

CLERK'S OFFICE

APPROVED

Date: 9-27-11

Submitted by: ASSEMBLY VICE CHAIR HALL
ASSEMBLY MEMBER DRUMMOND
Reviewed by: Community Development Department
Prepared by: Assembly Counsel
Introduced: September 13, 2011
Substitute: September 27, 2011

**ANCHORAGE, ALASKA
AO NO. 2011-93(S)**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 21.40.140 AND RELATED SECTIONS TO
3 PROVIDE FOR CERTAIN MIXED USE DEVELOPMENT IN THE B-1A LOCAL AND
4 NEIGHBORHOOD BUSINESS DISTRICT UNDER ALTERNATIVE DEVELOPMENT
5 DESIGN APPROVAL AUTHORITY AS A PILOT PROGRAM.

6
7 WHEREAS, B-1A Local and Neighborhood Business District zoning district is
8 especially suited to mixed use development, as recognized in the Title 21 Rewrite; and
9

10 WHEREAS, expedited review and approval provisions for alternative development
11 design authority are well matched to mixed use development; and
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13 WHEREAS, in advance of final passage of the Title 21 Rewrite, current and
14 immediate need exists to test and match parameters and standards for limited mixed use
15 development in the B-1A Local and Neighborhood Business District zoning district, under
16 review and approval provisions for alternative development design; now, therefore
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18 THE ANCHORAGE ASSEMBLY ORDAINS:
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20 **Section 1.** Anchorage Municipal Code section 21.35.020 is hereby amended to add a
21 definition for mixed use in the B-1A local and neighborhood business district as follows
22 (*other definitions not affected are not set out*):
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24 **21.35.020 Definitions and rules of construction.**
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26 *** **

27 B. The following words, terms and phrases, when used in this title, shall have the
28 meanings ascribed to them in this section, except where the context clearly
29 indicates a different meaning:
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31 *** **

32 Mixed use, as applied in the B-1A local and neighborhood business district,
33 means a single building containing more than one classification of land use (e.g.
34 residential, office, retail, institutional) or a single development of more than one
35 building and use, where the uses of more than one classification of land use are in a
36 compact urban form, planned and designed as a unified complementary whole, and
functionally integrated to facilitate the use of shared vehicular and pedestrian access

1 and parking, compatible with an established neighborhood commercial area as
2 demonstrated by current or historical use, or area designation in the comprehensive
3 plan.
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5 *** **

6 (GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-171; AO
7 No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No. 81-97; AO No.
8 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO No. 84-14; AO No. 84-
9 52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-85; AO No. 85-216; AO No.
10 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-171; AO No. 88-172; AO No. 88-
11 171(S-1), 12-31-88; AO No. 89-35, 4-7-89; AO No. 88-147(S-2); AO No. 90-50(S); AO
12 No. 91-35; AO No. 90-152(S); AO No. 91-90(S); AO No. 91-184; AO No. 92-7(S-2);
13 AO No. 92-26; AO No. 92-93; AO No. 92-128(S); AO No. 92-129(S); AO No. 93-58;
14 AO No. 93-148, § 1, 11-16-93; AO No. 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2,
15 3, 8-8-95; AO No. 95-173, § 1, 11-14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-
16 131(S), § 1, 10-22-96; AO No. 98-106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO
17 No. 99-62, § 2, 5-11-99; AO No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), § 1,
18 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO No. 2001-101(S), § 2, 4-9-02; AO No. 2002-
19 109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-28-03; AO No. 2003-62(S-1), § 3, 10-1-03;
20 AO No. 2003-97, § 1, 9-30-03; AO No. 2003-132, § 1, 10-7-03; AO No. 2003-124(S), §
21 1, 1-20-04; AO. No. 2004-108(S), § 2, 10-26-04; AO No. 2005-9, § 1, 3-1-05; AO No.
22 2005-150(S-1), § 1, 2-28-06; AO No. 2005-185(S), § 1, 2-28-06; AO No. 2005-124(S-
23 1A), § 4, 4-18-06; AO No. 2006-121, § 1, 9-26-06; AO No. 2006-64(S-1), § 1, 12-12-
24 06; AO No. 2007-62, § 1, 5-15-07; AO No. 2008-80, § 1, 9-16-08; AO No. 2009-22, §
25 1, 4-14-09; AO No. 2010-3, § 1, 3-23-10; AO No. 2010-50(S), § 1, 8-31-10)
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28 **Section 2.** Anchorage Municipal Code section 21.40.140, B-1A local and neighborhood
29 business district, is hereby amended to read as follows (*subsections not affected are not set*
30 *out; language indicating no amendment is included for context only*):
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32 **21.40.140 B-1A local and neighborhood business district.**
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34 The following statement of intent and use regulations shall apply in the B-1A district:
35

