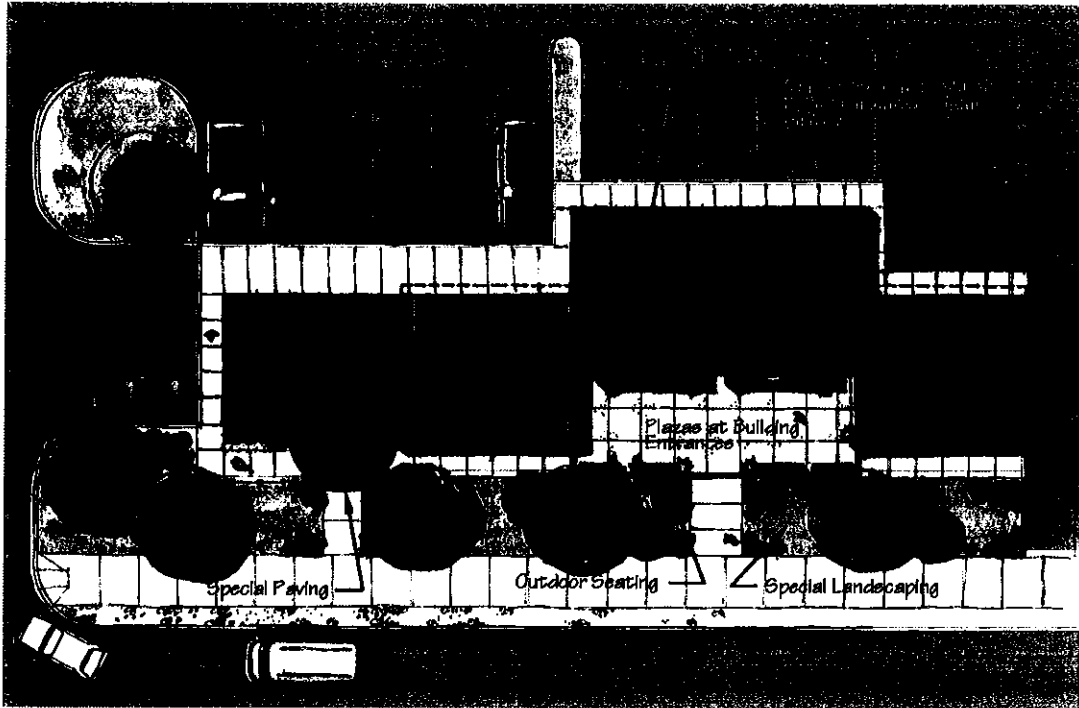


Figure 21.66-11. Design Features To Clearly Delineate Pedestrian Walks From Adjacent Parking Areas

- d. Pedestrian connections shall be illuminated with pedestrian scale lighting[,], no higher than[,], 14 feet, meeting the requirements of the Municipality of Anchorage Design Criteria Manual; and
 - e. No portion of the building [ROOF] may shed snow or meltwater onto the pedestrian circulation system.
4. Plazas and other open space improvements (*See Figure 21.66-12*):
- a. New or renovated buildings shall have plazas, courtyards, or other pedestrian spaces at or near the building main entrance. At a minimum, these spaces shall be sized at a ratio of 1 square foot of plaza or other open space per 100 square feet of interior building area.
 - b. Plazas or other open spaces shall include at least three of the following:
 - i. Permanent special interest landscaping [LANDSCAPE] that exceeds the requirements of AMC 21.45.125 by at least 10%;
 - ii. Special paving, to include colored/stamped concrete, brick, stone, or other unit pavers;
 - iii. Public art with a valuation of at least one-half of 1% of the total construction cost;
 - iv. A coordinated set of site furnishings used throughout the site to include benches, trash receptacles, bike racks

and may include tables. Site furnishings shall be commercial grade and fabricated of durable and weather resistant materials;

- v. Other elements that meet the intent of the standards, as approved by the planning director.



Commercial Development, Plan View

Figure 21.66-12. Plaza Improvements

C. Building design standards.

1. Intent:

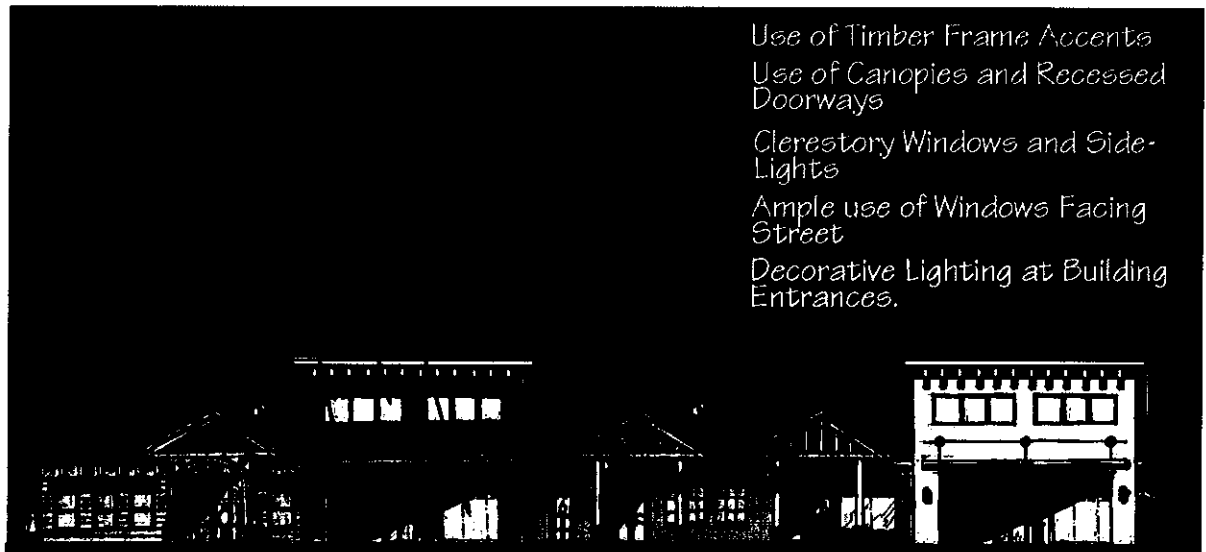
- a. Ensure that commercial buildings add to the liveliness of streets and the overall community character.
- b. Create a design vocabulary that helps to establish continuity within the Eagle River core area.

2. Building Entrances: The principal building entry shall be prominently visible from the street and marked by at least one element from each of the following groups:

a. Group A, Articulation:

- i. Recess of at least three feet;

- ii. Overhang extending at least 5 feet;
- iii. Canopy extending at least 5 feet;
- iv. Portico extending at least 5 feet;
- v. Porch protruding at least 3 feet;
- vi. Other elements that meet the intent of the standards, as approved by the planning director.



Commercial Development Front Elevation

Figure 21.66-13. Commercial Building Articulation, Entrance and Material Treatments.

- b. Group B, Fenestration & Lighting:
 - i. Clerestory Window;
 - ii. Sidelights (clear glass windows flanking the entry);
 - iii. Ornamental light fixtures flanking the entry that are unique to the entry;
 - iv. Double entry doors;
 - v. Other elements that meet the intent of the standards, as approved by the planning director.
- c. Group C, Materials:

- i. Exposed timber or log columns and trusses for overhangs, canopies, and porticos with stained wooden soffits
- ii. Special paving at entry (see 21.66.065A. *Plazas and Other Open Spaces*)
- iii. Other elements that meet the intent of the standards, as approved by the planning director

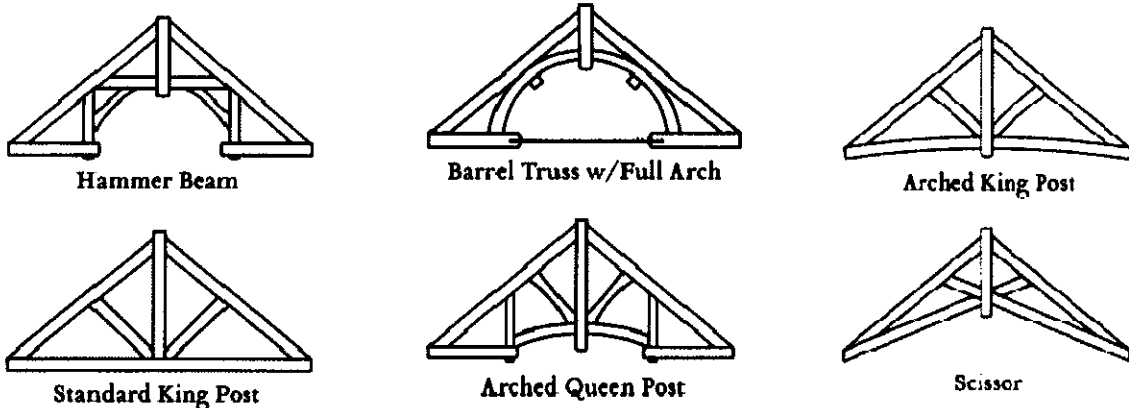


Figure 21.66-14. Examples of Exposed Timber Trusses



Figure 21.66-15. Wood Porticos and Canopies are Desired Features

3. Ground floor transparency requirements:
 - a. A minimum of 60% of any ground floor façade (the portion of the façade between 2 and 12 feet above grade) facing the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be comprised of windows with clear glass allowing views into the interior of the building. Display windows may be used to meet half of this requirement.
 - b. A minimum of 15% of any ground floor façade parallel to any street other than those named in paragraph a, above, shall be clear glass allowing views into the interior of the building.

4. Building massing and articulation requirements:

- a. Buildings shall include horizontal and vertical articulation along the facades parallel to public streets.
- b. Horizontal facades higher than a single story and longer than 100 feet shall be modulated above the ground floor into smaller units at intervals of no more than 30 feet. Modulation shall be accomplished through at least two of the following methods:
 - i. Changes in roof form;
 - ii. Changes in depth of at least two feet for a width of at least 8 feet;
 - iii. Changes in materials or texture.

D. Screening standards.

1. Intent: To screen utilitarian elements, such as mechanical equipment, refuse collection receptacles (dumpsters), and service areas from public view
2. Items that require screening:
 - a. Roof top mechanical equipment;
 - b. Outdoor storage areas used in connection with trade, service or manufacturing activities that do not constitute retail display;
 - c. Snow removal and maintenance equipment storage;
 - d. Storage of recreational vehicles for longer than 48 hours;
 - e. Refuse collection receptacles (dumpsters).
 - f. Chillers and other mechanical equipment at grade.

3. Screening requirements:

- a. Roof-top mechanical equipment: Roof top mechanical equipment shall be placed in such a way that it is not visible from public streets. It may be screened by parapet walls for flat roofed buildings, or it may be enclosed in an attic for buildings constructed with sloped roofs. The placement of chillers or other mechanical equipment on grade shall have sight-obscuring screening, 6 feet in height.

- b. Storage items requiring screening under subsections 21.66.045 D.2.b – d above require screens that are 8 feet in height and shall be opaque for 6 of the 8 feet (*See figure 21.66-16*).
- i. Screens may be constructed of masonry, wood, metal, or may use the same building material used for the exterior of an adjoining building.
 - ii. Screens that are more than 25 feet in length shall be articulated. Articulation may be accomplished by clearly delineating between posts and panels with a change in depth of 1 inch or greater or a change in materials.
 - iii. The use of chain-link fencing and unfinished plain concrete masonry units is prohibited.
- IV. Where space allows, use of landscaping is encouraged.

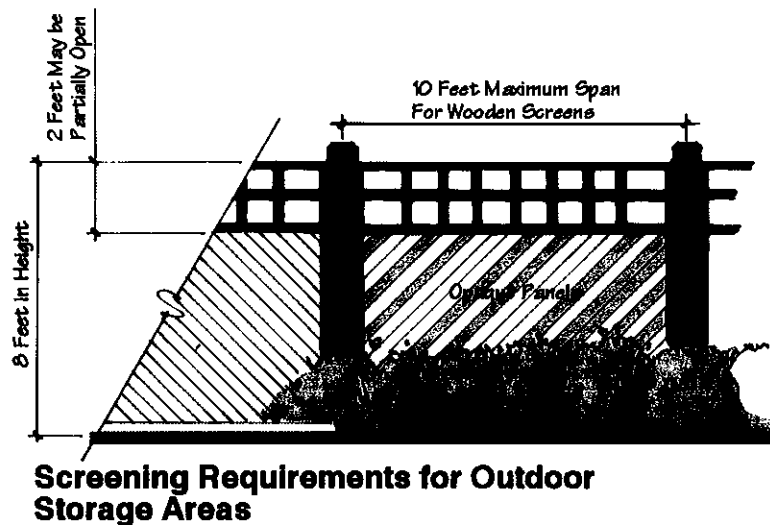


Figure 22.66-16. Example of Acceptable Required Screening for Storage Areas.

- c. Refuse Collection Receptacles (Dumpsters): Each refuse collection receptacle shall be screened from view on three sides by a durable sight-obscuring enclosure consisting of a solid fence or masonry wall six feet in height. Coordinating the materials used in the screen with the materials and colors of the associated building is encouraged. The use of Chain-link fencing and unfinished plain concrete masonry units is prohibited.

Section 2: The Director of the Department of Community Planning and Development shall change the zoning map when this ordinance becomes effective.

Section 3: This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 21st day of July, 2009.

Debbie Osslander
Chair

ATTEST:

Roberta S. Jonstad
Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 380-2009

Meeting Date: June 23, 2009

From: ACTING MAYOR

Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO AMEND ANCHORAGE MUNICIPAL CODE AND THE ZONING MAP OF THE MUNICIPALITY OF ANCHORAGE BY ENACTING A NEW CHAPTER 21.66, ESTABLISHING THE DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.

The Planning and Zoning Commission held a public hearing on the Downtown Eagle River Overlay District ordinance on June 1, 2009 (PZC Case No. 2009-050). The amendments shown in the S Version are endorsed by the Chugiak-Eagle River Chamber of Commerce and the Planning Department, and are approved by the Planning and Zoning Commission.

As a whole, the amendments achieve the following:

- Change the height limitations, based on comments from the Chugiak-Eagle River community;
- Offer clarifying language in cases where the meaning of the original phrasing was not clear;
- Create more consistency with the Title 21 Rewrite; and
- Correct typos and cross-references.

The S Version of the ordinance is attached to this Assembly Memorandum. Also attached is the Planning and Zoning Commission Resolution No. 2009-028 recommending adoption of the ordinance.

THE ADMINISTRATION CONCURS WITH THE FINDINGS AND ACTION OF THE PLANNING AND ZONING COMMISSION TO AMEND ANCHORAGE MUNICIPAL CODE AND THE ZONING MAP OF THE MUNICIPALITY OF ANCHORAGE BY ENACTING A NEW CHAPTER 21.66, ESTABLISHING THE DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.

Prepared by: Tom Nelson, Director, Planning Department
Concurred by: Mary Jane Michael, Executive Director
Office of Economic and Community Development
Concurred by: James N. Reeves, Municipal Attorney
Concurred by: Michael K. Abbott, Municipal Manager
Respectfully submitted, Matt Claman, Acting Mayor

Attachments: AO No. 2009-26(S)
Planning and Zoning Commission Resolution No. 2009-028
Planning and Zoning Commission Case 2009-050 Staff Packet

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2009-028

A RESOLUTION RECOMMENDING APPROVAL OF THE DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.

(Case 2009-050)

WHEREAS, the Chugiak-Eagle River Comprehensive Plan includes a policy stating that downtown Eagle River should be retained as the major commercial center for the Chugiak-Eagle River area; and

WHEREAS, the Eagle River Central Business District Revitalization Plan recommends establishing a cohesive town center in downtown Eagle River; and

WHEREAS, in 2006, the Chugiak-Eagle River Chamber of Commerce initiated a public process to create a design overlay for downtown Eagle River; and

WHEREAS, the Chamber's process included significant outreach to the business community and the residents of Chugiak-Eagle River; and

WHEREAS, the requirements of Title 21 for an overlay district are met by this ordinance; and

WHEREAS, notices were posted and published, property owners were notified, and a public hearing was held before the Planning and Zoning Commission on June 1, 2009, on the proposed Downtown Eagle River Overlay District.

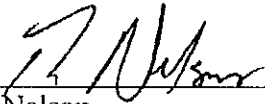
NOW, THEREFORE, BE IT RESOLVED by the Anchorage Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
1. Many residents of Chugiak-Eagle River were shocked by recent permitted development in downtown Eagle River, particularly by a self-storage facility.
 2. Eagle River is ahead of the Anchorage Bowl in proposing design standards for its community.
 3. The overlay district sets the tone for what the community would like to see in the future.
 4. Concerns raised by public testimony about burdens on existing business owners are adequately addressed by the nonconformity provisions.

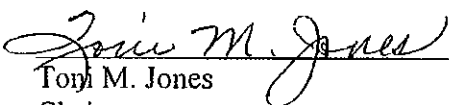
5. The overlay district will help make downtown Eagle River an attractive and competitive choice for businesses.
- B. The Planning and Zoning Commission recommends that the Downtown Eagle River Overlay District be approved with the amendments proposed in Attachment A.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission the 1st day of June 2009.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 8th day of June 2009.



