

# **AO No. 2012-124**

**(AM No. 712-2012)**

## **Exhibit F**

### **Planning and Zoning Commission Resolutions:**

1. **No. 2012-035: Recommending Adoption of Chapter 10 of the Anchorage Municipal Code Title 21 as Amended**
2. **No. 2012-036: Recommending Adoption of Chapters 1, 2, 3, 4, 5, 6, 7, 8, 12, and 14 of the Anchorage Municipal Code Title 21 as Amended.**

This page intentionally left blank.

## Appendix F

### **MUNICIPALITY OF ANCHORAGE PLANNING AND ZONING COMMISSION RESOLUTION NO. 2012-035**

A RESOLUTION RECOMMENDING ADOPTION OF CHAPTER 10 OF THE ANCHORAGE MUNICIPAL CODE TITLE 21 AS AMENDED.

(Case 2011-087)

---

WHEREAS, Anchorage Municipal Code Title 21 is in the process of being rewritten to implement the current comprehensive plan; to promote public health, safety, welfare, and economic vitality; to restructure and reformat the code for easier usability; and to allow for more consistent interpretation and application;

WHEREAS, the Planning and Zoning Commission (Commission) is established by Section 12.02 of the Anchorage Municipal Charter and is required by Anchorage Municipal Code Section 21.10.015 to review and make recommendations to the Assembly regarding proposed amendments to Title 21;

WHEREAS, the Assembly, by AR 2006-072, supports the creation of a separate chapter within Title 21 for the community of Chugiak-Eagle River;

WHEREAS, the Chugiak-Eagle River Comprehensive Plan Update (2006) calls for a separate chapter in Title 21;

WHEREAS, the six community councils in the Chugiak-Eagle River area created the Consortium of Chugiak-Eagle River Community Councils (Consortium) in March 2006 in order to develop a separate chapter;

WHEREAS, the Consortium has worked diligently for six years, contracted for a survey of Chugiak-Eagle River residents with Dittman Research Corporation, and held a multitude of publicly-noticed meetings and work sessions;

WHEREAS, a draft Chapter 21.10 was introduced for public hearing and adoption at the Assembly on March 8, 2011 (AO 2011-033) and the Assembly directed the Commission to review and make a recommendation on Chapter 21.10;

WHEREAS, the Commission held a public hearing on August 8, 2011 at Gruening Middle School in Eagle River, and at this hearing, directed the Planning Division staff to provide more analysis of Chapter 21.10 and to bring it back to the Commission on the same schedule as the other chapters of the Title 21 Rewrite;

WHEREAS, the Commission held a public hearing on July 9, 2012 in Anchorage;

WHEREAS, the Commission held one publicly noticed work session on July 23, 2012 to work through some issues in the proposed Chapter 21.10, and to engage in interactive communications between the Commission and the Consortium, local builders, engineers, planners, developers, and concerned citizens;

WHEREAS, the Commission is made up of individuals with a variety of backgrounds and experiences, including two planners, a builder, a general contractor, a professional engineer, a residential real property developer, a remodeler, a military base manager, and a commercial real estate investor, who have resided in Anchorage for many years and have owned homes and businesses;

WHEREAS, the Commission is dedicated to providing the best possible recommendations to the Assembly in accordance with 21.10.015 regarding the proposed Chapter 21.10 and proposed amendments thereto;

WHEREAS, the Commission wants to ensure that Chapter 21.10 is responsive to the needs of the residents and business-owners of Chugiak-Eagle River;

WHEREAS, through the interactive work session and after review of the Planning Division staff's analysis, the Commission developed recommended amendments to the draft Chapter 21.10; and

WHEREAS, the Commission met and deliberated on all proposed amendments at a public meeting held on August 6, 2012; and

WHEREAS, the Commission encourages the Assembly to take a closer look at the initial recommendations of the Consortium, and with the proper analysis, consider those recommendations for code adoption.

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

A. The Commission makes the following findings of fact:

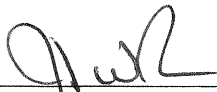
1. Chapter 21.10 with amendments proposed by the Commission reflects the thoughts and concerns from Chugiak-Eagle River about how Title 21 would best serve that community.