- 36 A. Intent. The B-1A district is intended for convenience business uses which serve
37 the daily needs of nearby neighborhoods. The district is intended for small,
38 compact areas.
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40 B. Permitted principal uses and structures. Permitted principal uses and structures
41 are as follows:
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1. Retail uses:
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2. Retail uses, subject to maximum gross floor area requirements:
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3. Office uses:
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4. Office uses, subject to maximum gross floor area requirements:
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5. Residential uses: single-family and two-family dwellings.
6. Other uses:
*** **
 - c. Child care centers and child care homes.
*** **
 - e. Roominghouses.
*** **
 - g. Adult care facilities.
 - h. Small residential care facilities.
*** **
 - j. Mixed use development, subject to alternative development design approval under subsection 21.40.140P.

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

1. Width: 50 feet.
2. Area: 6,000 square feet.

G. Location, area and site plan requirements.

1. Location.

- 1 **a.** Except as stated in subsection G.1.b, development of a use
2 under this section shall only be allowed:
3
4 **i** [a]. With direct access to a publicly dedicated and improved
5 right-of-way as set forth in Chapter 21.85; and
6
7 **ii** [b]. At the intersection of a major arterial street and any other
8 publicly dedicated rights-of-way. [~~;-and~~]
9
10 **b** [c]. For mixed use with minimum contiguous areas of 12,000 square
11 feet but no more than 40,000 square feet approved under
12 subsection 21.40.140P, the site shall abut two public streets, with
13 direct access to a street developed to urban commercial
14 standards.

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16 2. Area limitations.

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18 a. Minimum contiguous area is 40,000 square feet, unless an
19 alternative development design is approved under subsection
20 21.40.140P for mixed use.
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22 **i.** The minimum contiguous area is 12,000 square feet for
23 mixed use approval under subsection 21.40.140P.
24
25 b. Maximum contiguous area is 2.0 acres.
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27 c. Notwithstanding the requirements of subsections G.2.a and b of
28 this section, additions to local and neighborhood business district
29 zones in existence prior to August 2, 1988, are permitted up to a
30 total contiguous area of five acres.

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32 3. Site plan requirements.

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34 a. A rezoning to the B-1A district of less than 1.75 acres shall require
35 approval of a conceptual site plan per Section 21.15.030.C at the
36 time of the rezoning and a final site plan before the issuance of a
37 building or land use permit for that site.
38
39 b. In a rezoning to the B-1A district, an alternative development
40 design approval under subsection 21.40.140P for mixed use
41 development may include provision for administrative final
42 site plan approval [~~substitute for the requirements of G.3.b~~]

1 unless the commission is otherwise directed by the ordinance
2 approving the rezoning states a different approval process .

3
4 c [b]. **Except as provided in subsection G.3.b,** the planning and
5 zoning commission shall conduct a nonpublic hearing site plan
6 review on the final site plan unless [the final site plan is approved
7 by the Assembly in the ordinance approving a rezoning to the B-
8 1A district, or the site plan has alternative development design
9 approval under subsection 21.40.140P, or the commission is]
10 directed otherwise by the ordinance approving the rezoning.

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12 H. Minimum yard requirements. Minimum yard requirements are as follows:

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14 1. Residential uses. Single family and two family r[R]esidential uses.

15 a. Front yard: 20 feet.

16 b. Side yard: Five feet.