Tom Nelson
Secretary



Tom M. Jones
Chair

Attachment A: Amendments Recommended by the Planning and Zoning Commission

(2009-050)

Attachment A
To Planning and Zoning Commission Resolution No. 2009-028

Amendments to the Downtown Eagle River Overlay District
Recommended by the Planning and Zoning Commission
June 1, 2009

1. **Page 2, line 33, section 21.66.010B,** add new B.10.:

“Establish alternative local business resources to the Anchorage business community and encourage the development of a local economic base.”
2. **Page 4, Map,** delete the map and replace with new map attached at the end of the staff report.
3. **Page 4, lines 12-16, Section 21.66.015A**

“...The downtown Eagle River Overlay R-O district is further intended to provide a mix of low to medium density residential uses with certain specified business, personal and professional services [THAT CAN FUNCTION EFFICIENTLY WITHOUT GENERATING LARGE VOLUMES OF VEHICULAR TRAFFIC].”
4. **Page 6, lines 23-24, Section 21.66.015B.24.**

“Veterinary clinics, provided that all facilities used for animal care at the clinic are completely enclosed within the building [SUCH ACTIVITIES SHALL BE CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING].”
5. **Page 7, lines 13-14, Section 21.66.015C.4.**

“Bed and breakfast with four or five guestrooms only by administrative site plan review.”
6. **Page 8, lines 32-33, Section 21.66.015E.4.**

“Self-storage facility, which includes outdoor storage of fully operable vehicles.”
7. **Page 8, line 40, Section 21.66.015E.,** add the following:

“8. The outdoor storage or display of any scrap, junk, salvaged or secondhand materials, or any salvage yard or salvage operation.

9. Truck and heavy equipment repair, service and storage.”

10. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.”

8. Page 9, lines 29-32, Section 21.66.015G.2.b.

“All other permitted uses: 15 feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least 10 feet. [NONE, PROVIDED THAT, IF ANY SIDE YARD IS PROVIDED, IT SHALL NOT BE LESS THAN FIVE FEET, THE PURPOSE BEING THAT ADJOINING BUILDINGS SHALL EITHER DIRECTLY ABUT OR SHALL MAINTAIN A MINIMUM OF FIVE FEET BETWEEN SUCH BUILDINGS.]”

9. Page 9, lines 36-37, Section 21.66.015G.4.

“Multiple-family dwellings shall provide a usable yard area (open space area as identified in section 21.66.040B.4.) of 100 square feet per dwelling unit.”

10. Pages 9-10, lines 46-47 and 1-5, delete existing language (Section I. and I.1.), replace with the following, delete figure 21.66-1 (renumber remaining figures), and renumber I.2., *Height Exceptions*, to I.5. This amendment makes the rules for measuring height in the overlay area consistent with the rules for measuring height that are provisionally adopted in the Title 21 Rewrite.

I. Building Height

1. Allowable Height. The maximum allowable height within the Eagle River Overlay District is four stories within 55 feet of measured height. Allowable height is reduced to three stories within 40 feet of measured height where the overlay district abuts existing single family residential development. The boundaries for the three story height restriction are identified on the Eagle River Overlay District Map.

2. Rules for Measuring Height

a. Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in Figure 21.66-1, following this section.

b. Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the structure.

c. Where maximum height is measured in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height.

- 3 Grade Plane. the grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot lone, or where the lot line is more than six feet from the building, between the building and a point six feet from the building.
- 4 Establishment of Grade. The grade plane shall be calculated using the more restrictive of either the existing grade or the finished grade.
 - a. Existing Grade. In no case shall the existing grade be altered by grading, such as an artificial embankment or where the ground has been built up to increase the grade around the building, to obtain a higher structure than is otherwise permitted in the district.
 - b. Adjustments to Establishment of Grade. In a case where existing grade or finished grade is, in the judgment of the director, inappropriate or unworkable for the purpose of measuring height, the director shall establish grade in such a way as to be consistent with this section. The proposed grade being requested by the applicant shall not, in the judgment of the director, be detrimental to the general health, safety, and welfare; result in the loss of any public views and shall be reasonable and comparable with the grades of surrounding properties and streets; consistent with the character of the surrounding neighborhood; and necessary for the preservation and enjoyment of substantial property rights of the applicant."

11. Page 13, lines 21-24, Section 21.66.020A.

"The district specifically is intended for areas at or surrounding major arterial intersections where personal and administrative services, convenience stores and retail shops [AND SHOPPING GOODS], and automobile-related services are desirable and appropriate land uses."

12. Page 13, line 48, Section 21.66.020B.3., amend to add the following as number 3. and renumber the remainder of the list:

"Veterinary clinics, provided that all facilities used for animal care at the clinic are completely enclosed within the building."

13. Page 16, lines 42-43, Section 21.66.020E.7.

“Self-storage facility, which includes outdoor storage of [FULLY OPERABLE] vehicles.”

14. Page 17, lines 21-23, Section 21.66.020G.2.b.

“Side yard: 15 [TEN] feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least ten feet.”

15. Page 18, lines 26-27, Section 21.66.025A., amend as follows. This amendment clarifies that moving towards or into conformity with the standards is allowed when reconfiguring the site within the monetary limits of this section.

“...Improvements that include repositioning the building or reconfiguring the site are not allowed under this standard, unless the change brings the site closer to or into conformity with the standards of this chapter.”

16. Pages 19-20, lines 46-47 and 5, Section 21.66.035E., amend as follows. The Alternative Equivalent Compliance offers the ability to deviate from standards and guidelines, but as there are no guidelines, that language should be removed.

“An applicant may propose to deviate from the design standards [AND GUIDELINES] if the proposal satisfies the evaluation criteria of this section.”

Delete section 1.b. on page 20.

17. Page 21, line 13, Section 21.66.040A.1.b.

“Encourage walking and bicycling within the core of Eagle River.”

18. Page 21, lines 39-41, Section 21.66.040A.2.c., amend as follows. This amendment clarifies that external stairways to first floors that are raised above sunken parking are not prohibited.

“Elevated external walkways and external stairways which provide primary pedestrian access to dwelling units located above the bottom occupied [GROUND] floor are prohibited.”

19. Page 22, lines 22-23, Section 21.66.040A.4.a.

“The pedestrian circulation system shall be hard-surfaced and at least five feet wide (clear width).”

20. Page 23, lines 14-15, Section 21.66.040A.4.d.

“No portion of the building [ROOF] may shed snow or meltwater onto the pedestrian circulation system.”

21. Page 23, lines 30-31, Section 21.66.040B.2.

“Areas with any dimension less than 15 feet in width shall not be counted in this total.”

22. Page 23, lines 40-42, Section 21.66.040B.4.

“Open space required for multi-family buildings: Multifamily buildings shall provide one hundred square feet of on-site open space per dwelling unit. Areas with any dimension less than 15 feet in width shall not be counted in this total. Acceptable types...”

23. Page 24, lines 3, 34-42, Section B.5., Common Open Space

The Planning Department does not believe that front porches, private balconies, decks, or patios function as common open space or meet the intent of the open space requirement. Private balconies, by their nature, are not accessible to all residents, and front porches, while accessible to others, are considered to be the property and space of the resident, and thus would not benefit ALL the residents of the development. Decks and patios may or may not be accessible to all residents, but would certainly be considered the property of the dwelling to which they are attached, and not available for the use of other residents.

Line 3—delete “front porches,”

Lines 34-42—delete subsections 5.e. and 5.f.

24. Page 25, lines 17-21, Section 21.66.040C.2.a.

- | | |
|------------------------------|----------------------|
| “i. 5-10 Units | 2 Models |
| ii. 11- <u>20</u> [30] Units | <u>4</u> [3] Models |
| iii. <u>21-30 Units</u> | <u>5 Models</u> |
| iv. More than 30 Units | <u>6</u> [4] Models” |

25. Page 25, lines 28-31, Section 21.66.040C.2.b.i. and b.ii.

“i. Noticeably different exterior elevations and massing [FLOOR PLANS].

- ii. Noticeably different placement of the building footprint on the lot. A four-foot setback differential between the two longest planes of adjacent homes on the side of the homes facing the street will be acceptable.

26. Page 27, lines 12-14, Section 21.66.040B.1.b.

“The building[, WHICH IS THE AGGREGATION OF UP TO 6 TOWNHOUSE UNITS,] shall be given architectural and visual interest through at least three of the following methods:”

27. Page 27, lines 16-17, Section 21.66.040B.1.b.i.

“Repeating distinctive window patterns at intervals less than 30 [25] feet on center.”

28. Pages 27-28, lines 19-30 and 1-2, Section B.1.b.ii., Vertical Building Modulation

The Planning Department recommends adding a requirement that is shown in figure 21.66-7 and figure 21.66-8 but not in the paragraph, to the paragraph, as follows:

“Vertical Building Modulation: Building modulation is a repeated pattern of changes in plane or articulation along the length of a building façade (See Figure 21.66-6). [THE MINIMUM DEPTH AND WIDTH OF MODULATION IS 18 INCHES FOR DEPTH AND 4 FEET FOR WIDTH] If the vertical modulation is coordinated with a change in color, texture, or roofline, the minimum depth and width of modulation is 18 inches for depth and four feet for width, and the minimum distance between articulated elements is four feet (See Figure 21.66-7). If there is no change in color, texture, or roofline, the minimum depth is four [4] feet, [AND] the minimum width is 10 feet, and the minimum distance between articulated elements is 10 feet (See Figure 21.66-8). In both circumstances, t[T]he maximum distance between modulations is 30 feet. Balconies may be counted as modulation if they are either recessed or extended from the main façade in accordance with the dimensions identified above.”

29. Page 31, line 16, Section 21.66.045A.2.

“Encourage walking and bicycling within the core of Eagle River by making pedestrian access convenient, safe and inviting.”

30. Page 32, lines 25-26, Section 21.66.045B.3.a.

“The pedestrian circulation system shall be hard-surfaced and at least six feet wide (clear width).”

31. Page 33, lines 10-11, Section 21.66.045B.3.e.

“No portion of the building [ROOF] may shed snow or meltwater onto the pedestrian circulation system.”

32. Page 37, line 33, Section 21.66.045D.2.

“f. Chillers and other mechanical equipment at grade.”

33. Cross-References and Typos

Page 8, line 13, “...with the design standards in AMC section 21.66.045D. [XXX].”

Page 12, bottom right figure, “Average height [HIGHT]”

Page 16, line 16, “...with the design standards in AMC section 21.66.045D. [XXX].”

Page 18, line 47, “Notwithstanding abandoned community interest ...”

Page 21, line 24, “...the material standards in subsection A.4. [XXX.4.]”

Page 29, top-most illustration label, change “verical” to “vertical”

Page 33, line 6, “...scale lighting[,] no higher than[,] 14 feet, meeting...”

Page 33, line 24, “Permanent special interest landscaping [LANDSCAPE] that exceeds...”


Page 35, Illustration label, change “Developement” to “Development”


Municipality of Anchorage


MEMORANDUM

DATE: June 1, 2009

TO: Planning and Zoning Commission

THRU:  Tom Nelson, Director
Planning Department

THRU:  Tyler Robinson, Planning Supervisor

FROM:  Erika McConnell, Senior Planner
Physical Planning Division

SUBJECT: Case 2009-050 – *Downtown Eagle River Overlay District*

Planning and Zoning Commission Review and Approval

The Planning and Zoning Commission is scheduled to hear public comment on the draft ordinance to establish a *Downtown Eagle River Overlay District* on June 1, 2009. The proposed ordinance amends the zoning map by creating an overlay district over a portion of downtown Eagle River. This overlay district “superimposes a unique set of supplemental land use restrictions, and implements certain site and architectural design requirements in support of the community goals established for” downtown Eagle River (ordinance scope). The Planning Department recommends approval of the *Downtown Eagle River Overlay District*, with amendments.

Title 21 and Comprehensive Plans

Overlay Districts

Overlay districts are addressed in Title 21 in section 21.20.140, and all of the requirements of this section are met by the proposed ordinance. The code allows for the creation of overlay districts in areas within the boundaries of an adopted district plan (21.20.140J.). Downtown Eagle River is within the boundaries of the Eagle River Central Business District Revitalization Plan.

Chugiak-Eagle River Comprehensive Plan

The Chugiak-Eagle River Comprehensive Plan (2006 Update) supports the Eagle River Downtown Overlay District’s goal of providing a cohesive focal point for the residents of

Chugiak-Eagle River. It is the policy of the Chugiak-Eagle River Comprehensive Plan that downtown Eagle River should be retained as the major commercial center for the Chugiak-Eagle River area. The Town Center is the focal point of activity for Chugiak-Eagle River, integrating retail, public services, and civic facilities and is designated so on the land use plan map to support this policy. Some of the applicable goals, objectives, and policies include:

- Encourage well-planned development that creates a sense of place and incorporates northern city design.
- Encourage site, architectural, signage, and landscape design that complement the scale and character of existing and planned development.
- Preserve and enhance the identity of established community areas and neighborhoods.
- Ensure the compatibility of commercial areas with the human scale by implementing commercial design guidelines and installing pedestrian improvements such as benches and landscaping.
- Encourage the use of design guidelines to create attractive buildings especially commercial districts.
- Develop design standards that give guidance to the community vision and identity of Chugiak-Eagle River area.
- Promote the continued commercial use and development of the business district in downtown Eagle River, while including continued opportunities for adjacent high density residential development, in order to maintain a viable downtown area.

Eagle River Central Business District Revitalization Plan

A component of the Eagle River Central Business District Revitalization Plan, adopted in 2003, was an urban design study that recommended establishing a cohesive town center for the benefit of the community. It also creates design guidelines for public rights-of-way, for site development, and for building and signage design to help define the town center.

One recommendation to implement the development and design standards set forth in the plan was an overlay district for the Eagle River central business district. The Eagle River Overlay District ordinance establishes the language that would implement the design and development guidelines recommended by the Central Business District Revitalization Plan.

Project Initiation and Summary

The overlay district for downtown Eagle River originated with the Eagle River Chamber of Commerce. The Chamber, with the general agreement of the community, would like to distinguish the downtown area from other commercial strip areas along the Old Glenn Highway.

The Eagle River Chamber of Commerce hired Land Design North in early 2006 to develop an overlay district that encouraged a local identity for downtown Eagle River by restricting certain uses, using design standards to create a “main street” atmosphere, and adding more landscaping and pedestrian improvements.

The proposed district covers two underlying zoning districts—a large area of B-3 zoning in the central downtown, and two smaller R-O areas abutting the central downtown. The overlay district accomplishes the following:

- Revises the uses allowed (and not allowed) in the area—the allowed uses are split into those allowed in the R-O area with the overlay district, and those allowed in the B-3 area within the overlay district.
- Sets a two-tiered height limit within the area. The underlying zoning districts have no height limit.
- Protects existing uses, if now made nonconforming, by providing generous allowances for repairs and maintenance without meeting the overlay standards.
- Creates an alternative equivalent compliance option to provide flexibility from the proposed design standards.
- Proposes residential design standards highlighting improved pedestrian amenities and design standards for various types of housing.
- Recommends commercial design standards including improved pedestrian and open space amenities, landscaping, and building design standards.

Public Participation Summary

Land Design North and the Eagle River Chamber performed extensive public outreach over the last two years, including the following:

4/1/06	Chamber board members surveyed 172 residents in the Eagle River Carrs store
4/12/06	ER Chamber held a community forum (forum results summary attached)
11/06	Dittman Research Poll conducted (summary of results attached; full results available on request)
3/07	Brochure created and distributed to 2000 business owners (brochure attached)
12/08-3/09	Presentations made to all Chugiak-Eagle River community councils

In addition, the Chamber of Commerce held numerous public board meetings and subcommittee meetings, staffed booths at two community events, and talked informally with many residents and business owners.

Comments and Issue/Response

The case was posted on Zoning Online on March 5, 2009. It was distributed for review and comment to community councils, public agencies, and other interested parties. Agency comments are attached at the end of this packet.

On May 8, 697 notices were mailed to Chugiak-Eagle River community councils, to property owners within the area encompassed by the overlay district, and to property owners within approximately 600 feet of the overlay district boundary. As of May 19, no comments have been received.

The Department recommendation includes amendments proposed by the consultant which address concerns raised by the Eagle River Chamber of Commerce and the Department, as well as amendments suggested by the Department. If warranted, an issue/response summary to address any outstanding issues or recommendations will be prepared following the June 1 public hearing.

Department Recommendation

The Department recommends approval of the *Downtown Eagle River Overlay District with amendments*. The Department supports the efforts of the Eagle River Chamber of Commerce and the community to foster a distinct town center in downtown Eagle River. The proposed standards will result in increased pedestrian amenities which will be safer and more convenient; commercial development that has visual interest and character; and residential development with more variety within each project and enhanced building character.

Amendments 1 through 5 are proposed due to post-submittal discussions with the consultant and the Planning Department.

1. **Page 4, Map**, delete the map and replace with new map attached at the end of this report.
2. **Pages 9-10, lines 46-47 and 1-5**, delete existing language (Section I. and I.1.), replace with the following, delete figure 21.66-1 (renumber remaining figures), and renumber I.2., *Height Exceptions*, to I.5. This amendment makes the rules for measuring height in the overlay area consistent with the rules for measuring height that are provisionally adopted in the Title 21 Rewrite.

“I. Building Height

1. Allowable Height. The maximum allowable height within the Eagle River Overlay District is four stories within 55 feet of measured height. Allowable height is reduced to three stories within 40 feet of measured height where the overlay district abuts existing single family residential development. The boundaries for the three story height restriction are identified on the Eagle River Overlay District Map.

2. Rules for Measuring Height

- a. Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in Figure 21.66-1, following this section.
- b. Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the structure.
- c. Where maximum height is measured in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height.

3 Grade Plane. the grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet from the building, between the building and a point six feet from the building.