2. Many of the provisions in Chapter 21.10 are supported by scientific polling data provided by the Consortium.

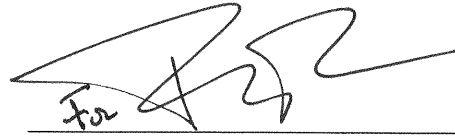
B. The Commission directs staff to make any needed changes to Chapter 21.10 based on changes to the other chapters of the Title 21 Rewrite.

C. The Commission recommends that the Assembly adopt Chapter 21.10—red-lined version, as amended by the Planning and Zoning Commission as reflected in the attached documents, with the exception that the Commission does not support the creation of a slate of new zoning districts for Chugiak-Eagle River.

PASSED AND APPROVED by the Planning and Zoning Commission this 10<sup>th</sup> day of September, 2012.



\_\_\_\_\_  
Jerry T. Weaver, Jr., Secretary  
Chair



\_\_\_\_\_  
Connie Yoshimura,

Attachment A – Red-lined version of Chapter 21.10 and Planning and Zoning Commission recommended amendments in table form.

(Case 2011-087)

This page intentionally left blank.

## Appendix F

### **MUNICIPALITY OF ANCHORAGE PLANNING AND ZONING COMMISSION RESOLUTION NO. 2012-036**

A RESOLUTION RECOMMENDING ADOPTION OF CHAPTERS 1, 2, 3, 4, 5, 6, 7, 8, 12, AND 14 OF THE ANCHORAGE MUNICIPAL CODE TITLE 21 AS AMENDED.

(Case 2011-104)

---

WHEREAS, Anchorage Municipal Code Title 21 is in the process of being rewritten to promote public health, safety, welfare and economic vitality and to restructure and reformat the code for easier usability and to allow for more consistent interpretation and application;

WHEREAS, the Planning and Zoning Commission is established by Section 12.02 of the Anchorage Municipal Charter and is required by Anchorage Municipal Code Section 21.10.015 to review and make recommendations to the Assembly regarding proposed amendments to Title 21;

WHEREAS, the Planning and Zoning Commission (Commission) began its review of the provisionally adopted Title 21 together with the Administration's proposed amendments and the 2010 Planning and Zoning Commission amendments in mid-November 2011;

WHEREAS, the Commission held 18 publicly noticed work sessions to better understand the provisionally adopted code and proposed amendments thereto and to engage in interactive communications between the commission and local builders, engineers, planners, developers and concerned citizens;

WHEREAS, all of the work sessions were attended by a majority of the Commissioners and often were attended by all of the Commissioners, resulting in over 350 hundred hours of Commissioners' time being spent discussing the provisionally adopted code and proposed amendments thereto;

WHEREAS, the Commission held two public hearings on March 12 and March 19, 2012 wherein individuals presented testimony and written materials on the provisionally adopted code and proposed amendments thereto;

WHEREAS, the Commission is made up of individuals with a variety of backgrounds and experiences, including two planners, a builder, a general contractor, a professional engineer, a residential real property developer, a remodeler, a military base manager, and a commercial real estate investor, who have resided in Anchorage for many years and have owned homes and businesses;

WHEREAS, individual Commissioners met individually with design professionals and concerned parties in the community to better understand the impact of the changes in Title 21 and the effect of the changes upon development within the community;

WHEREAS, the Commission is dedicated to providing the best possible recommendations to the Assembly in accordance with 21.10.015 regarding the provisionally adopted Title 21 and proposed amendments thereto;

WHEREAS, the Commission wants to ensure that Title 21 is practical and user friendly; that it provides a fair and balanced approach to development, recognizing the aesthetic improvements needed in the community and the need for enhanced landscaping; that it creates opportunities for the types of development that the community critically needs in light of the housing and commercial studies that have been completed since the code was provisionally adopted; and that there are not significant unintended consequences of Title 21 which work to the detriment of the community and individual land owners;

WHEREAS, through the interactive work sessions and after review of the Planning Department staff's issue response memos, the Commission developed recommended amendments to the provisionally adopted code and recommendations regarding the Administration's and prior Planning and Zoning Commission's proposed amendments;