17 c. Rear yard: Ten feet.

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21 2. Mixed use yard requirements [a. Front, side, and rear yard
22 requirements] shall be subject to alternative development design approval
23 under subsection 21.40.140P . [-and-]

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26 3 [2]. Other uses.

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29 I. Maximum lot coverage. Maximum lot coverage is as follows:

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31 1. Residential: 40 percent.

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33 2. **Where mixed use lot coverage is [-50 percent unless otherwise]**
34 **approved subject to [-as] an alternative development design**
35 **[requirement] under subsection 21.40.140P, the requirements of the**
36 **approval shall govern.**

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38 3 [2]. All other uses: 50 percent.

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40 J. Maximum height of structures. Except as otherwise provided in this title, no
41 portion of a principal structure shall exceed 25 feet in height.
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- K. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

- L. Parking. Adequate off-street parking shall be provided in connection with any permitted use, subject to the provisions of the supplementary district regulations. [and] Where mixed use is approved subject to an alternative development design [requirements] under subsection 21.40.140P , the requirements in the approval shall govern.

- M. Loading facilities. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. [and] Where mixed use is approved subject to an alternative development design [requirements] under subsection 21.40.140P , the requirements in the approval shall govern.

- N. Refuse collection. Where applicable, refuse collection facilities shall follow the requirements of the supplementary district regulations.

- O. Landscaping.
 - 1. Buffer landscaping. Buffer landscaping shall be planted along each lot line adjoining a residential district. A structure, including a fence or wall, may also be required by the approving authority.

 - 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 building, 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.

 - 6. Where mixed use is approved subject to an alternative development design under subsection 21.40.140P, the requirements in the approval shall govern.

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P. Alternative development design application for mixed use.

1. Alternative development design applications for mixed use are subject to review and approval by the department director or designee. **Final decisions approving or denying an application under this subsection 21.40.140P are appealable to the planning and zoning commission under AMC 21.15.030.H.2 unless incorporated within a rezone application under AMC chapter 21.20.**

2. Alternative development designs for mixed use development shall be submitted to the community development department, planning division in the form of a site development plan. Alternative development design approval is intended to allow flexibility in site design and orientation for mixed use, when maximizing space, responding to community interests, and protecting nearby and adjacent residential neighborhoods and other adjacent development . Submittal requirements:
 - a. Application for a site plan as set out in 21.15.030.

 - b. A schematic and narrative showing how the proposed alternative development design dimensions are integrated to meet the intent of the zoning district by protecting, enhancing, and providing consistency with nearby and adjacent residential neighborhoods and other adjacent development .

 - c. Description of development on properties within 500 feet, and description of traffic and pedestrian circulation within 500 feet.

 - d. Applicant's community council contact and response to community interests.

 - e. Identification of site-specific constraints and proposed mitigation measures to address potential negative impacts to nearby or adjacent development.

3. Certain dimensional requirements may be modified by the approval authority to allow alternative development design compatible with **nearby and surrounding development** [~~the existing local and neighborhood business district~~] , including yard setbacks, lot coverage, building height, use specific standards, and the following characteristics of use: parking and parking lot design, loading, and landscaping.

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- a. The approval authority shall not waive standards for subdivision of land, nor waive the requirements of 21.75, 21.80, and 21.85 in regards to subdivisions of land.
 - b. Approval of an application for alternative development design shall not waive any requirements of Title 23.
 - c. Approval of an application for alternative development design shall not allow a use not otherwise permitted in the district.

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4. Threshold **Approval** ~~Design~~ Criteria. Alternate development design approval for mixed use under this subsection 21.40.140P requires the approval authority to find that each of the following is met:

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- a. The architectural design, site location, orientation, and scale of the structures in the proposed alternative integrate design elements and limitations that are context sensitive and responsive to nearby areas, especially residential areas;
 - b. The proposed alternative design will not have a negative impact on pedestrian or vehicular safety, will promote pedestrian access and connectivity, and reduce the need for vehicle trips;
 - c. The proposed alternative design **adequately mitigates the potential negative impact on nearby or adjacent development despite site-specific constraints** ~~[is compact in scale, in character with adjacent development goals, and promotes local orientation of the B-1A district].~~
 - d. Mixed use development in the proposed design is compatible with an established neighborhood commercial area as demonstrated by current or historical use, or area designation in the comprehensive plan.
 - e. **Landscaping is adequate for the development to fit within the neighborhood.**

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5. Alternative development design standards for mixed use.