4 Establishment of Grade. The grade plane shall be calculated using the more restrictive of either the existing grade or the finished grade.

- a. Existing Grade. In no case shall the existing grade be altered by grading, such as an artificial embankment or where the ground has been built up to increase the grade around the building, to obtain a higher structure than is otherwise permitted in the district.
- b. Adjustments to Establishment of Grade. In a case where existing grade or finished grade is, in the judgment of the director, inappropriate or unworkable for the purpose of measuring height, the director shall establish grade in such a way as to be consistent with this section. The proposed grade being requested by the applicant shall not, in the judgment of the director, be detrimental to the general health, safety, and welfare; result in the loss of any public views and shall be reasonable and comparable with the grades of surrounding properties and streets; consistent with the character of the surrounding neighborhood; and necessary for the preservation and enjoyment of substantial property rights of the applicant.”

- 3. Page 13, line 48, Section 21.66.020B.3., amend to add the following as number 3. and renumber the remainder of the list:**

“Veterinary clinics, provided that such activities shall be conducted within a completely enclosed building.”

4. Page 18, lines 26-27, Section 21.66.025A., amend as follows. This amendment clarifies that moving towards or into conformity with the standards is allowed when reconfiguring the site within the monetary limits of this section.

“...Improvements that include repositioning the building or reconfiguring the site are not allowed under this standard, unless the change brings the site closer to or into conformity with the standards of this chapter.”

5. Page 21, lines 39-41, Section 21.66.040A.2.c., amend as follows. This amendment clarifies that external stairways to first floors that are raised above sunken parking are not prohibited.

“Elevated external walkways and external stairways which provide primary pedestrian access to dwelling units located above the bottom occupied [GROUND] floor are prohibited.”

Amendments 6 through 9 are recommended by the Planning Department:

6. Pages 19-20, lines 46-47 and 5, Section 21.66.035E., amend as follows. The Alternative Equivalent Compliance offers the ability to deviate from standards and guidelines, but as there are no guidelines, that language should be removed.

“An applicant may propose to deviate from the design standards [AND GUIDELINES] if the proposal satisfies the evaluation criteria of this section.”

Delete section 1.b. on page 20.

7. Page 24, lines 3, 34-42, Section B.5., Common Open Space

The Planning Department does not believe that front porches, private balconies, decks, or patios function as common open space or meet the intent of the open space requirement. Private balconies, by their nature, are not accessible to all residents, and front porches, while accessible to others, are considered to be the property and space of the resident, and thus would not benefit ALL the residents of the development. Decks and patios may or may not be accessible to all residents, but would certainly be considered the property of the dwelling to which they are attached, and not available for the use of other residents.

Line 3—delete “front porches,”

Lines 34-42—delete subsections 5.e. and 5.f.

8. Pages 27-28, lines 19-30 and 1-2, Section B.1.b.ii., Vertical Building Modulation

The Planning Department recommends adding a requirement that is shown in figure 21.66-7 and figure 21.66-8 but not in the paragraph, to the paragraph, as follows:

“Vertical Building Modulation: Building modulation is a repeated pattern of changes in plane or articulation along the length of a building façade (See Figure 21.66-6). [THE MINIMUM DEPTH AND WIDTH OF MODULATION IS 18 INCHES FOR DEPTH AND 4 FEET FOR WIDTH] If the vertical modulation is coordinated with a change in color, texture, or roofline, the minimum depth and width of modulation is 18 inches for depth and four feet for width, and the minimum distance between articulated elements is four feet (See Figure 21.66-7). If there is no change in color, texture, or roofline, the minimum depth is four [4] feet, [AND] the minimum width is 10 feet, and the minimum distance between articulated elements is 10 feet (See Figure 21.66-8). In both circumstances, t[T]he maximum distance between modulations is 30 feet. Balconies may be counted as modulation if they are either recessed or extended from the main façade in accordance with the dimensions identified above.”

9. Cross-References and Typos

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Page 12, bottom right figure, “Average height [HIGHT]”

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Page 33, line 24, “Permanent special interest landscaping [LANDSCAPE] that exceeds...”

Page 35, Illustration label, change “Developement” to “Development”

- Attachments:
1. Map of Overlay District
 2. Assembly Ordinance 2009-26
 3. April 12, 2006 Community Forum Summary
 4. Summary of Dittman Research Poll
 5. Overlay District Brochure
 6. Comments Received

Eagle River Overlay District




Overlay District Boundary and
Height Restriction Map

Map 21.66-A

April 2009



LEGEND

- Eagle River Overlay District Boundary
-  Underlying zoning designation of R-O, as identified in AMC 21.40.130.
-  Height Restricted to 4 Stories within 55 feet
-  Height Restricted to 3 Stories within 40 feet

Note: All underlying zoning within the overlay district bears the designation of B-3, as identified in AMC 21.40.180, except for those areas specifically identified as R-O.

Where building height restriction is identified by stories, basements are excluded

Submitted by: ASSEMBLY MEMBERS OSSIANDER, STARR
Reviewed by: Assembly Counsel
For reading: February 24, 2009

**ANCHORAGE, ALASKA
AO NO. 2009-26**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO AMEND
ANCHORAGE MUNICIPAL CODE AND THE ZONING MAP OF THE MUNICIPALITY OF
ANCHORAGE BY ENACTING A NEW CHAPTER 21.66, ESTABLISHING THE
DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: Anchorage Municipal Code Title 21, Land Use Planning, is hereby amended to add a new chapter, Chapter 21.66, Downtown Eagle River Overlay District.

**Chapter 21.66
Downtown Eagle River Overlay District**

21.66.005 Title of chapter.
21.66.010 Scope, goals and boundary description.
21.66.015 Overlay R-O residential-office district.
21.66.020 Overlay B-3 general business district.
21.66.025 Repairs and maintenance.
21.66.030 Design modifications.
21.66.035 Permitted uses: Alternative equivalent compliance.
21.66.040 Residential design standards.
21.66.045 Commercial design standards.

21.66.005 Title of chapter.

This chapter may be cited and referred to as the Downtown Eagle River Overlay District.

21.66.010 Scope, goals and boundary description.

A. *Scope:* The underlying area encompassed by the Downtown Eagle River Overlay District is within either the R-O residential-office district or the B-3 general business district. This chapter superimposes a unique set of supplemental land use restrictions, and implements certain site and architectural design requirements, in support of the community goals established for the Downtown Eagle River Overlay District. Developments within the area designated by this chapter as the Downtown Eagle River Overlay District are required to conform to the requirements of the

underlying district and the modifications imposed by the overlay district requirements, as set out in this chapter.

B. *Community goals for the Downtown Eagle River Overlay District:*

1. Create a cohesive town center.
2. Foster a sense of place as a unique, vibrant business district and community center.
3. Maintain a small-town character consistent with community values expressed through community meetings.
4. Promote incremental improvements in a manner that encourages business development and investment without creating additional costs or undue hardship to existing uses and businesses.
5. Promote residential and commercial development that is distinctive, compatible with the town center of Eagle River, and provides a transition between single family residential neighborhoods and the commercial core of the town center.
6. Provide variety and visual interest in the exterior design of residential buildings.
7. Promote a more pedestrian oriented town center.
8. Promote commercial and public buildings that reflect a human scale of limited height.
9. Promote a commercial design vocabulary compatible with our Alaskan setting that can serve as a unifying theme.

C. *Boundary description of district:* The Eagle River Overlay District shall encompass the area described within the following bounds, as identified on the Downtown Eagle River Overlay District Boundary Map 21.66-A:

From a point of beginning at the northwest corner of Tract S-1-B of Timber Ridge Units Subdivision, as found on Grid NW0251, proceeding east on the south side of Farm Avenue, crossing the Old Glenn Highway and continuing east along the north property line of lot 1-B, Block 12, Walter G Pippel Subdivision, Addition 2, to the northeast corner of lot 1-B, then proceeding southwest along the eastern boundary of lot 1-B, Block 12 to the intersection with the north side of Horseshoe Drive, then following Horseshoe Drive along the frontage of lots 2, 3, 4, 5, 12, 11, and 10 of Block 12, to the intersection with the Eagle River Loop Road Right-of-Way, then crossing Eagle River Loop Road to the northeast corner of lot 4 of Block 11, then southwest along the eastern boundary of lots 4 and 17 of Block 11 to the intersection with

1 Hanson Drive, then crossing Hanson Drive to the northeast corner of Lot 7 of
2 Block 7, then west along the south side of Hanson Drive to the intersection
3 with the northeast corner of Tract A of the Martin Business Park, then south
4 along the eastern boundary of Tract A to the intersection with Easy Street,
5 then crossing Easy Street to the northwest corner of Lot 12 of Block 5 and
6 then south along the western boundary of lots 12 and 1 of Block 5, crossing
7 Park Place Street and proceeding south along the western boundaries of 1
8 and 12 of Block 6 to the intersection with Coronado Road, then proceeding
9 east on the south side of Coronado Road to the northwest corner of Lot 5 of
10 the Sunny Slopes Subdivision, then south along the western boundaries of
11 lots 5, 6, 15, 16, 25, 26, 35, 36, 47, 48, 49, and 65 to the intersection with
12 Monte Road, then crossing Monte Road to the south side, then proceeding
13 west on Monte Road to the northwest corner of lot 17 of Ashley Park
14 Subdivision, then proceeding south along the western boundaries of lots 17,
15 16, 15, 14, 13, and 12 to the intersection with Lynne Drive, then west on
16 Lynne Drive to the Old Glenn Highway, then proceeding south on the west
17 side of Eagle River Elementary School and continuing south along the east
18 side of Eagle River Road to the southwest corner of the Eagle River
19 Elementary School property, then proceeding west across Eagle River Road
20 to the eastern edge of the New Glenn Highway Right-of-Way, then north
21 northwest along the eastern edge of the New Glenn Highway to the
22 intersection with the southwest corner of Tract B-5 of Eagle Glenn South
23 Subdivision, then east to the intersection with Regency Road, then north
24 across Regency Road and continuing northwest along the west side of
25 Regency Road to the northwest corner of Tract B-9, then following the
26 northern boundary of Tract B-9 to the intersection with the southwest corner
27 of tract A-1, then continuing north and west along the boundary of Tract A-1
28 to the intersection with Regency Drive, then crossing Regency Drive to the
29 north and proceeding north along the western boundary of Tract S-1-B to the
30 point of beginning at the northwest corner of Tract S-1-B.







Eagle River Overlay District

Overlay District Boundary and Height Restriction Map

September 5, 2008

LEGEND

-  Eagle River Overlay District Boundary
-  Underlying zoning designation of R-O, as identified in AMC 21.40.130.
-  Height Restricted to 60 feet
-  Height Restricted to 45 feet

Note: All underlying zoning within the overlay district bears the designation of R-3, as identified in AMC 21.40.180, except for those areas specifically identified as R-O.

Downtown Eagle River Overlay District Boundary Map 21.66-A

21.66.115 Overlay R-O residential-office district.

The following statement of intent and use regulations shall apply in the Downtown Eagle River Overlay R-O district:

A. *Purpose and Intent.* The Downtown Eagle River Overlay R-O district is intended to include urban and suburban residential and professional office uses that are needed and appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods. The Downtown Eagle River Overlay R-O district is further intended to provide a mix of low to medium density residential uses with certain specified business, personal and professional services that can function efficiently without generating large volumes of vehicular traffic. The regulations and restrictions in the Downtown Eagle River Overlay R-O district are intended to protect, preserve and enhance the

residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical procedures.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Single-family, two-family and multiple-family dwellings.
2. Hotels, motels and motor lodges on sites with a minimum area of 14,000 square feet, provided that principal access to such uses shall be from streets of class I or greater designation on the official streets and highways plan. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
3. Boardinghouses and lodginghouses.
4. Private clubs and lodges. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed by conditional use only.
5. Parks, playgrounds and playfields, and municipal buildings in keeping with the character of the district.
6. Museums, historic and cultural exhibits, libraries and the like.
7. Child care centers and child care homes.
8. Public, private and parochial academic schools.
9. Hospitals and nursing facilities.
10. Residential care facilities, any size.
11. Transitional living.
12. Offices of physicians, surgeons, dentists, osteopaths, chiropractors and other practitioners of the healing sciences.
13. Accounting, auditing and bookkeeping services.
14. Engineering, surveying and architectural services.
15. Attorneys and legal services.

16. Real estate services and appraisers.
17. Stock and bond brokerage services.
18. Insurance services.
19. Photographic services.
20. Funeral services; provided, however, that crematoriums are specifically prohibited.
21. Banks, savings and loan associations, credit unions and similar financial institutions.
22. Private employment agencies, placement services and temporary personnel services.
23. Headquarters or administrative offices for such charitable or eleemosynary organizations as the Red Cross, Tuberculosis Society, Cancer Society, Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of a noncommercial nature.
24. Veterinary clinics, provided that such activities shall be conducted within a completely enclosed building.
25. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
26. With a permitted non-residential use or residential use of 6 dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
27. Barbershops and beauty shops.
28. Computer aided learning center.
29. Offices and centers for family self sufficiency service.
30. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Accessory uses incidental to any of the principal uses listed in subsection B of this section.
2. For hotels, motels or motor lodges having 20 or more rental units, personal and professional service establishments and restaurants which are clearly incidental to the operation of the permitted principal use.
3. Bed and breakfast with three or less guestrooms.
4. Bed and breakfast with four guestrooms only by administrative site plan review.
5. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures of 6 dwelling units or less as specified in the supplementary district regulations.

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

1. Townhouses, row houses and office buildings built to a common wall at side lot lines.
2. Utilities substations.
3. Off-street parking spaces or structures.
4. Planned unit developments.
5. Privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval.
6. Habilitative care facilities.
7. Two or more drive-up bank stations.
8. Type 1, 2 and 3 local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
9. Snow disposal sites.
10. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in

height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

11. Storage of equipment used to provide essential services to property within the Downtown Eagle River Overlay District, to include snow plowing, snow removal, parking lot clearing and property maintenance equipment is limited to four pieces. All equipment storage areas shall be screened in accordance with the design standards in AMC section XXX.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Storage for use of mobile homes or Quonset-style huts.
2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.
3. Vehicle sales and rentals which include outdoor display of motor vehicles.
4. Self-storage facility which includes outdoor storage of fully operable vehicles.
5. Mobile home or manufactured house display lot.
6. Natural resource extraction.
7. Camper park.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:
TABLE INSET:

Use	Lot Area (square feet)	Lot Width (feet)
1. Single-family dwelling	6,000	50

2. Two-family dwelling 6,000 50

3. Three- through ten-family dwelling 6,000 50

4. Apartment buildings for 11 or more families may only be constructed on sites having a minimum area of 14,000 square feet and minimum frontage of 100 feet on a class I or greater street.

5. Lot requirements for all other permitted uses are as follows:

a. Lot area: 6,000 square feet.

b. Lot width: 50 feet.

G. Minimum yard requirements. Minimum yard requirements are as follows:

1. Front yard: Ten feet, except as provided in the supplementary district regulations.

2. Side yard:

a. Single-family, two-family and multiple-family dwellings: Five feet; provided that where buildings exceed 35 feet in height, minimum side yards shall be increased one foot for each five feet in height exceeding 35 feet.

b. All other permitted uses: None; provided that, if any side yard is provided, it shall not be less than five feet, the purpose being that adjoining buildings shall either directly abut or shall maintain a minimum of five feet between such buildings.

3. Rear yard: Ten feet.

4. Multiple-family dwellings shall provide a usable yard area of 100 square feet per dwelling unit.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is as follows:

1. Single-family, two-family and multiple-family dwellings: 50 percent.

2. All other permitted uses: Unrestricted.

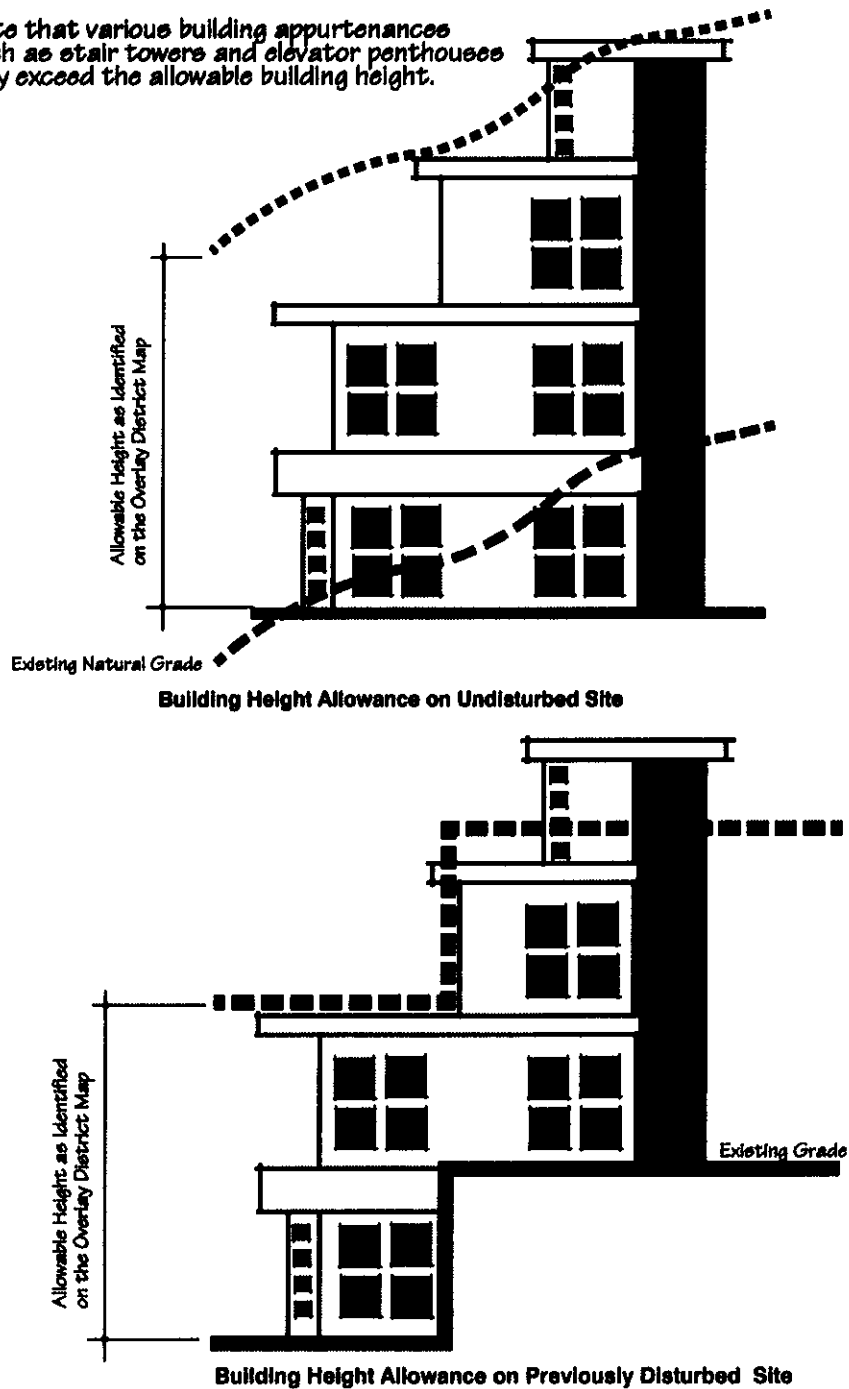
I. *Maximum height of structures.* Maximum height of structures is forty-five (45) feet as measured in accordance with Figures 1 and 2.

