

PZC Meeting Minutes

Title 21 Text Amendment to R-2 Zones **Height and Bulk Standards**

PZC Case No. 2021-0111

- 1. PZC Minutes of November 1, 2021**
- 2. PZC Minutes of December 6, 2021**

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PLANNING AND ZONING COMMISSION
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
November 01, 2021
6:30 PM

Due to the Anchorage Assembly continuing a previous meeting in the Assembly Chambers, this meeting was conducted in the Loussac Library's Learning Commons, 4th Floor.

A work session on a Title 21 Text Amendment to R-2 Zones Height and Bulk Standards was held prior to the meeting and conducted by Tom Davis with the MOA Long-Range Planning Division.

A. ROLL CALL

Present Aaron O'Quinn, Andre Spinelli, Danielle Bailey, Jared Gardner,
Jim Winchester, Radhika Krishna, Jeff Raun, Scott Pulice
Excused Greg Strike
Staff Tom Davis, Ryan Yelle, Francis McLaughlin, Shawn Odell

B. MINUTES

1. October 11, 2021

COMMISSIONER SPINELLI moved to approve the minutes. COMMISSIONER PULICE seconded.

AYE: O'Quinn, Spinelli, Bailey, Gardner, Winchester, Krishna, Raun, Pulice
NAY: None

PASSED

C. SPECIAL ORDER OF BUSINESS / EXECUTIVE SESSIONS

1. Disclosures - None

4. **CASE: 2021-0111 (TD)**
PETITIONER: Municipality of Anchorage – Long-Range Planning Division
REQUEST: Title 21 text amendment to the building height and bulk regulations in the R-2A, R-2D, and R-2M residential zoning districts.

TOM DAVIS presented the staff report and recommendations on behalf of the Municipality's Long-Range Planning Division.

CHAIR BAILEY opened the hearing to public testimony. The following individual testified:

JOHN THURBER, South Addition Community Council President

There was no rebuttal testimony.

CHAIR BAILEY noted that there was no more discussion and asked, "What is the will of the Body?"

COMMISSIONER O'QUINN moved to continue the matter to December 6, 2021. VICE CHAIR GARDNER seconded.

COMMISSIONER O'QUINN pointed out that, during the work session, it was mentioned there was interest by the Planning Department to incorporate some of the comments received after the comment period ended, and the Commission had also provided some feedback to staff. He would like to give staff the opportunity to review and incorporate those comments into their report and make any necessary revisions to the text amendment.

CHAIR BAILEY asked staff if the motion was adequately flexible to be able to address this or should it be less specific on coming back December 6.

MR. DAVIS felt that specifying the date was not necessary as it would be our intent to provide an Issue/Response in time for December 6. He asked for clarification that the public hearing was closed, and the motion is to postpone deliberations.

CHAIR BAILEY explained that the likelihood of this being postponed was apparent and she was willing to keep public testimony open, and asked staff if that would be helpful.

MR. DAVIS replied that closing the public hearing would make it easier to provide an Issue/Response Summary to all the issues. Keeping the hearing open would allow more comments and questions to be submitted.

CHAIR BAILEY stated that the public hearing is closed.

COMMISSIONER O'QUINN withdrew the motion and moved to continue the matter to a date determined by staff. VICE CHAIR GARDNER seconded.

COMMISSIONER RAUN mentioned that nothing was heard from South Addition Community Council requesting an extension of time nor did he hear a request for additional time to evaluate what is being proposed. This is just allowing staff to contemplate what has been put before the Body in short order to either influence or not influence what comes back to us.

COMMISSIONER SPINELLI expressed that he did not see any issue postponing this allowing us to flush things out. He added that it will not have a negative impact on any future development next year.

VICE CHAIR GARDNER agreed with the benefits of postponing the case. The following are questions he would like staff to follow up on.

1. Responses to the issues raised in the comments received from the community council.
2. Data on utilization and density within the R-2 Districts and, if you have it, how it is broken down between the different R-2 Districts, both currently and historically, and how that has changed.
3. With respect to the setback plane and the comments raised by Commissioner Spinelli about how that compared to current code, it would be beneficial to the Commission and the community if there were some graphics, similar to what has been provided on that page, showing how they compare with the planes under the current code.
4. He referred to page 42 of the staff report and the definition of railings, open or transparent. That rule applies to at least 65 percent of its vertical surface area. It did not make sense to view that as a whole for the entire surface area of whatever that panel is or if there is value in breaking it down in some fashion, if you were to have a large area with 35 percent chunks in that 65 percent chunk.
5. During discussion of the Administrative Site Plan review criteria shown on page 4, there were some questions about whether that could be more or less obtrusive than the provisions that are available to the development of 3-story dwellings by right. With regard to the criteria for compatibility, he would like to know if there were any suggestions or guidance on providing more specifics for that.
6. Some of the criteria referenced minimizing loss of sunlight and exterior stairs to the second-story entries and it would be helpful to know how the Planning Department anticipates that specific criteria being applied. His perspective is that without a countervailing consideration, that is kind of balanced against that. Minimizing would mean zero and you could not have anything in excess or any exterior stairs.
7. 7.e.i. shown on page 65 references compatible building height that compliments or transitions to the scale of the adjacent properties. 7.e.ii. references width and length that compliments or transitions to the scale of single- and two-family developments anticipated by the zoning for the area. He was not sure if that is intended to look to what is anticipated or what is currently in place, or if there is a difference between one and two with respect to what we are comparing that with.