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- a. Residential use: For mixed use development of contiguous areas between 12,000 and 20,000 square feet, inclusive, a minimum of 30% of the gross building square footage shall be used for

1 residential uses. For mixed use development of contiguous areas
2 greater than 20,000 square feet, the minimum residential use shall
3 be 50% of the gross building square footage unless the approving
4 authority determines that residential use is best satisfied by 50%
5 of the number of residential units allowable by lot size under
6 residential zoning.

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8 b. Minimum yard requirements in subsection 21.40.050 G [H] will
9 serve as an administrative guideline for the residential element
10 in the mixed use development.

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12 c. The site shall incorporate rear access for the residential units
13 through either an alley or other approved private driveway.

14
15 d. Visual enhancement landscaping meeting the requirements of
16 21.45.125C.1 shall be planted on the perimeter of any portion of a
17 parking lot that is adjacent to a residential zoning district unless
18 the approving authority determines a proposed alternative design
19 element achieves the intent of this requirement and the goals and
20 policies of the comprehensive plan to the same or better degree
21 than achievable by visual enhancement landscaping [meeting
22 the requirement].

23
24 i. Landscaping is important to help a development fit
25 within a neighborhood, especially where adjacent
26 property is low density residential, or more
27 landscaping is the norm. This minimum standard does
28 not prevent the director from requiring additional
29 landscaping, compatible with nearby and surrounding
30 development.

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32 e. Maximum lot coverage of 50% will serve as an administrative
33 guideline for the mixed use development.

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36 f [e]. Additional standards are set out in provisions specific to mixed
37 use in this section 21.40.140.

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39 ~~6. Submittal requirements:~~

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41 ~~a. Application for a site plan as set out in 21.15.030.~~

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~~b. A schematic and narrative showing how the proposed alternative development design dimensions are integrated to meet the intent of the zoning district by protecting, enhancing, and providing consistency with nearby and adjacent residential neighborhoods.~~

~~c. Description of development on properties within 500 feet, and description of traffic and pedestrian circulation within 500 feet.]~~

7. Timing of decision. The approval authority shall render a written decision within 30 calendar days of receipt of an application, unless the approval authority, within the 30-day period, identifies in writing to the applicant the details in the alternative development design application that require additional review before a decision can be rendered.

8. Effect of Approval. Approvals for alternative development designs for mixed use are approved site plans, subject to the specifics of the application approval. Alternative design approval is not a general waiver or **cancellation** [weakening] of the land use regulations. This procedure is not intended as a substitute for a variance. Rather, the procedure permits a site-specific plan.

a. The purpose of an application for an alternative development design is to promote development and mixed use compatible with the existing and planned local and neighborhood business district.

b. The provisions of subsection 21.40.140P are not intended to allow application solely to permit a higher density than allowed in the district, nor to circumvent other specific standards of the district not subject to the site-specific waiver process.

c. As a site-specific approval for mixed use, modifications and approvals issued in review and approval of an application are not transferable to any other application or site, and shall not be relied on by any applicant as establishing precedent with respect to a different site or application.

d. The applicant bears the burden of demonstrating that the potential negative impacts to nearby or adjacent development are adequately mitigated in the alternative development design, despite site-specific constraints.


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1 9. Alternative development design approval for mixed use is undertaken in
2 the B-1A local and neighborhood business district as set out in this
3 subsection 21.40.140P on a trial basis to meet an immediate need to test
4 parameters and standards in advance of final passage of the Title 21
5 Rewrite. Expedited implementation will allow maximum benefit from the
6 test of the process. Applicants shall be deemed voluntary participants in
7 a trial program [without administrative appeal, or other recourse, if the
8 application for alternative development design approval is denied by the
9 approving authority].