1. Existing Grade: The elevation of base points for determining the building elevation shall be based on existing grade, prior to construction for undisturbed sites. On previously disturbed sites, the base grades established by previous construction shall serve as the elevation basis for new construction.

2. Height Exceptions: The height limitations contained herein do not apply to spires and similar religious appurtenances, belfries, cupolas, flagpoles, chimneys, antennas, rooftop mechanical equipment, stairwell towers, elevator penthouses, parapets, firewalls, open or transparent railings, solar reflectors, photovoltaic panels, skylights, miscellaneous structures associated with rooftop gardens and other similar appurtenances; provided they meet the following criteria:

- a. No area or appurtenance exceeding the allowable height restriction may be used as occupied space or for storage.
- b. Appurtenances may not cover more than one-third the roof-top area.
- c. Chimneys and stairwells may exceed the height limitation by 15 feet.
- d. Elevator penthouses may exceed the height limitation by 20 feet.
- e. Parapets walls and skylights may exceed the height limitation by 4 feet.

Note that various building appurtenances such as stair towers and elevator penthouses may exceed the allowable building height.



Measurement of Allowable Building Height

1 Figure 21.66-1. Building Height Allowance

1

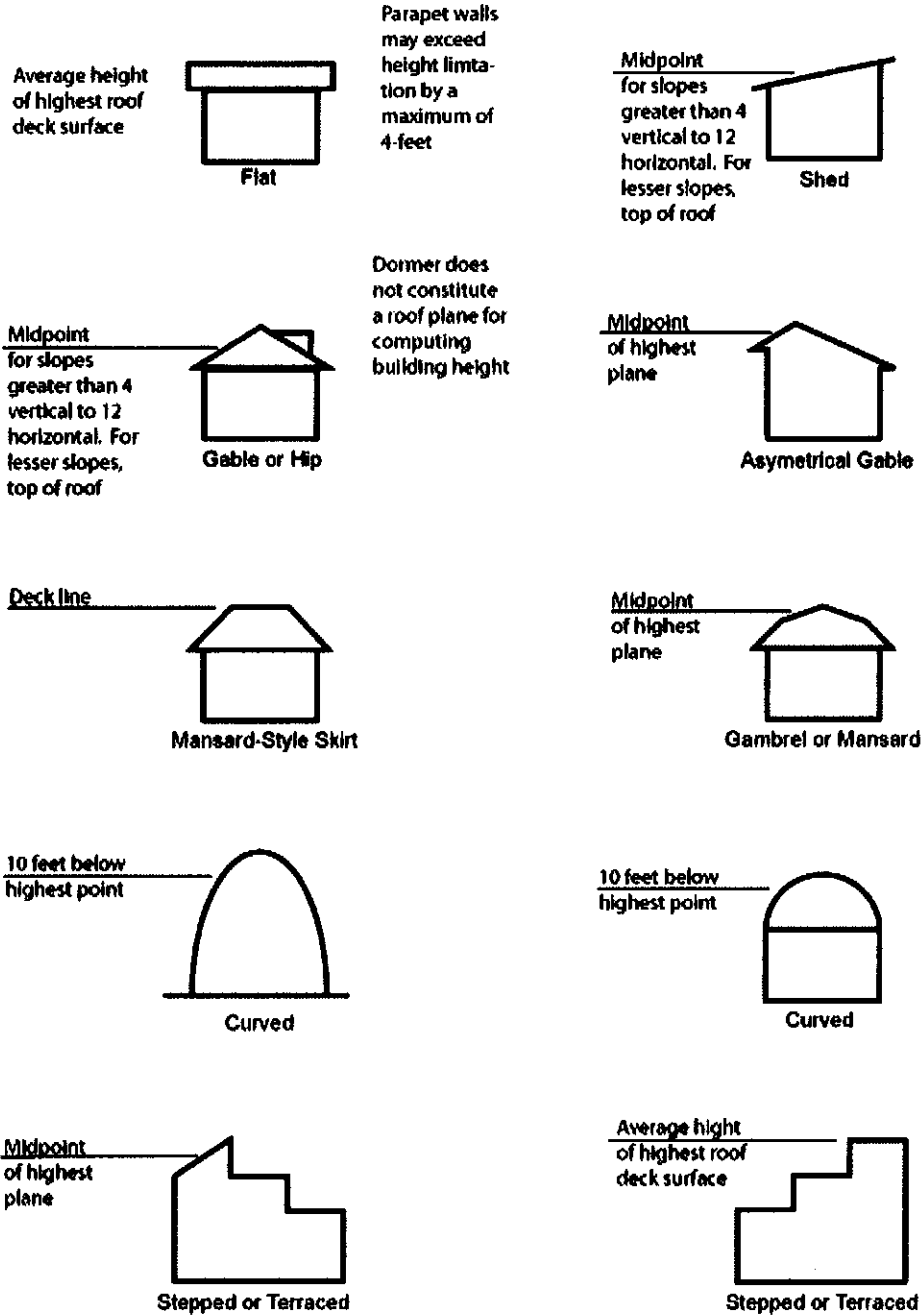


Figure 21.66-2. Building Height Measurement

2
3

1 J. *Signs.* Signs may be allowed in connection with any permitted use, subject to
2 the provisions of the supplementary district regulations.

3
4 K. *Parking.* Adequate off-street parking shall be provided in connection with any
5 permitted use as specified in Section 21.45.080.
6

7 L. *Loading facilities.* Where applicable, off-street loading facilities shall be
8 provided in accordance with the provisions of the supplementary district regulations.
9

10 M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-
11 street parking facilities, usable yard area or other authorized installations shall be
12 planted with visual enhancement landscaping. The landscaping shall be maintained
13 by the property owner or his designee.
14

15 **21.66.020 Overlay B-3 general business district.**
16

17 The following statement of intent and use regulations shall apply in the Downtown
18 Eagle River Overlay B-3 district:
19

20 A. *Intent.* The Downtown Eagle River Overlay B-3 district is intended for general
21 commercial uses in areas exposed to heavy automobile traffic. The district
22 specifically is intended for areas at or surrounding major arterial intersections where
23 personal and administrative services, convenience and shopping goods, and
24 automobile-related services are desirable and appropriate land uses. The extension
25 of the Downtown Eagle River Overlay B-3 district commercial uses along arterials,
26 except as identified in the comprehensive development plan, is to be discouraged.
27

28 B. *Permitted principal uses and structures.* Permitted principal uses and
29 structures are as follows:
30

31 1. Business, business services, professional services and personal
32 services, including incidental manufacturing or processing of goods for sale
33 at retail or wholesale on the premises, except conditional uses under
34 subsection D of this section and uses prohibited under subsection E of this
35 section.
36

37 a. Large retail establishment, subject to public hearing site plan
38 review.
39

40 b. Alcoholic beverage license use for a restaurant or eating place
41 licensed by the State Alcoholic Beverages Control Board to sell
42 beer and wine for consumption only on the licensed premises is
43 permitted subject to the administrative site plan review
44 standards in Section 21.50.500.
45

46 2. Offices.
47

48 3. Other uses:

- a. Multifamily residential uses, at a density of not less than 12 dwelling units per acre.
 - b. Dwellings in commercial structures with a gross floor area not less than 5,000 square feet.
 - c. Private clubs and lodges.
 - d. Parks, playgrounds and playfields, and government buildings and uses.
 - e. Vocational or trade schools.
 - f. Child care centers and child care homes.
 - g. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
 - h. Roominghouses.
 - i. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
 - j. Public, private and parochial academic schools.
 - k. Business colleges and universities.
 - l. Adult care facilities.
 - m. Hospitals and nursing facilities.
 - n. Transitional living facilities.
 - o. Large residential care facilities.
4. Computer aided learning center.
 5. Offices and centers for family self sufficiency service.
 6. Unlicensed nightclub, provided such nightclub conforms to the requirements of Section 21.45.245.

7. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.

2. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

1. Utility substations.

2. Heliports.

3. Marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon.

4. Planned unit developments.

5. Drive-in theaters.

6. Habilitative care facilities.

7. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.

8. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.

9. Snow disposal sites.

10. Correctional community residential centers, not to exceed 30 residents.

11. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

12. Storage of equipment used to provide essential services to property within the Downtown Eagle River Overlay District, to include snow plowing, snow removal, parking lot clearing and property maintenance equipment, is limited to four pieces. All equipment storage areas shall be screened in accordance with the design standards in AMC section XXX.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. The outdoor storage or display of any scrap, junk, salvaged or secondhand materials, or any salvage yard or salvage operation.

2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

3. Storage or use of mobile homes.

4. Truck and heavy equipment repair, service and storage.

5. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.

6. Vehicle sales and rentals which include outdoor display of motor vehicles.

7. Self-storage facility which includes outdoor storage of fully operable vehicles.

8. Mobile home or manufactured house display lot.

9. Natural resource extraction.

10. Camper park.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:

1. Residential uses: As provided in Section 21.40.060.F.
2. All other uses, including residential uses associated with other uses:
 - a. Width: 50 feet.
 - b. Area: 6,000 square feet.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Residential uses: As provided in Section 21.40.060.G.
2. All other uses:
 - a. Front yard: Ten feet.
 - b. Side yard: Ten feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least ten feet.
 - c. Rear yard: 15 feet adjacent to a residential district; otherwise, none.

H. *Maximum lot coverage.* Maximum lot coverage is as follows:

1. Residential: As provided in Section 21.40.060.H.
2. All other uses: Unrestricted.

I. *Maximum height of structures.* Maximum height of structures shall be as identified on the Downtown Eagle River Overlay District Height Restriction Map 21.66-B.

J. *Signs.* Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. *Parking.* Adequate off-street parking shall be provided in connection with any permitted use, subject to the provisions of the supplementary district regulations.

L. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. *Refuse collection.* Where applicable, refuse collection facilities shall be provided in accordance with the supplementary district regulations.

N. *Landscaping.*

1. Buffer landscaping. Buffer landscaping shall be planted along each lot line adjoining a residential district.
2. Perimeter landscaping. Except adjacent to collector or arterial streets, visual enhancement landscaping shall be planted along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.
3. Arterial landscaping. Arterial landscaping shall be planted along all collector or arterial streets.
4. Visual enhancement landscaping. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
5. Maintenance. All landscaping shall be maintained by the property owner or his designee.

21.66.025 Repairs and maintenance.

A. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done within any three year period that does not exceed fifty percent of the value of the existing structure, as determined by the Municipality of Anchorage. Improvements that include repositioning the building or reconfiguring the site are not allowed under this standard. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

B. The standards herein do not apply to remodels that do not change the exterior appearance of the building.

1. Improvements that include interior and exterior work shall be valued as the sum of all of the work.

C. Preexisting antennas and preexisting towers

1. Preexisting tower structures shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower structure of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower structure shall comply with the requirements of this ordinance.

2. Notwithstanding abandon community interest and local interest towers and/or antennas, bona fide nonconforming tower structures or antennas that

are damaged or destroyed may be rebuilt without having to meet the separation requirements. The type, height, and location of the tower structure on-site shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the community interest or local interest tower or antenna shall be deemed abandoned.

21.66.030 Design Modifications

- A. Design modifications shall not undermine the intent of the design standards and guidelines.
- B. The planning director shall have the authority to:
 - 1. Require changes in project design to meet these standards,
 - 2. Allow deviation from certain standards of this chapter, pursuant to "Alternative Equivalent Compliance" and if necessary to allow for the reasonable development of the site, and
 - 3. Modify the design standards and guidelines as they apply to individual properties, pursuant to "Alternative Equivalent Compliance" and if necessary to allow for the reasonable development of the site.

21.66.035 Permitted Uses: Alternative Equivalent Compliance

- A. This alternative process is to promote creative design approaches resulting in development equal or superior to development that fully meets all requirements.
- B. A proposal to modify development standards or requirements shall not undermine the intent of the core design standards.
- C. This alternative process differs from the variance procedure because approval is based upon meeting or exceeding the intent of the standard by an alternate method, instead of allowing non-compliance based on unusual circumstances.
- D. Pre-Application: An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference before submitting the site plan for the development. Based on the director's preliminary response, an applicant shall include in the site plan application explanation and justification, written and graphic, sufficient to support the alternative equivalent compliance requested by the applicant.
- E. An applicant may propose to deviate from the design standards and guidelines if the proposal satisfies the evaluation criteria of this section.

1. Aspects of property development which can be modified including:
 - a. The core design standards,
 - b. Guidelines, and
 - c. Building set-backs.
2. No other standards can be modified including the following:
 - a. Building Height,
 - b. Uses permitted by the zone in which the property is located, and
 - c. Regulations for non-conforming uses,

F. The planning director shall have the authority to approve or disapprove designs that seek alternative compliance.

1. The planning director shall not approve a request for modification unless it provides architectural and urban design elements equivalent or superior to what would likely result from compliance with the core design standards and guidelines.
2. The planning director shall consider the following criteria in evaluating proposals:
 - a. The unique characteristics of the subject property, its surroundings and how they will be protected or enhanced by modifying the design standards.
 - b. The positive characteristics of the proposed development and whether such characteristics could be provided by compliance with the design standards proposed to be modified.
 - c. The arrangement of buildings and open spaces as they relate to other buildings and/or uses on the subject property and on surrounding properties.
 - d. Visual impact to surrounding properties caused by parking facilities in the proposed development and whether such impacts are less than would result from compliance with the design standards to be modified.
 - e. Whether the proposed design mitigates the impacts that could be caused by the proposed modification of the standards.

G. Formal Appeal of the Planning Director's Decision: An applicant may appeal

the planning director's decision to the planning and zoning commission. An applicant shall file an appeal within thirty days of the planning director's decision.

21.66.040 Residential design standards.

A. Pedestrian Access.

1. Intent:

- a. Orient development to the pedestrian by making pedestrian access convenient, safe, and inviting.
- b. Encourage walking within the core of Eagle River.
- c. Enhance the character of development within the Downtown Eagle River Overlay District.
- d. Minimize impact of development on residential privacy.

2. Requirements: An on-site pedestrian circulation system meeting the following standards shall be provided for all multi-family developments:

- a. Pathways between dwelling units and the street are required to meet the material standards in subsection XXX.4. Pathways between the street and dwelling units fronting on the street shall be a direct route. The planning director may allow exceptions where steep slopes prevent a direct connection, or where an indirect route would enhance the design or use of a common open space.
- b. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-family developments, pedestrian connections to other areas of the site such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities are required.
- c. Elevated external walkways and external stairways which provide primary pedestrian access to dwelling units located above the ground floor are prohibited. *See Figure 21.66-3.* The planning director may allow external stairways and walkways located within or facing interior courtyard areas if they do not compromise visual access from the units into the courtyard.



Figure 21.66-3. Elevated external walkways and external access stairways are prohibited.

- d. Appropriate screening or buffering shall provide a physical separation between pedestrians, vehicle access areas, and the windows of residential units. Acceptable treatments include landscaped beds that separate the pathway from a building façade by a minimum distance of six feet where the façade has windows; placement of windows to maximize privacy without obstructing surveillance capability from within the dwelling unit; raising the ground floor units above the level of the walkway; and equivalent treatments which limit pedestrian view into dwelling unit windows.

3. Pedestrian circulation standards for multiple detached dwellings on one development site: Clear pedestrian access shall be provided between all dwelling units and the street to meet the material standards pathways included in this section.