CHAIR BAILEY noted that there is a lot of aspirational language, which she understood the need for, but she did not know what we are measuring it against. She was also not sure

if there are base guidelines because, currently, it does seem that in the middle of an R-2 zone there could, potentially, be a situation where there is a more intrusive development.

AYE: O'Quinn, Spinelli, Bailey, Gardner, Winchester, Krishna, Raun, Pulice
NAY: None

PASSED

- 5. CASE: 2021-0120 (RY)**
PETITIONER: Municipality of Anchorage – Current Planning
REQUEST: Text amendments to Anchorage Municipal Code Title 21,
Sections 21.08.050 *Improvements* and 21.08.060 *Subdivision*
***Agreements* to clarify soil contamination cleanup requirements.**

RYAN YELLE presented the staff report and recommendations on behalf of the Municipality's Planning Department.

CHAIR BAILEY opened the hearing to public testimony. The following individual testified:

BILL TAYLOR, Anchorage Homebuilders Association

There was no rebuttal testimony.

CHAIR BAILEY closed the public hearing.

COMMISSIONER RAUN moved in Case 2021-0120, text amendments to AMC Title 21, Section 21.08.050 *Improvements* and Section 21.08.060 *Subdivision Agreements* to clarify soil contamination clean-up requirements, subject to Department Recommendations Sections 1 and 2, as worded on page 2 of the staff report. COMMISSIONER KRISHNA seconded.

COMMISSIONER RAUN does not intend to support the motion but expressed appreciation for the commentary and experience Mr. Taylor discussed during his testimony. He still did not believe, as proposed, Title 21 is the right place to overlay something on top of what is already required, in terms of the state requirement code.

COMMISSIONER SPINELLI intends to support the motion. He agreed with Commissioner Raun not having extra codes. After hearing Mr. Taylor's story and discussions with municipal staff, and having been involved, himself, in some soil clean-up in municipal rights-of-way, he thinks something is needed to reference the baseline standard, and this is intended to do that.

AYE: O'Quinn, Spinelli, Bailey, Gardner, Winchester, Krishna, Pulice
NAY: Raun

PASSED

PLANNING AND ZONING COMMISSION
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
December 06, 2021
6:30 PM

A work session on Our Downtown - Downtown District Plan 2021 was held prior to the meeting and conducted by Kristine Bunnell with the MOA Long-Range Planning Division.

A. ROLL CALL

Present Aaron O'Quinn, Andre Spinelli, Greg Strike, Jared Gardner,
Radhika Krishna, Jeff Raun, Scott Pulice
Excused Jim Winchester, Matt Dimmick
Staff Tom Davis, Ryan Yelle, Kristine Bunnell

B. MINUTES

1. Monday, November 1, 2021

2. Monday, November 8, 2021

COMMISSIONER O'QUINN moved to approve the minutes. COMMISSIONER RAUN seconded.

AYE: O'Quinn, Spinelli, Strike, Gardner, Krishna, Raun, Pulice

NAY: None

PASSED

C. SPECIAL ORDER OF BUSINESS / EXECUTIVE SESSIONS

1. Disclosures

COMMISSIONER SPINELLI disclosed that he was absent from the November 8 meeting when Case 2021-0122 was initially heard but has since listened to the audio and can participate.

COMMISSIONER STRIKE disclosed that he will abstain from voting on Resolutions 2021-032 through 2021-035 as he was absent from the November 1 meeting. He will also recuse himself from participating in Cases 2021-0111 and 2021-0120 as these cases were continued from November 1.

2. Election of Officer (Vice Chair)

COMMISSIONER RAUN moved to nominate Commissioner Krishna as Vice Chair.
COMMISSIONER O'QUINN seconded.

AYE: O'Quinn, Spinelli, Strike, Gardner, Krishna, Raun, Pulice
NAY: None

PASSED

D. CONSENT AGENDA

1. Resolutions for Approval

- a. Resolution: 2021-032 Related Case: 2021-0066**
Purpose: APPROVAL (SO)
Request to Rezone one tract of land from CE-PLI (Public Lands and Institutions) District to CE-R-6 (Low-Density Residential) District.
- b. Resolution: 2021-033 Related Case: 2021-0113**
Purpose: APPROVAL (FM)
Request to Rezone a parcel of land from R-2ASL Two-Family Residential District (larger lot) with Special Limitations and R-4SL Multifamily Residential District with Special Limitations to R-4 Multifamily Residential District.
- c. Resolution: 2021-034 Related Case: 2021-0114**
Purpose: APPROVAL (FM)
Request for a Comprehensive Plan Amendment to change the land use designation of a parcel of land from "Single-family and Two-family" and "Urban Residential High" to "Urban Residential High".
- d. Resolution: 2021-036 Related Case: 2021-0122**
Purpose: APPROVAL (FM)
Request for a Conditional Use for a recreational and vacation camp.