10 (GAAB 21.05.050.J; AO No. 77-355; AO No. 78-28; AO No. 78-169; AO No. 81-67(S);
11 AO No. 81-143; AO No. 83-210; AO No. 85-18; AO No. 85-23; AO No. 85-91, 10-1-85;
12 AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 87-62; AO No. 88-49(S); AO No. 88-
13 171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 96-131(S), § 2, 10-22-96; AO No.
14 99-62, § 17, 5-11-99; AO No. 2005-185(S), § 16, 2-28-06; AO No. 2005-124(S-1A), §
15 19, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 3, 10-
16 23-07; AO No. 2009-22, § 6, 4-14-09; AO No. 2010-50(S), § 1, 8-31-10)

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19 **Section 3.** Provisions of Anchorage municipal code section 21.10.015 notwithstanding, this
20 ordinance does not require Planning and Zoning Commission review, and shall become
21 effective immediately upon passage and approval by the Assembly.
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24 PASSED AND APPROVED by the Anchorage Assembly this 27th day of
25 September, 2011.
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29 Chair
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31 ATTEST:

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35 Municipal Clerk
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MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 547-2011

Meeting Date: September 27, 2011

1 **From:** ASSEMBLY VICE CHAIR HALL

2 **Subject:** AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
3 ANCHORAGE MUNICIPAL CODE SECTION 21.40.140 AND RELATED SECTIONS
4 TO PROVIDE FOR CERTAIN MIXED USE DEVELOPMENT IN THE B-1A LOCAL
5 AND NEIGHBORHOOD BUSINESS DISTRICT UNDER ALTERNATIVE
6 DEVELOPMENT DESIGN APPROVAL AUTHORITY AS A PILOT PROGRAM.
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8 This ordinance amends the B-1A local and neighborhood business district zoning district to
9 allow a pilot program for mixed use development, subject to alternative development design
10 approval. For rezone of property to the B-1A local and neighborhood business district, the
11 alternate development design approval will be incorporated within the rezone application under
12 AMC chapter 21.20, and receive public hearing before the Planning and Zoning Commission
13 and the Assembly in the context of a rezone application, and Assembly action on an ordinance
14 to approve the rezone.

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16 Where a rezone is unnecessary because the subject property is currently zoned B-1A, the site
17 plan decision by the director or the director's designee is appealable to the Planning and Zoning
18 Commission as currently provided in AMC 21.15.030.H.2. The public process is maintained in
19 each instance, while allowing a "window of opportunity" to test both the administrative review
20 process and limited application of mixed use, timely for the 2012 construction season.

21
22 The historical intent of separating residential zoning districts from business property is rooted in
23 providing, protecting and safeguarding residential habitat from the environmental and social
24 disadvantages of industrial development. For residents and businesses in many urban areas,
25 certain mixed-use opportunities offer advantages: Mixed-use zoning is needed to revitalize the
26 business area, enhance residential choices, and allow both the younger workforce and those on
27 a retirement income to enjoy advantages of urban dwelling. Anchorage is no exception. Certain
28 areas in midtown Anchorage, such as Spenard, are established neighborhood commercial
29 areas, demonstrated by current and historical use. Eventually, such area designations will be
30 reflected in an updated comprehensive plan.

31
32 This ordinance allows mixed use to be tested in the B-1A local and neighborhood business
33 district, where communities like Spenard favor this type of development. Without this revision to
34 current code, opportunity for financing and construction during the upcoming 2012 construction
35 season will be lost. With an expedited administrative review process as a pilot, and
36 incorporation within the rezone process, the lead time required to proceed with even a small
37 scale mixed-use development remains long, given the current economic climate. For this
38 reason, code changes to allow this pilot are not intended for referral to the Planning and Zoning
39 Commission prior to implementation. We know one or more projects could benefit the
40 community and the purpose of this ordinance is to facilitate timely review by planning staff and
41 the Assembly when a rezone is requested.

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43 Respectfully submitted: Ernie Hall - Assembly Vice Chair, Section 3