4. Material Standards for Pathways:

- a. The pedestrian circulation system shall be hard-surfaced and at least five feet wide.
- b. The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking or loading areas. At least two of the following design features shall be used to accomplish this:
 - i. Raised curbs,
 - ii. Elevation changes,
 - iii. Bollards,
 - iv. Landscaping,

v. Decorative Fencing

vi. Use of paving material other than asphaltic concrete, and

vii. Other methods, as approved by the Planning Director.

c. Striping does not meet the separation requirement for pedestrian circulation. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that will allow snow removal. Bollard spacing shall be no farther apart than 10 feet on center.

d. No portion of the building roof may shed snow or meltwater onto the pedestrian circulation system.

B. Open Space

1. Intent:

- a. Provide accessible, safe, convenient, and usable on-site open space for the enjoyment of residents of the development;
- b. Create open space that enhances the residential setting; and
- c. Maintain some (not unlimited) views for adjacent residential neighborhoods.

2. Open space requirements for detached single family uses: Detached single family uses shall provide at least three hundred square feet of private yard space adjacent to each unit. Areas less than 15 feet in width shall not be counted in this total.

3. Open space requirements for attached single family units (townhouses or site condominiums) and duplexes: Attached single family uses and duplexes shall meet the on-site open space requirements for multi-family buildings, except that private patios and private landscaped areas directly adjacent and accessible to the single family unit may be used to meet one hundred percent of the on-site open space requirements.

4. Open space required for multi-family buildings: Multifamily buildings shall provide one hundred square feet of on-site open space per dwelling unit. Acceptable types of open space include common open space, and private open space in combination with common open space as described in these standards. Except for spaces meeting the dimensional and design requirements of these standards, setbacks and parking areas shall not count towards meeting open space requirements.

5. Common open space: Where accessible to all residents, common open space may count for up to one hundred percent of the required open space. This includes landscaped courtyards or public decks, front porches, gardens with pathways, children's play areas, or other multi-purpose recreation and green spaces meeting these standards:

- a. Common open space shall be large enough to provide functional leisure or recreational activity. Except for porches and balconies, no dimension shall be less than fifteen feet in width. Alternative configurations may be considered by the planning director where the applicant can successfully demonstrate that the common open space meets the intent of these standards.
- b. Common open space shall include pedestrian amenities, with at least two of the following:
 - i. Paths,
 - ii. Lighting,
 - iii. Seating.
- c. The requirement for pedestrian amenities is fully met by the installation of play equipment in common open space, without installation of other amenities.
- d. Common open space shall be separated from ground floor windows, streets, service areas and parking lots with landscaping, low-level fencing, or other treatments to enhance safety and privacy as may be approved by the planning director.
- e. Front porches qualify as common open space provided the porch is at least 35 square feet in area and no dimension is less than 6 feet.
- f. Decks, patios, covered private balconies, and covered porches smaller in dimension than required for a qualifying front porch may be used to meet up to fifty percent of the open space requirement if such spaces shall have no dimension less than four feet.

C. Design Standards for Single and Two-Family Residential Structures

- 1. Intent:

- 1 a. Reduce the dominance of garages and blank facades in
2 residential design on Eagle River streetscapes.



3 *Figure 21.66-4 Example of garage and blank facade design that should not*
4 *dominate residential design on Eagle River streetscapes.*

- 5
6 b. Encourage the incorporation of pedestrian scale design details
7 into building facades.
8
9 c. Promote architectural variety that adds visual interest to Eagle
10 River core neighborhoods.

11
12 2. Requirements:

- 13
14 a. Housing mix by model: Any development of five or more units
15 shall have a mix of housing models.
16
17 i. 5-10 Units 2 Models
18
19 ii. 11-30 Units 3 Models
20
21 iii. More than 30 Units 4 Models
22
23 b. Variation for adjacent lots: The development shall be arranged
24 to avoid placing identical housing types, including mirror-image
25 floor plans, on adjacent lots. Each housing model shall have at
26 least two of the following variations:
27
28 i. Noticeably different floor plans.
29
30 ii. Noticeably different placement of the building footprint
31 on the lot.
32
33 iii. Noticeably different garage placement.
34
35 iv. Noticeably different rooflines.

- b. Garages: Garage doors facing the street shall comprise no more than 65% of the total length of the dwelling façade and, except for single story residences, garage doors shall not comprise more than 30% of the overall square footage of the dwelling façade facing the street. Garage doors that face the street and comprise more than 50% of the width of the dwelling façade shall be articulated forward or back from other portions of the front façade by at least 4 feet.
- c. Windows: Transparent windows or doors facing the street are required. Buildings shall have a minimum of 15% of the façade facing the street composed of transparent windows.
- d. Detail to enhance the primary façade: All residential buildings shall be enhanced with at least three of the following details on the primary façade:
 - i. For double garages, provide two individual garage doors rather than a single double-wide door.
 - ii. Prominent front entrance distinguished by a separate roof, double doors, focal stairs or deck, fenestration, decorative porch design, or other means as approved by the planning director.
 - iii. Decorative roof line to include multiple dormers, hip roofs, and multiple rooflets.
 - iv. Decorative use of building material, textural variation, and color to include shingles, tile, stone, wood siding, or other materials as approved by the planning director.
 - v. Decorative molding and framing details to include exposed decorative trusses, special moldings for attic and roof peak vents, balconies, and decorative or unique moldings for windows and doors.
 - vi. Use of trellises, decorative retaining walls, or other elements as approved by the planning director that help to integrate the building to the site.
 - vii. Other elements that meet the intent of the standards, as approved by the planning director.



Figure 21.66-5. Details that enhance the primary facade

B. Design standards for zero-lot-line, townhouse residential development, and multi-family development

1. Building articulation and architectural variety:

- a. No more than six (6) townhouse units may be attached in a single row or cluster.
- b. The building, which is the aggregation of up to 6 townhouse units, shall be given architectural and visual interest through at least three of the following methods:
 - i. Repeating distinctive window patterns at intervals less than 25 feet on center.
 - ii. Vertical Building Modulation: Building modulation is a repeated pattern of changes in plane or articulation along the length of a building façade (See Figure 21.66-6). The minimum depth and width of modulation is 18 inches for depth and 4 feet for width if the vertical modulation is coordinated with a change in color, texture, or roofline (See Figure 21.66-7). If there is no change in color, texture, or roofline, the minimum depth is 4 feet and the minimum width is 10 feet (See Figure 21.66-8). The maximum distance between modulations is 30 feet. Balconies may be counted as modulation if they are either recessed or extended from the main

façade in accordance with the dimensions identified above.

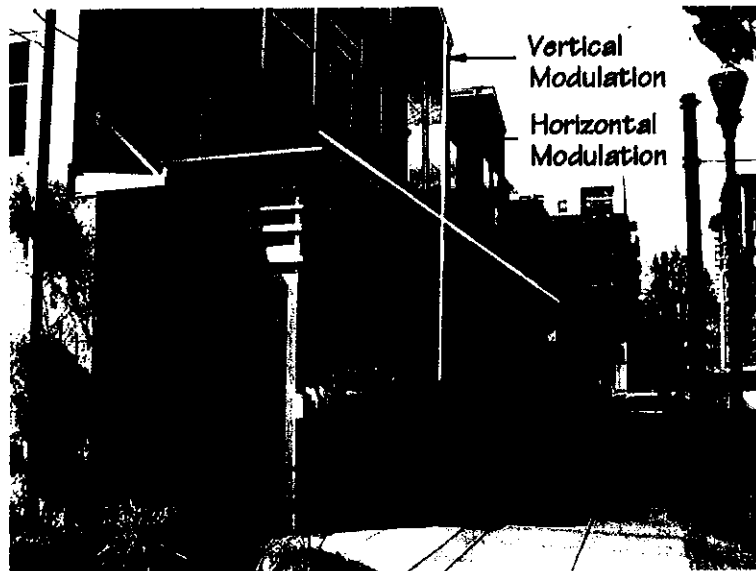
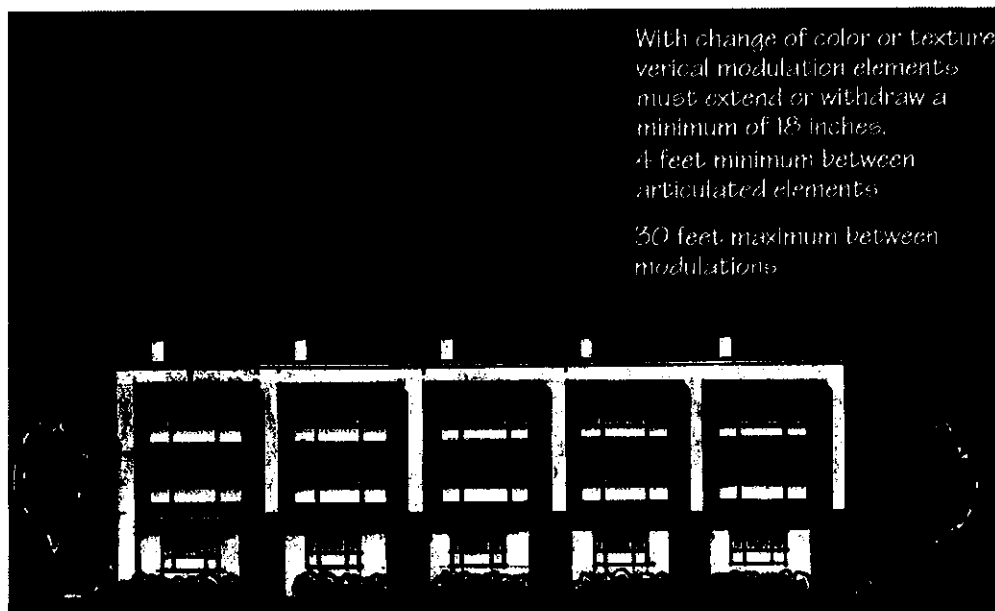


Figure 21.66-6. Horizontal and Vertical Modulation

- iii. Articulation of the building's top, middle, and bottom: This calls for a ground floor that is distinctive from the middle floors of the building and a top floor that is distinguished by changes in roofline, materials, texture, or fenestration (window placement).
- iv. Horizontal Modulation: (either a step-back or extension of the building along a horizontal line), minimum horizontal modulation is 4 feet.
- v. Change in building material or siding style (may be coordinated with vertical or horizontal modulation). Use of different materials, such as wood siding, shingles, metal siding, Stucco or EFIS (Exterior Finish and Insulation System), stone, tile, or other materials or texture as approved by the planning director.
- vi. Use of sloped roofs or change in roofline. To qualify, sloped roofs shall have a minimum slope of 4:12 (vertical to horizontal). The use of gables, hips and other changes in the slope are encouraged. (See Figure 21.66-9). For buildings with flat roofs, or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10th of the wall height. The change in roofline shall occur at a frequency of no greater than 30 feet as measured horizontally on the front façade. (See

Figure 21.66-10).

- vii. Other methods, as approved by the planning director that reduce the scale of multi-family buildings or add visual interest.



Modulation with Change of Color or Texture

Figure 21.66-7. Modulation Requirements for Residences with Changes in Color and Texture.

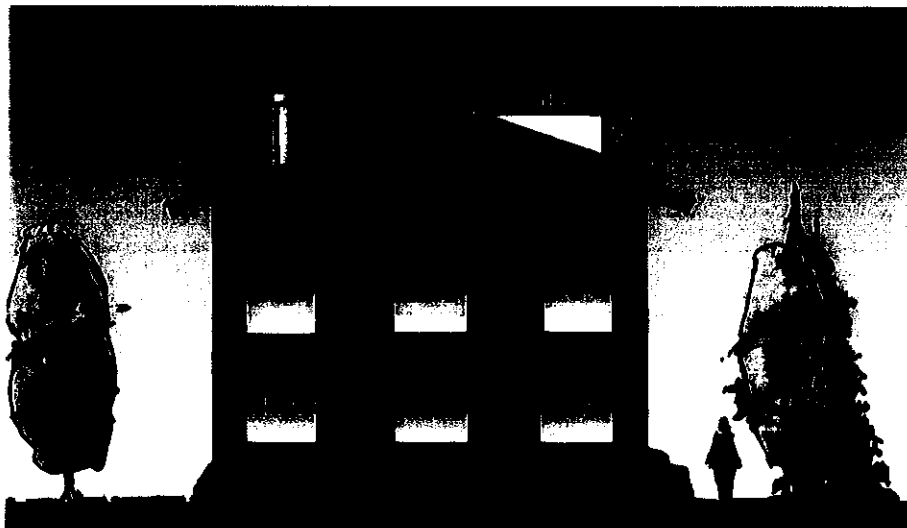


Vertical modulation elements that do not have a change in color or texture must extend or withdraw from the facade plane a minimum of 4 feet, 30 feet minimum between vertical modulation elements.

30 foot maximum width of vertical modulation element.

Building Modulation for Buildings Without Changes In Color or Texture

Figure 21.66-8. Modulation Requirements for Residences without Changes in Color and Texture.



USE OF SLOPED ROOFS

To Qualify, use of sloped roofs must have a minimum slope of 4:12 (vertical to Horizontal). the use of gables, hips and other changes in the slope are encouraged.

Figure 21.66-9. Use of Sloped Roofs



FLAT ROOFS OR COMBINATION OF FLAT & SLOPED ROOFS

For buildings with flat roofs or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10th of the wall height. This change in roofline shall occur at a frequency of no greater than 30 feet, as measured horizontally on the front facade.

Figure 21.66-10. Changes in Roofline for Flat Roofs

21.66.045 COMMERCIAL DESIGN STANDARDS

The following commercial design standards implement recommendations of the Eagle River Central Business District Revitalization Plan, approved in 2003.

A. Intent:

1. Ensure that commercial buildings add to the liveliness of streets and the overall community character by making buildings, pedestrian spaces and landscaping more prominent than parking lots and free-standing signs.
2. Encourage walking within the core of Eagle River.

B. Building orientation, pedestrian, and open space requirements:

1. Distance from the Street: All new commercial buildings within the Eagle River Overlay District that front on the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be set back not more than 20 feet from the street right-of-way.

2. An on-site pedestrian circulation system meeting the following standards shall be provided for all new commercial development:

- a. Pathways between individual commercial developments and the street shall meet the material standards for pathways in this section where buildings are not directly adjacent to the public sidewalk. Such pathways shall form a direct connection between the street and buildings fronting on the street. Exceptions may be allowed by the planning director where conditions merit other consideration.
- b. The pedestrian circulation system shall connect all main building entrances on the site. For commercial buildings with multiple entrances to individual retail stores, the community sidewalk may be used to meet this standard.
- c. Elevated external walkways and external stairways which provide pedestrian access to commercial units located above the ground floor are prohibited. The planning director may allow exceptions for external stairways or walkways located in or facing interior courtyard areas.

3. Material standards for pathways:

- a. The pedestrian circulation system shall be hard-surfaced and at least six feet wide.
- b. The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking or loading areas through the use of at least two of the following design features:
 - i. Raised Curbs;
 - ii. Elevation Changes;
 - iii. Bollards;
 - iv. Landscaping;
 - v. Paving materials other than asphaltic concrete.
- c. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that allows snow removal.

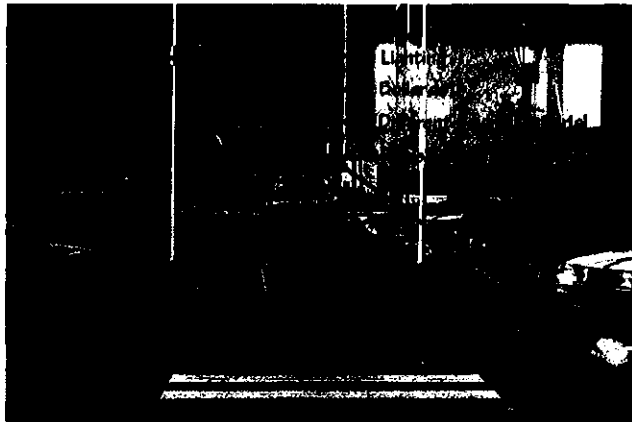
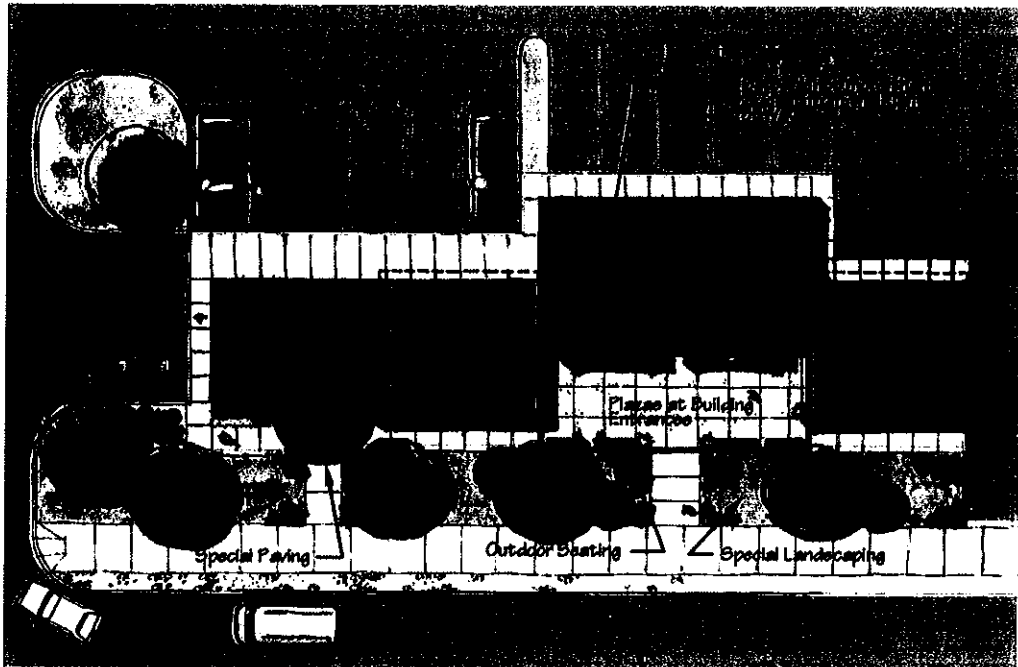


Figure 21.66-11. Design Features To Clearly Delineate Pedestrian Walks From Adjacent Parking Areas

- d. Pedestrian connections shall be illuminated with pedestrian scale lighting, no higher than, 14 feet, meeting the requirements of the Municipality of Anchorage Design Criteria Manual; and
 - e. No portion of the building roof may shed snow or meltwater onto the pedestrian circulation system.
4. Plazas and other open space improvements (See *Figure 21.66-12*):
- a. New or renovated buildings shall have plazas, courtyards, or other pedestrian spaces at or near the building main entrance. At a minimum, these spaces shall be sized at a ratio of 1 square foot of plaza or other open space per 100 square feet of interior building area.
 - b. Plazas or other open spaces shall include at least three of the following:
 - i. Permanent special interest landscape that exceeds the requirements of AMC 21.45.125 by at least 10%;
 - ii. Special paving, to include colored/stamped concrete, brick, stone, or other unit pavers;
 - iii. Public art with a valuation of at least one-half of 1% of the total construction cost;
 - iv. A coordinated set of site furnishings used throughout the site to include benches, trash receptacles, bike racks and may include tables. Site furnishings shall be

commercial grade and fabricated of durable and weather resistant materials;

- v. Other elements that meet the intent of the standards, as approved by the planning director.