2. Introduction for Public Hearings

3. Site / Landscape Plan Approval

4. **Time Extensions; Expedited Hearing Requests; Minor Conditional Use Amendments**
5. **Other**

COMMISSIONER KRISHNA moved to approve the consent agenda. COMMISSIONER O'QUINN seconded.

AYE: O'Quinn, Spinelli, Strike, Gardner, Krishna, Raun, Pulice
NAY: None

PASSED

*Commissioner Strike abstained from voting on Resolutions 2021-032 through 2021-035.
Commissioner Spinelli abstained from voting on Resolution 2021-036.*

E. UNFINISHED BUSINESS AND ACTIONS OF PUBLIC HEARINGS

1. **CASE: 2021-0111 (TD)**
PETITIONER: Municipality of Anchorage – Long-Range Planning
REQUEST: Title 21 text amendment to the building height and bulk regulations in the R-2A, R-2D and R-2M residential zoning districts.

TOM DAVIS presented the staff report and Comment Issue/Response Summary on behalf of the Municipality's Long-Range Planning Division. The Commission closed the public hearing on November 1 and voted to continue the hearing until the summary could be provided. He referred to Line 5 on the title of the draft ordinance, on page 29 of the staff packet and requested the Commission correct the Chapter from 21.15.040 to 21.15, striking the 040.

COMMISSIONER RAUN moved in Case 2021-0111, Title 21 text amendment to R-2 Zones Height and Bulk Standards, to approve the Department's findings and recommendations shown on page 8 of the staff packet; and to include striking ".040" on Line 5 of the ordinance title (shown on page 29); and the recommended amendments on pages 8 and 9 in the November 1 staff packet; and the recommended amendments on issues 5,6 and 11 in the December 6 staff packet. COMMISSIONER KRISHNA seconded.

COMMISSIONER O'QUINN intends to support the motion. He requested further discussion on the Administrative Site Plan Review component after hearing significant public testimony from those opposed to that provision. He understood the Planning Department supports having it remain in the ordinance, but not much was heard from developers. There is a market for three-story development in that specific neighborhood from which the Commission heard opposition. It would seem to be a natural development and occurrence as a result of providing for this Administrative Site Plan Review. He asked Staff to provide any information on types of market trends seen or any inquiries from the development community as he would like to understand more about the likelihood of there being a three-story development through this Administrative Site Plan Review process.

MR. DAVIS explained that three-story development of duplexes and single-family homes have been seen in other zoning districts in recent years, in the Anchorage Bowl. Several of which have been near South Addition with a three-story duplex in Fairview, and, in either an R-3 or R-4 zone, a development with multiple single-family structures on one lot in South Addition. Staff believed that type of development is occurring and would be likely to occur in the R-2 zones as we open up more opportunities for that type of development. Staff received significant support for the three-story amendment from the Anchorage Homebuilders Association. We have also received estimates/average costs per unit of having to excavate down lower to put the third story below grade to avoid it being counted as a story and remain under the 2.5 story height limit. Or the cost of altering the roof structure of the third story allowing it to be counted as a half-story. The cost estimates received exceed the fee of an Administrative Site Plan Review by a large amount of the cost per unit. The cost per unit is much lower and would seem to justify a developer choosing the Administrative Site Plan Review process in having it designed. He reiterated that there is opportunity there.

COMMISSIONER RAUN intends to support the motion and thanked staff for providing context specific to what both the public and the Commission had requested.

CHAIR GARDNER expressed appreciation for staff's effort in responding to questions. One of the items of particular concern was the criteria for the Administrative Site Plan Review for buildings that would not otherwise be under this proposed amendment. The recommended amendments help clarify that criteria and ensure that the bulk and height transition standards are clearly a part of that, and will help make them fit within the particular neighborhood they are in.

AYE: O'Quinn, Spinelli, Gardner, Krishna, Raun, Pulice
NAY: None
RECUSED: Strike

PASSED

2. **CASE: 2021-0120 (RY)**
PETITIONER: Municipality of Anchorage – Current Planning
REQUEST: Text amendments to Anchorage Municipal Code Title 21, Section 21.08.050 *Improvements* and Section 21.08.060 *Subdivision Agreements* to clarify soil contamination clean-up requirements for new subdivisions within the municipality.

RYAN YELLE presented the staff report noting that this particular ordinance was introduced by Assembly Member John Weddleton at the Anchorage Assembly and remanded back to both the Planning and Zoning Commission and Platting Board for review. With regard to the timeline, this was initially heard by the Commission on November 1 and the Commissions' recommendation at that time was for approval. It was then brought to the attention of the Planning Department that a procedural error had occurred and this request should have gone before the Platting Board first, since it affects Chapter 8. The Platting board was then tasked with issuing a recommendation to the