Commercial Development, Plan View

Figure 21.66-12. Plaza Improvements

C. Building design standards.

1. Intent:

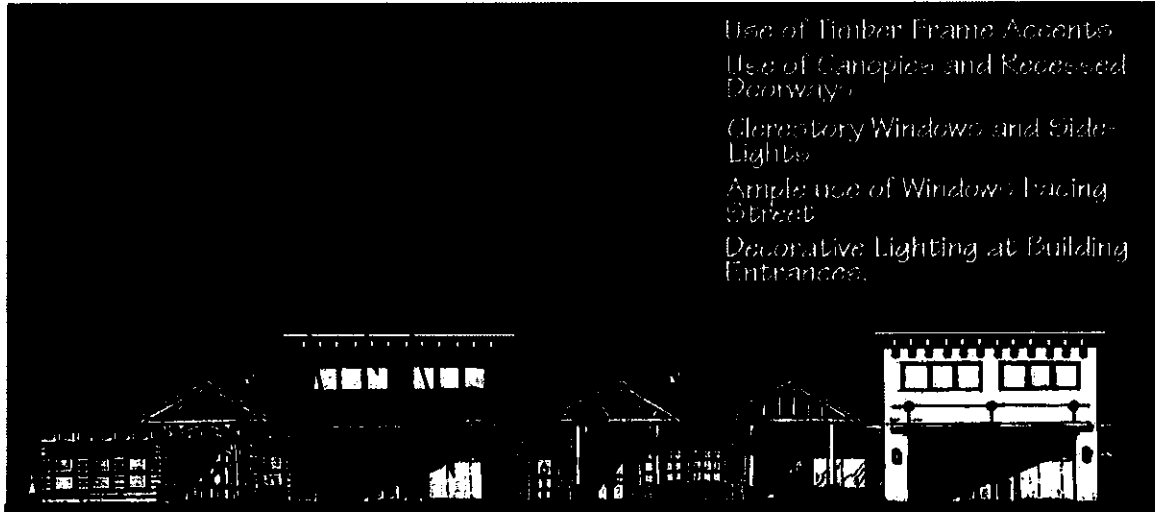
- a. Ensure that commercial buildings add to the liveliness of streets and the overall community character.
- b. Create a design vocabulary that helps to establish continuity within the Eagle River core area.

2. Building Entrances: The principal building entry shall be prominently visible from the street and marked by at least one element from each of the following groups:

a. Group A, Articulation:

- i. Recess of at least three feet;
- ii. Overhang extending at least 5 feet;

- iii. Canopy extending at least 5 feet;
- iv. Portico extending at least 5 feet;
- v. Porch protruding at least 3 feet;
- vi. Other elements that meet the intent of the standards, as approved by the planning director



Commercial Development, Front Elevation

Figure 21.66-13. Commercial Building Articulation, Entrance and Material Treatments.

- b. Group B, Fenestration & Lighting:
 - i. Clerestory Window;
 - ii. Sidelights (clear glass windows flanking the entry);
 - iii. Ornamental light fixtures flanking the entry that are unique to the entry;
 - iv. Double entry doors;
 - v. Other elements that meet the intent of the standards, as approved by the planning director.
- c. Group C, Materials:
 - i. Exposed timber or log columns and trusses for overhangs, canopies, and porticos with stained wooden soffits

- ii. Special paving at entry (see 21.66.065A. *Plazas and Other Open Spaces*)
- iii. Other elements that meet the intent of the standards, as approved by the planning director

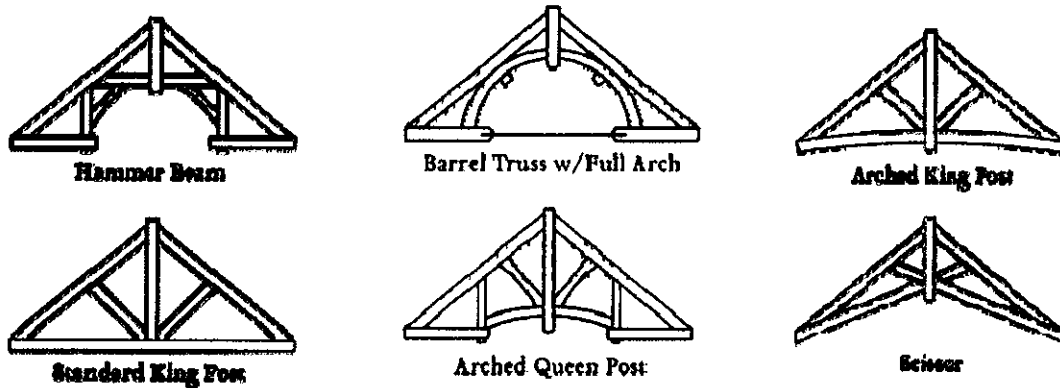


Figure 21.66-14. Examples of Exposed Timber Trusses



Figure 21.66-15. Wood Porticos and Canopies are Desired Features

3. Ground floor transparency requirements:
 - a. A minimum of 60% of any ground floor façade (the portion of the façade between 2 and 12 feet above grade) facing the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be comprised of windows with clear glass allowing views into the interior of the building. Display windows may be used to meet half of this requirement.
 - b. A minimum of 15% of any ground floor façade parallel to any street other than those named in paragraph a, above, shall be clear glass allowing views into the interior of the building.
4. Building massing and articulation requirements:

- a. Buildings shall include horizontal and vertical articulation along the facades parallel to public streets.
- b. Horizontal facades higher than a single story and longer than 100 feet shall be modulated above the ground floor into smaller units at intervals of no more than 30 feet. Modulation shall be accomplished through at least two of the following methods:
 - i. Changes in roof form;
 - ii. Changes in depth of at least two feet for a width of at least 8 feet;
 - iii. Changes in materials or texture.

D. Screening standards.

1. Intent: To screen utilitarian elements, such as mechanical equipment, refuse collection receptacles (dumpsters), and service areas from public view
2. Items that require screening:
 - a. Roof top mechanical equipment;
 - b. Outdoor storage areas used in connection with trade, service or manufacturing activities that do not constitute retail display;
 - c. Snow removal and maintenance equipment storage;
 - d. Storage of recreational vehicles for longer than 48 hours;
 - e. Refuse collection receptacles (dumpsters).
3. Screening requirements:
 - a. Roof-top mechanical equipment: Roof top mechanical equipment shall be placed in such a way that it is not visible from public streets. It may be screened by parapet walls for flat roofed buildings, or it may be enclosed in an attic for buildings constructed with sloped roofs. The placement of chillers or other mechanical equipment on grade shall have sight-obscuring screening, 6 feet in height.
 - b. Storage items requiring screening under subsections 21.66.045 D.2.b – d above require screens that are 8 feet in height and shall be opaque for 6 of the 8 feet (*See figure 21.66-16*).

- i. Screens may be constructed of masonry, wood, metal, or may use the same building material used for the exterior of an adjoining building.
 - ii. Screens that are more than 25 feet in length shall be articulated. Articulation may be accomplished by clearly delineating between posts and panels with a change in depth of 1 inch or greater or a change in materials.
 - iii. The use of chain-link fencing and unfinished plain concrete masonry units is prohibited.
- IV. Where space allows, use of landscaping is encouraged.

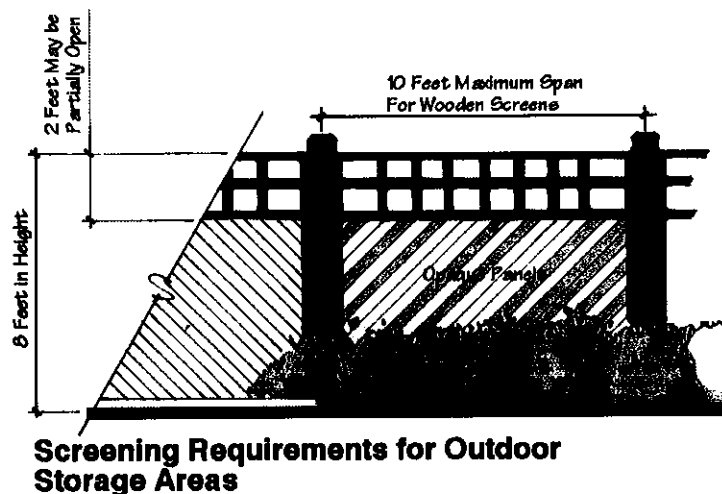


Figure 22.66-16. Example of Acceptable Required Screening for Storage Areas.

- c. Refuse Collection Receptacles (Dumpsters): Each refuse collection receptacle shall be screened from view on three sides by a durable sight-obscuring enclosure consisting of a solid fence or masonry wall six feet in height. Coordinating the materials used in the screen with the materials and colors of the associated building is encouraged. The use of Chain-link fencing and unfinished plain concrete masonry units is prohibited.

Section 2: The Director of the Department of Community Planning and Development shall change the zoning map when this ordinance becomes effective.

Section 3: This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of
_____, 2009.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 95-2009

Meeting Date: February 24, 2009

1 From: ASSEMBLY MEMBER Ossiander

2 Subject: AO 2009-26 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL
3 ASSEMBLY TO AMEND ANCHORAGE MUNICIPAL CODE AND THE ZONING MAP OF
4 THE MUNICIPALITY OF ANCHORAGE BY ENACTING A NEW CHAPTER 21.66,
5 ESTABLISHING THE DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.
6

7 Current B-3 general business district and R-O residential-office district zoning standards in the
8 downtown core of Eagle River fail to take into account the community's desire for a cohesive
9 town center as described in the Eagle River Central Business District Revitalization Plan
10 (October 2003). After months of public discussion and consideration initiated by the Chugiak-
11 Eagle River Chamber of Commerce's Board of Directors, a Dittman Poll (November 2006)
12 found that Eagle River and Chugiak area residents support zoning changes in the old
13 downtown core of Eagle River, if existing uses are grandfathered. The poll results include the
14 following:

- 15 - 70% of local residents support "restricting or prohibiting certain types of
16 businesses".
- 17 - 80% of residents support the "limiting of commercial building heights to four
18 stories".
- 19 - 83% of residents support "more landscaping and pedestrian improvements".
- 20 - 86% of residents support "defining areas with timber features, planters and
21 decorative paving".
22

23
24 In order to augment existing Title 21 standards and to implement the Chugiak-Eagle River
25 Comprehensive Plan Update 2006 and the Eagle River Central Business District Revitalization
26 Plan 2003, the Downtown Overlay District will protect property values, encourage visual variety
27 and architectural compatibility, and promote an integrated character for the Eagle River
28 Community. The Downtown Eagle River Overlay District is presented as a stand-alone
29 chapter, retaining essential elements of existing zoning standards and adding the overlay
30 provisions, as needed, to reflect the community's input.
31

32 The Chugiak-Eagle River Chamber of Commerce Board approved a resolution requesting the
33 Anchorage Assembly to approve and adopt a Downtown Overlay District (April 2007). The
34 attached ordinance has been prepared with the assistance of the consultant retained to assist
35 the community in presenting the overlay provisions. The ordinance will go to the Planning and
36 Zoning Commission for public hearing and action, prior to public hearing before the Assembly.
37

38 Respectfully submitted:

39
40 Debbie Ossiander, Assembly Member, Section 2



Downtown Revitalization



COMMUNITY FORUM APRIL 12th, 2006

This event was highly publicized through fliers and the media. 24 Individuals attended and joined in open discussion about the future of Eagle River's commercial district, and whether the Chamber should help champion any short or long term actions such as an overlay zone.

Participants worked in small groups at five stations where volunteer facilitators took notes and raised questions for discussion. Key points from the event are outlined below.



STATION 1: Central Business District Challenges ...

- Competition.** According to participants, Eagle River's residents are savvy consumers who value convenience and low prices. Even though the resident base is large enough to support a strong business core, local businesses are challenged to compete with Anchorage businesses, online shopping, the commissary on base, and with chain stores.
- Traffic.** Residents mentioned circulation, access, parking, and other traffic-related issues as obstacles to the central business district functioning and feeling like a "real downtown".
- Implementation.** Participants recognize there are some great ideas for improving the downtown, but wonder "How to implement any program". Challenges to implementation include local businesses lack of money for upgrades, difficulty getting agreement from DOT or outside decision-makers, the number of incompatible existing uses (e.g. fast food joints, self-storage, and empty, dilapidated or ugly buildings like Jackies Freeze and Gunsmoke), and finally the issue of attracting commuters and weekly shoppers into downtown Eagle River.

... and Opportunities

- Local Assets.** Eagle River is in a beautiful setting that attracts residents and visitors (especially the nature center and trails). The population base and immediate access to Alaska's largest highway and employment centers like Anchorage and the base provide a good foundation for community development.
- Setting Change into Motion.** Residents described the importance of "acting now" on a range of land use and redevelopment issues:
 - Redevelopment: St. Andrew's, KOA-type RV Park large parcel, Valley River Center, other underutilized sites.
 - Land Use changes: Overlay Zoning, "B1D" downtown improvement district, tax advantages for beautification, a range of tax incentives, opportunity to establish a design standard.
- Downtown Attractions:** Residents clearly want to see new businesses, and construction of community activity centers that help draw activity into the community:
 - New Businesses: Olive Garden (!), Barnes & Noble, Artisan Mall/Bakery, professional offices that keep downtown alive during the day and help support downtown.
 - Community activity centers: City Hall, library, recreation center, quality day care, local senior services, teen and after school activity centers, UAA Satellite campus, new train station for commuters.

STATION 3: Incompatible Land Uses ...

What land uses are not compatible with a thriving business district?

- Highly Incompatible Uses:** Residents strongly agreed that the B3 zone should not allow any of the following land uses:
 - Industrial
 - Manufacturing
 - Miscellaneous (gravel on Loop Road's visual impact)
 - Nuclear waste storage
- Downtown Unfriendly Uses:** Most residents agreed that there are a range of businesses that are fine to put in town, just not in the core area:
 - Storage facilities
 - R.V. Parking lots
 - Mobile home sales
 - Rifle range
 - Auto repair/dealerships
- Non-Tax Paying Uses:** There was serious disagreement about whether or not to encourage or allow uses like churches and government buildings that do not help support the local tax base. Dissenters pointed out that government workers patronize local services and businesses during the day, and that churches help promote community identity, even though they are usually empty all week.
- Other:** Participants raised a few other land uses they wanted to keep out of downtown:
 - Metal buildings
 - MEA sub station (not manual utility sub stations)
 - Schools - public and private
 - BMX & skateboarding

... and Compatible Uses

When asked "What land uses help support a thriving business district?", residents agreed that existing uses should be grandfathered and that land use regulations should encourage:

- Community Facilities:** parking garage; hospital/24-hour service; police station with a warm body; community meeting center; recreation/fitness/sports center - multiuse with a swimming pool; central facility for community services - library, town hall, and social services; visitor center with greenery/grass roof and centralized ranger station; large pavilion with BBQ grill; performance theater; and train transit center.
- Retail, Service & Professional:** outdoor outfitters; crafts; furniture/appliance; business machine repair (copiers, etc.); higher end dress/babies shops; high end (no t-shirt) tourist shops/specialty shops; office supply; owner-operated businesses; moderate family restaurants; book store; taxi service/airport service; and art shops.

STATION 4: Height Restrictions ...

Why or why not have building height restrictions in downtown Eagle River? Residents agreed that height restrictions could be beneficial if they help 1) Maintain the small "town" character; 2) Protect scenic views; and 3) Provide buffers between residential areas and business developments.

- The height limits discussed ranged from three stories up to 60 feet, with special considerations for:
 - Variances higher than the standard for developers that offer the community something (e.g. first floor storefront windows, quality design, great landscaping and outdoor amenities)
 - Lower heights adjacent to residential areas
 - Topography is a factor in the downtown and height standards should specifically relate to the line of sight: "Guvern heights based on elevations"
 - Certain areas should be lower and higher: west of Old Glena/Business Blvd.
 - Mixed use (e.g. retail on first floor and offices or condos above)

... and Design Guidelines

Why or why not have design guidelines for new development in our commercial core?

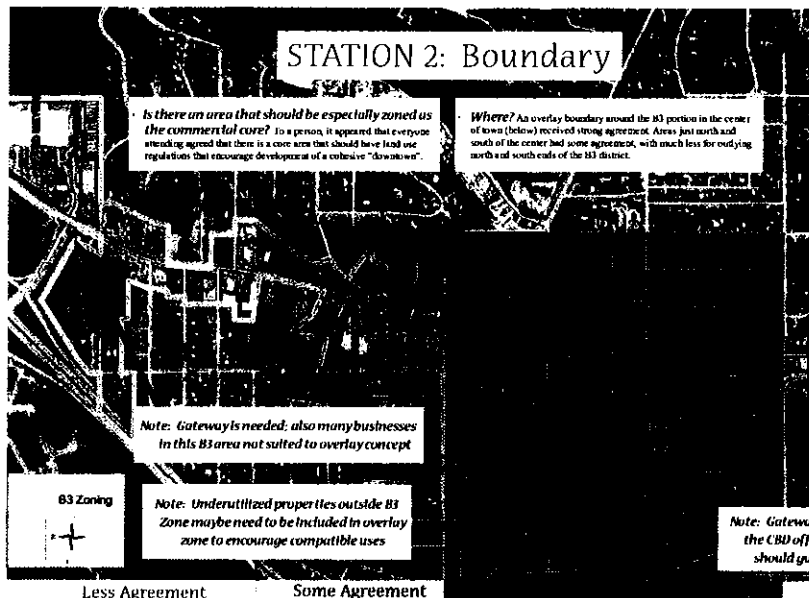
- Community Identity:** Design guidelines and public improvements are needed to help tie the community together. Ideas discussed include flowers and hanging baskets, resort theme like "Mountain Village", requirement to match roof slopes to mountains, awnings and roofs covering walkways to provide pedestrian comfort in the winter, and improved landscaping.
- Economic Viability:** Discussion covered a range of concerns about the costs versus benefits of design guidelines. Some mentioned that guidelines will discourage development and improvements because of the costs, where other thought requiring developers to "do it right" with architectural design standards would be accepted as part of the cost of doing business, with the benefit of improving the economic viability of downtown.

STATION 5: Negative Impacts of Zoning ...

- Costs and/or Negative Impacts:** Residents were concerned about negative impacts and discussed the need for changes to be grandfathered and implemented over time, and for buffering of existing development (mainly residential neighborhoods) from any impacts.
- Property Value Loss:** An additional concern was the issue of reducing owners property values through "down zoning" (e.g. changing residential land to industrial, or something that reduces the property's value and it was agreed that only "up zoning" that would increase value should take place).
- Enforcement:** If zoning measures are passed, but not enforced or applied equally this could unfairly impact some.

... and Positive Impacts

- Self-Determination and Local Control:** An overlay district or other proactive changes could help define local identity and give greater self-determination to the local community.
- Increased property values:** Zoning changes can help Eagle River generate more tax revenue, increase employment opportunities, improve the value of properties, and attract new businesses and customers.
- Increased Appeal and Business Growth:** Residents thought that there are a lot of positive impacts as long as changes are grandfathered in and property owners in existing areas can choose if they want to participate. Positive impacts could include: 1) increase in business appeal; 2) concentration of appropriate uses could draw more activity; 3) and higher development standards could help make downtown Eagle River more of a destination and a place to invest.



The AlaskaPoll



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- ❖ Political and Government Research
- ❖ Focus Groups

OPINIONS AND PERCEPTIONS OF CHUGIAK/EAGLE RIVER RESIDENTS REGARDING LAND USE AND DEVELOPMENT

November 2006

Prepared for

CONSORTIUM OF
CHUGIAK/EAGLE RIVER
COMMUNITY COUNCILS



Summary

SUMMARY OF FINDINGS

The following summary and analysis is presented on the basis of Degrees of Agreement.

The categories range from "Strong Agreement -- Virtual Consensus", which include findings of relatively little debate or differences of opinion within the Chugiak/Eagle River community, to "No Clear Agreement" which include findings with substantial difference of opinion. The purpose is to identify topics of basic common agreement and possibly set them aside, and focus on areas which may require extensive community discussion and review.

It's important to note that the Dittman Research Corporation does not imply a judgment regarding the "rightness" or "wrongness" of the results and rankings, rather they represent the current positions and views of the residents of the Chugiak/Eagle River area regarding the topics of consideration.

[See next page]



**OPINIONS AND PERCEPTIONS OF CHUGIAK/EAGLE RIVER RESIDENTS
REGARDING LAND USE AND DEVELOPMENT**

DEGREES OF AGREEMENT

Strong Agreement -- Virtual Consensus

- 88% Stand-alone single-family detached housing is highest priority among housing types
- 87% Chugiak/Eagle River should be guided by separate land-use regulations
- 84% Current residential building height restrictions should be left as-is
- 81% Buffer and transitional zones should be required between different types of zoning
- 80% Mostly or completely satisfied with parks
- 78% Strict zoning is important to the future of Chugiak/Eagle River
- 78% Support "grandfathering" current land use

Substantial Agreement -- Basic Community Alignment

- 75% Size of garages and out-buildings should be determined by lot size
- 73% Housing density is recommended at less than six units per acre
- 68% Current regulations governing home-based businesses should be left as-is
- 67% Mixed-use zoning should be allowed to combine residential housing units above ground-floor commercial units
- 67% Builders/developers should pay for "oversizing" new roads and sewers
- 67% Personal property rights are more important than community environmental rights
- 66% Roads in and out of new subdivisions should be connected

General Agreement -- Some Differences

- 64% Builders/developers pay for sidewalks in neighborhoods
- 62% Current "set back" requirements left as-is
- 61% Approve of the way Chugiak/Eagle River is accommodating and adjusting to population growth
- 61% Continue current land-use permit system
- 57% Oppose more property zoned for light industrial use

No Clear Agreement

- 54% Oppose greater limitation and regulation of where outdoor animals may be kept
- 53% Local government pay for parks and open spaces
- 53% Builders/developers pay for up-grades to existing roads, drainage and infrastructure
- 53% Local government pay for snow removal storage areas
- 52% Builders required to follow local government architectural design standards
- 52% Builders/developers pay for through-streets in subdivisions
- 51% Connected paved trails not important
- 50% Oppose more property zoned for commercial use
- 49% Affordable housing higher priority than attractive housing
- 47% Builders/developers pay for street lighting in neighborhoods
- 44% Local government pay for paved pathways and trails





- A. Intent. The B-3 district is intended for general commercial uses in areas exposed to heavy automobile traffic
- B. Permitted principal uses and structures: 1) Business, professional services and personal services, including incidental manufacturing or processing of goods for sale; 1a) Large retail establishment, subject to public hearing site plan review. 1b) Self-storage facility and vehicle storage subject to public hearing. 2) Office. 3) Other uses: 3a) Multifamily residential uses, at a density of not less than 12 dwelling units per acre; 3b) Dwellings in commercial structures with a gross floor area not less than 5,000 sf; 3c) Private clubs and lodges 3d) Parks, playgrounds and playfields, and government buildings and uses; 3e) Vocational or trade schools; 3f) Family residential care, day care . . . 3g) Churches . . . 3h) Roominghouses; 3i) Antennas without tower structure . . . 3j) Schools; 3k) Business colleges and universities. 4) Computer aided learning center. 5) Offices and centers for family self sufficiency service. 6) Unlicensed nightclub
- D. Conditional uses. 1) Utility substations. 2) Heliports. 3) Marquees, overpasses. 4) Planned unit developments. 5) Drive-in theaters. 6) Camper parks. 7) Quasi-institutional houses. 8) Liquor stores, restaurants . . . and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages . . . 9) . . . towers that do not meet the supplementary district regulations . . . 10) Snow disposal sites. 11) Correctional community residential centers.
- E. Prohibited uses and structures. 1) The outdoor storage or display of any scrap, junk, salvaged or secondhand materials, or any salvage yard or salvage operation. . . 2) Any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter. . . 3) Storage or use of mobile homes. 4. Truck and heavy equipment repair, service and storage. 5) Open storage of cinders, coal, feed, gravel, manure, muck, peat, sand or topsoil.
- I. Maximum height of structures is unrestricted (except within the Birchwood Airport Zone under Section 21.65.050)



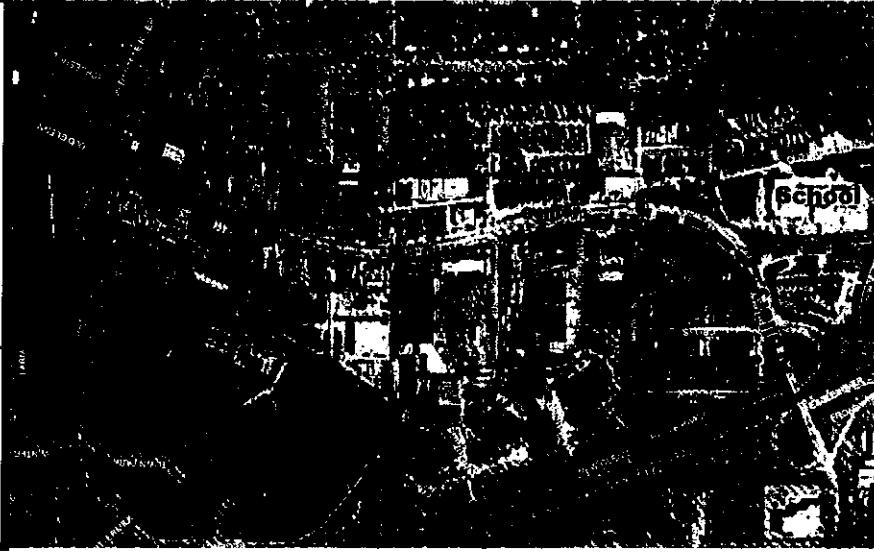
- The overlay district may: 1. Permit, require, prohibit or restrict structures or the use of land or structures;
2. Alter the provisions of the supplementary district regulations as applied to property within the overlay district;
3. Require new development or attributes of new development to conform to a specific architectural or design theme;
4. Require a design review approval process; and
5. Alter the development standards of the underlying district by decreasing or increasing the requirements with regard to building height, yards, lot area, lot width, lot coverage, and lot densities of the underlying district.

Dittman Poll Findings:

A Dittman Poll recently found that, if existing uses are grandfathered, Eagle River and Chugiak area residents support zoning changes in the old downtown:

- 70% of local residents support "restricting or prohibiting certain types of businesses"
- 80% of residents support the "limiting of commercial building heights to four stories"
- 83% of residents support "more landscaping and pedestrian improvements"
- 86% of residents support "defining areas with timber features, planters and decorative paving"

Overlay District
-- boundary under consideration --



Contact us with questions or input:

Chugiak-Eagle River Chamber of Commerce
694-4702 • info@cer.org • www.cer.org

EAGLE RIVER

Downtown Revitalization

OVERLAY DISTRICT

What do we want
for Downtown
Eagle River's future?

"Local identity"

"More Landscaping & Pedestrian Improvements"

"Convenience"

"GREAT MIX OF BUSINESSES AND SERVICES"

"Community Scale"

"Main Street, Friendly Atmosphere"

"Supportive of our local businesses"

"SELF-DETERMINATION"

- Input from Eagle River residents, Spring 2006

What is Overlay Zoning?

Overlay Zoning places special restrictions on new development in addition to those required by basic zoning laws. This tool can be used to enhance an area and help tailor zoning to local needs.

In the Municipality of Anchorage, communities and neighborhoods can propose creating Overlay Districts under Title 21. An Overlay District must be approved by both Anchorage's Planning and Zoning Commission and the Anchorage Assembly.

Why Downtown Eagle River?

For decades, Eagle River's downtown and the entire business corridor on the Old Glenn have been zoned "B3". This type of zoning allows development of many types and forms which are not always compatible with creating a community friendly "downtown". As Eagle River continues to grow, zoning or the lack of zoning provisions will shape our downtown's future.

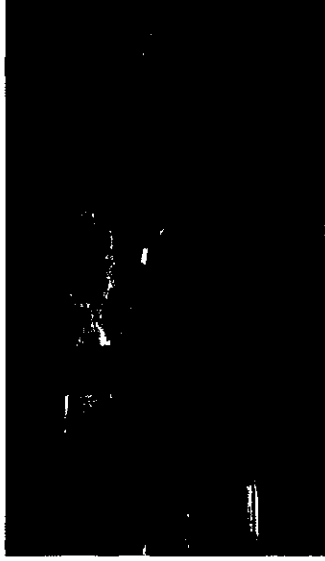
Community Input

In the spring of 2006 the Chugiak-Eagle River Chamber of Commerce began to explore the idea of an Overlay District. Because zoning changes are a significant step, the Chamber decided to ask local residents and business members "what do you think" in a variety of venues:

On April 1, 2006, Board Members spent time in the grocery store and surveyed 172 residents. Chamber volunteers heard that locals do care about the commercial core, and have strong ideas about development downtown.



Overlay District public forum, April 2006



Overlay District public forum, April 2006

Next, the Chamber held a highly-publicized community forum where local business owners and residents were asked questions about the future of the business district:

- What are the boundaries of our "Downtown"?
- What do we want for Downtown's future?
- What land uses are incompatible?
- Should there be height restrictions?
- Should there be design guidelines?
- What about the impacts of overlay zoning to property owners?

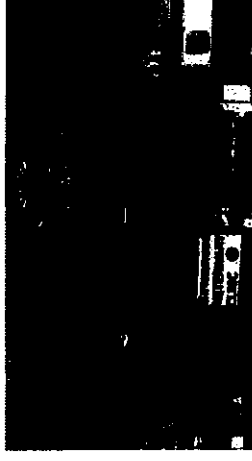
This community forum created a lot of discussion and many participants agreed that if existing uses were grandfathered they supported the overlay concept in principle.

Following this meeting, sub-committees of the Chamber met over the summer to consider boundaries, to draft up ideas for regulations, and to consider next steps. In November of 2006, a Dittman Research Poll was commissioned to ask residents in a statistically valid format what might be included in an Overlay District. The Dittman Poll again showed strong support for a number of overlay provisions (copies are available in the Chamber office).

What is Next?

Based on these findings a draft ordinance and boundary are being drafted to present at a public meeting in the spring, 2007. After the community is comfortable with the final draft, it will go to the Anchorage Planning and Zoning Commission and Assembly for approval.

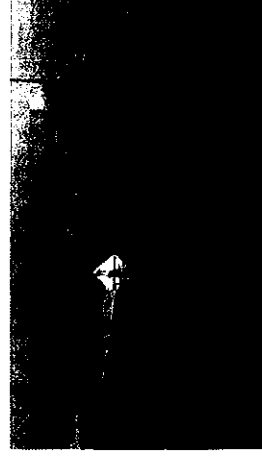
An Overlay District in Eagle River's "Old" Downtown would:



... grandfather existing development



... encourage compatible development



.... restrict certain uses for future development

COMMENTS RECEIVED

Graves, Jill A.

From: Staff, Alton R.
Sent: Wednesday, March 11, 2009 1:35 PM
To: McLaughlin, Francis D.; Graves, Jill A.; Stewart, Gloria I.
Subject: Plat and Zoning Case Comments

RECEIVED

MAR 11 2009

Municipality of Anchorage
Zoning Division

The Public Transportation Department has no comment on the following zoning cases:

2009-035
2009-036
2009-039
2009-044
2009-045
2009-046
2009-048
2009-049
2009-050
2009-051

The Public Transportation Department has no comment on the following short plats:

S10625-9
S11496-3
S11497-3
S11579-3
S11669-3
S11723-1
S11724-1
S11726-1
S11727-1
S11728-1

Thank you for the opportunity to review.

Alton R. Staff
Planning Manager
Public Transportation Department
3600 Dr. Martin Luther King Jr. Ave.
Anchorage, AK 99507
907-343-8230

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

APR 07 2009

MEMORANDUM

Municipality Of Anchorage
Zoning Division

DATE: March 23, 2009
TO: Jerry Weaver, Zoning Division Administrator, Planning Department
FROM: Paul Hatcher, Engineering Technician III, AWWU *PH*
SUBJECT: Zoning Case Comments
Planning & Zoning Commission Hearing May 4, 2009
Agency Comments due April 6, 2009

AWWU has reviewed the materials and has the following comments.

08-096-2 T13N R3W SEC 13 PARCELS 2, 3, 4 & 5, Site plan review for a large retail development, Grid SW1340

1. AWWU water main located in Debarr Road currently serves this proposed parcel.
2. AWWU sanitary sewer main located in Creekside Road and E 10th Avenue currently serves this proposed parcel.
3. AWWU has no objection to this site plan review.

09-050 DOWNTOWN EAGLE RIVER OVERLAY DISTRICT, An ordinance amending Title 21 for establishing the Downtown Eagle River Overlay District, Grid NW0151, 0152, 0251, 0252

1. AWWU water and sanitary sewer are currently available to this district.
2. AWWU has no objection to this ordinance amendment.

09-051 TITLE 21, An ordinance amending Title 21 for utilities under AMC 21.90

1. AWWU has no objection to this ordinance amendment.

09-058 E 72nd UPGRADE FROM BRAYTON DRIVE TO LAKE OTIS PARKWAY, Site plan review for a public roadway, Grid SW2132, 2133

1. AWWU water main currently runs from Meadow Street east to Basel Street on the northern portion of E 72nd.
2. AWWU sanitary sewer main currently runs from Lake Otis Parkway west of Burlwood Drive on the southern portion of E. 72nd.
3. AWWU requests that locates be performed prior to any construction so that clearances may be maintained
4. AWWU Planning Department requests to be involved in the upcoming design review and any construction projects that pertain to this project.
5. AWWU has no objection to this Site plan review.



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: March 27, 2009
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer
FROM: Mada Angell, Assistant Traffic Engineer
SUBJECT: Traffic Engineering and Transportation Planning Comments for
May 4, 2009 Planning & Zoning Commission

RECEIVED

MAR 30 2009

Municipality of Anchorage
Zoning Division

08-096-2 Wal-Mart/Sam's Club at Creekside and Debarr; Site Plan Review for a large commercial development

- Raised end caps are required at the end of all parking aisles. These raised end caps are critical to keep parked vehicles out of the travel aisles within the parking lots. Painted strips will not keep parked vehicles out of the travel aisles.
- Install One-Way-Do-Not-Enter traffic control signage on the north end of the one-way-north-bound vehicle aisle at the Sam's Club Tire & Battery area.

09-050 Ordinance Amending Title 21; Downtown Eagle River Overlay District

Traffic Engineering and Transportation Planning have no comments.

09-051 Ordinance Amending Title 21; utilities AMC 21.90

Traffic Engineering and Transportation Planning have no comments.

09-058 Seventy Second Avenue between Brayton Drive and Lake Otis Parkway; Site Plan Review for a public roadway

Traffic Engineering will comment on roadway design in the Project Management and Engineering review process.



**Municipality of Anchorage
Development Services Department
Building Safety Division**

MEMORANDUM



DATE: March 30, 2009
TO: Jerry Weaver, Jr., Platting Officer, CPD
FROM: Daniel Roth, Program Manager, On-Site Water and Wastewater Program
SUBJECT: Comments on Cases due April 6, 2009

MAR 30 2009

Municipality of Anchorage
Building Safety Division

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

- 2009 - 050 An ordinance amending Title 21 for establishing the Downtown Eagle River Overlay District.
No objection
- 2009 - 051 An ordinance amending Title 21 for utilities under AMC 21.90.
No objection
- 2009 - 058 Site plan review for a public roadway.
No objection
- 2009 - 059 Site plan review for a public roadway.
No objection



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division
Phone: (907) 343-8240 Fax: (907) 343-8250



RECEIVED

DATE: April 6, 2009 APR 06 2009
TO: Planning Department, Zoning and Platting Division Municipality of Anchorage
THRU: Jack L. Frost, Jr., Right of Way Supervisor Zoning Division
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Comments on Planning and Zoning Commission case(s) for May 4, 2009.

Right of Way Division has reviewed the following case(s) due April 6, 2009.

08-096-2 Section 13, T13N R3W, Parcels 2, 3, 4, & 5, grid 1340
(Site Plan Review, Large Retail/Commercial Establishment)
Right of Way Division has no additional comments at this time.
Review time 15 minutes.

09-050 Ordinance Amendment
(Title 21 for Establishing the Downtown Eagle River Overlay District)
Right of Way Division has no comments at this time.
Review time 15 minutes.

09-051 Ordinance Amendment
(Title 21 for Utilities Under 21.90)
Right of Way Division has no comments at this time.
Review time 15 minutes.

09-058 East 72nd Avenue, grids 2132 & 2133
(Site Plan Review, Public Roadway)
All the private improvements such as existing fences, retaining walls, basketball hoops, rock gardens, etc, need to be relocated to inside the parcel boundaries.
The full lot width driveways for the multi family lots do not allow any room for snow storage. Resolve the allowed driveway widths with the Traffic Department. Additional Right of Way Division comments to be provided in the design review process.
Review time 15 minutes.

09-059 East 88th Avenue, grids 2334
(Site Plan Review, Public Roadway)
All the private improvements such as existing fences, retaining walls, basketball hoops, rock gardens, etc, need to be relocated to inside the parcel boundaries. Additional Right of Way Division comments to be provided in the design review process.
Review time 15 minutes.



FLOOD HAZARD REVIEW SHEET

RECEIVED

Date: 04/06/09

APR 06 2009

Case: 2009-050

Municipality of Anchorage
Zoning Division

Flood Hazard Zone: C

Map Number: 0115B/0105B

☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

☐ Flood Hazard requests that the following be added as a condition of approval:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

☐ A Flood Hazard permit is required for any construction in the floodplain.

☐ Other:

☒ I have no comments on this case.

Reviewer: Jeffrey Urbanus, CFM

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for the cases ****

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. **Select a Case:** [View Comments](#)

2. View Comments:

Case Num: 2009-050

An ordinance amending Title 21 for establishing the Downtown Eagle River Overlay District

Site Address: N/A

Location: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY TO AMEND ANCHORAGE MUNICIPAL CODE AND THE ZONING MAP OF THE MUNICIPALITY OF ANCHORAGE BY ENACTING A NEW CHAPTER 21.66, ESTABLISHING THE DOWNTOWN EAGLE RIVER OVERLAY DISTRICT.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

5/28/09

Chugiak Community Council, Dave Baldwin, President

At the 11/20/08 Chugiak Community Council ("Council") meeting, the Chugiak-Eagle River Chamber of Commerce presented their plans to establish the Downtown Eagle River Overlay District. The project was described as a grass roots effort based on concerns from local residents/businesses and results of a recent Dittman survey. The overlay district would implement the Urban Design Study recommendations from the Eagle River Central Business Revitalization Plan (AO 2003-074). If implemented, the new district would control the type of development taking place in downtown Eagle River by: restricting building heights; restricting incompatible land uses; encouraging more attractive and better-connected housing; and incorporating design standards that would use a menu system of options for developers. The district would also protect existing development via grandfathering. _____ At the 04/06/09 Council meeting, the Council discussed Planning & Zoning Case No. 2009-050 to establish the Downtown Eagle River Overlay District (AO 2009-026). The case is scheduled to go before the Planning and Zoning Commission on 06/01/09. _____ The Council unanimously passed a motion to recommend that this request to establish the Downtown Eagle River Overlay District be approved as proposed.

[Zoning & Platting Cases On-line website](#)

5/28/2009

Holiday Companies

Direct Dial: 952-830-8767

Fax: 952-830-1681

Email: dave.edquist@holidaycompanies.com

May 29, 2009

Municipality of Anchorage
Planning Commission
c/o Planning Department
4700 Elmore Road
Anchorage, AK 99507

VIA EMAIL & U.S. MAIL

**RE: Eagle River Overlay District
Planning Department Case Number: 2009-50**

Dear Commissioners:

Holiday Stationstores strongly opposes the plan to include our property in the Downtown Eagle River Overlay District. We believe the overlay district reaches beyond what would be considered a reasonable area for a pedestrian district, and that the proposed design standards will be injurious to existing businesses such as ours.

The proposed requirements of the overlay district impose design standards that could prevent Holiday and others from being able to rebuild when necessary. Holiday believes that the design standards for such a project should be flexible and provide a framework guiding the types of building materials and basic architectural concept. It should not impose standards that selectively and materially prevent an existing and conforming use from being able to rebuild. Standards, such as setback requirements should be governed by the underlying zoning rather than the overlay district.

We believe that this proposal will be financially damaging and ultimately deprive us of continuing the properties current use into the future.

Sincerely,

HOLIDAY ALASKA, INC.



David A. Edquist
Real Estate Manager

DAE/nah

Cc: David D. Hoeschen
Tom Iverson (via email)

Content ID: 007858**Type:** Ordinance - AO

Title: An Ordinance of the Anchorage Municipal Assembly to Amend Anchorage Municipal Code and the Zoning Map of the Municipality of Anchorage by Enacting a New Chapter 21.66, Establishing the Downtown Eagle River Overlay District.

Author: perrysu**Initiating Dept:** Planning**Description:** Downtown Eagle River Overlay District Ordinance**Date Prepared:** 6/12/09 2:59 PM**Director Name:** Tom Nelson

Assembly Meeting Date: 6/23/09

Public Hearing Date: 6/23/09

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	6/19/09 9:38 AM	Exit	Heather Handyside	Public	007858
MuniMgrCoord_SubWorkflow	6/19/09 9:38 AM	Approve	Heather Handyside	Public	007858
MuniManager_SubWorkflow	6/19/09 9:37 AM	Approve	Heather Handyside	Public	007858
Legal_SubWorkflow	6/18/09 5:07 PM	Approve	Rhonda Westover	Public	007858
Finance_SubWorkflow	6/18/09 10:19 AM	Approve	Sharon Weddleton	Public	007858
OMB_SubWorkflow	6/17/09 11:48 AM	Approve	Bruce Holmes	Public	007858
ECD_SubWorkflow	6/15/09 12:20 PM	Approve	Tawny Klebesadel	Public	007858
Planning_SubWorkflow	6/12/09 3:07 PM	Approve	Tom Nelson	Public	007858
AllOrdinanceWorkflow	6/12/09 3:02 PM	Checkin	Susan Perry	Public	007858



NEW PUBLIC HEARINGS

Submitted by: ASSEMBLY CHAIR OSSIANDER
Prepared by: Assembly Counsel
For reading: July 21, 2009

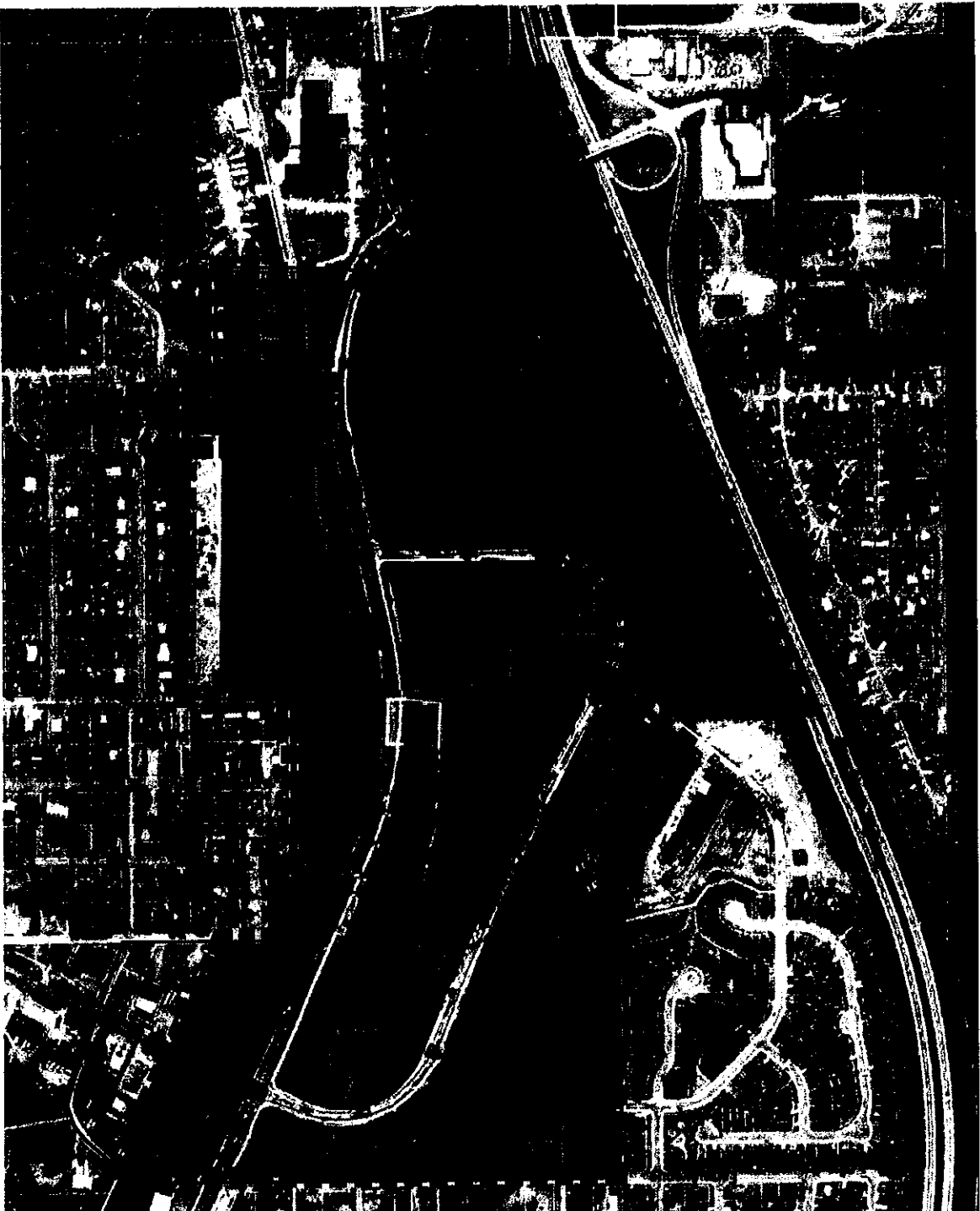
FLOOR AMENDMENT TO AO 2009-26(S) [AGENDA ITEM 13-B.]

Amendment #1: To amend the boundary: AO 2009-26(S) Section 1, beginning on page 2, line 42, through line 23 on page 4 (to include an amended boundary description and an amended Downtown Eagle River Overlay District Boundary Map 21.66-A), is amended as follows:

21.66.010 Scope, goals and boundary description.

*** *** ***
C. *Boundary description of district:* The Eagle River Overlay District shall encompass the area described within the following bounds, as identified on the Downtown Eagle River Overlay District Boundary Map 21.66-A:

From a point of beginning at the northwest corner of Tract S-1-B of Timber Ridge Units Subdivision, as found on Grid NW0251, proceeding east on the south side of Farm Avenue, crossing the Old Glenn Highway and continuing east along the north property line of lot 1-B, Block 12, Walter G Pippel Subdivision, Addition 2, to the northeast corner of lot 1-B, then proceeding southwest along the eastern boundaries of lots 1-B and 1-A to the intersection with North Eagle River Loop Road, then crossing North Eagle River Loop Road to the northeast corner of lot 7C1 of Block 11, then proceeding southwest along the eastern boundaries of lots 7C1 and 7B2 to the intersection with Hanson Drive, then crossing Hanson Drive to the northeast corner of lot 10 of Block 7, ~~boundary of lot 1-B, Block 12 to the intersection with the north side of Horseshoe Drive, then following Horseshoe Drive along the frontage of lots 2, 3, 4, 5, 12, 11, and 10 of Block 12, to the intersection with the Eagle River Loop Road Right-of-Way, then crossing Eagle River Loop Road to the northeast corner of lot 4 of Block 11, then southwest along the eastern boundary of lots 4 and 17 of Block 11 to the intersection with Hanson Drive, then crossing Hanson Drive to the northeast corner of Lot 7 of Block 7, then west along the south side of Hanson Drive to the intersection with the northeast corner of Tract A of the Martin Business Park, then south along the eastern boundary of Tract A to the intersection with Easy Street, then crossing Easy Street to the northwest corner of Lot 12 of Block 5 and then south along the western boundary of lots 12 and 1 of Block 5, crossing Park Place Street and proceeding south along the western boundaries of 1 and 12 of Block 6 to the intersection with Coronado Road, then proceeding east on the south side of Coronado Road to the northwest corner of Lot 5 of the Sunny Slopes Subdivision, then south along the western boundaries of lots 5, 6, 15, 16, 25, 26, 35, 36, 47, 48, 49, and 65 to the intersection with Monte Road, then crossing Monte Road to the south side, then proceeding west on Monte Road to the northwest corner of lot 17 of Ashley Park Subdivision, then proceeding south along the western boundaries of lots 17, 16, 15, 14, 13, and 12 to the intersection with Lynne Drive, then west on Lynne Drive to the Old Glenn Highway, then proceeding south on the west side of Eagle River Elementary School and continuing south along the east side of Eagle River Road to the southwest corner of the Eagle River Elementary School property, then proceeding west across Eagle River Road to the eastern edge of the New Glenn Highway Right-of-Way, then north northwest along the eastern edge of the New Glenn Highway to the intersection with the southwest corner of Tract B-5 of Eagle Glenn South Subdivision, then east to the intersection with Regency Road, then north across Regency Road and continuing northwest along the west side of Regency Road to the northwest corner of Tract B-9, then following the northern boundary of Tract B-9 to the intersection with the southwest corner of tract A-1, then continuing north and west along the boundary of Tract A-1 to the intersection with Regency Drive, then crossing Regency Drive to the north and proceeding north along the western boundary of Tract S-1-B to the point of beginning at the northwest corner of Tract S-1-B.~~



Eagle River Overlay District

Overlay District Boundary and
Height Restriction Map

Map 21.66-A

April 2009

LEGEND

----- Eagle River Overlay District
Boundary

[R-O] Underlying zoning designation
of R-O, as identified in AMC
21.40.130.

[H-4] Height Restricted to 4 Stories
within 55 feet

[H-3] Height Restricted to 3 Stories
within 40 feet

Note: All underlying zoning within the
overlay district bears the designation
of B-3, as identified in AMC 21.40.180,
except for those areas specifically
identified as R-O.

Where building height restriction is
identified by stories, basements are
excluded