WHEREAS, the Commission met and deliberated on all proposed amendments at public meetings held on June 4, June 20, and July 9, 2012;

WHEREAS, the Commission proceeded with its recommendations by chapter and for each chapter addressed, adopted: 1) a Table of Proposed Amendments which references the section of the code and contains comments regarding the amendments; 2) recommendations on a Combined Amendment Chart with recommendations to accept or reject the proposed amendment; 3) a red and blue lined version of the provisionally adopted code which contains red lines representing the Administration's proposed amendments and blue lines representing the Planning and Zoning Commission's proposed amendments; and 4) a clean version of the chapter;

WHEREAS, all of the Commissioners present at the June 4, June 20 and July 9, 2012 meetings spoke in support of the resolutions set forth below.

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

A. The Commission makes the following findings of fact:

1. The amendments proposed by the Commission result in a more useful and clearer code with more efficient and consistent standards.
2. The effective date of the code should be two years after passage by the Assembly so as to give citizens time to become familiar with the code and to minimize the impact on currently planned development.
3. While the general goals and objectives of the comprehensive plan need to be followed, Title 21 should govern the occupancy and use of land.

4. With respect to multi-phased projects, it would be unfair to impose different standards which could adversely impact a development in progress. Therefore, a developer should be allowed to decide to continue development under the existing code or to proceed under the new code.

5. All Boards and Commissions, including the Planning and Zoning Commission, should retain their existing duties.

6. The Commission concurs in the expansion of the director's authority under the provisionally adopted code, but as a matter of fundamental fairness and due process, there should always be the right to appeal the director's decision.

7. Community involvement and input is valuable and desired as a vehicle for creating a better community. A community council meeting or other community meeting should always be required for significant future developments.

8. There needs to be a rational nexus between the dedication or improvement that is required and the structure that is subject to the building or land use permit. The cost of the dedication or improvement needs to be proportional to the impact.

9. Cluster housing should be included as a conditional use because it functions as an opportunity to create affordable and moderately priced housing.

10. There needs to be flexibility to address amendments that will arise following the adoption of Title 21. The two year timeframe proposed should be expanded to three years.

11. The zoning districts as they exist under the current code should be retained and no new zoning districts should be created. Mixed use development should be allowed as a standard that can be applied in some existing zoning districts but should not be mandatory for development of properties within the zoning district. The impact of creating new zoning districts and the changes to those zoning districts is not known and has not been adequately studied. New zoning districts should not be adopted until the land use plan map has been updated and a proper economic study has been performed. The economic study performed in 2008 did not address the tax revenue consequences of rezoning or the impact of rezoning on lower density residential developments or its impediment to the creation of affordable and work force housing. The uses allowed within the zoning districts need to more closely align with the existing code.

12. The dimensional standards and measurements need to be retained as they exist in current code so as not to limit or reduce the economic value of property.

13. Both public and private streets should be allowed in subdivisions. Private streets should only be allowed when there is a homeowners association which can maintain and repair the streets.

14. Approval of development activities may be conditioned upon obtaining necessary federal permits and approvals but those permits and approvals should not have to be obtained first; obtaining the permits before obtaining final approval will result in time delays.

15. There needs to be more flexibility in residential development and building. There needs to be more flexibility in building on sloped property as it relates to road grades, building footprints and site disturbance. Sidewalks should only be required on one side of the street and not in cul-de-sacs to protect citizen privacy and to prevent excessive cut and fill on steep slopes and wetlands.

16. For new development sites, at least 5% of the surface area to be plowed should be designated for snow storage, and parking spaces, other than handicap parking spaces, may be designated and/or used for snow storage.

17. The landscaping section should be user friendly and easy to understand, with references to trees and shrubs rather than landscape units. There should be alternative equivalent compliance for landscaping to enable creative and innovative solutions.

18. Residential design standards for single family and two family residential structures are important protective requirements in establishing long term aesthetics for a community. A minimum standard needs to be established for the benefit of the community.

19. Commercial design criteria should be the same requirements that apply to large commercial establishments because they are familiar and workable standards which create architectural and aesthetic compatibility.

20. The Design Criteria Manual should be regarded as a regulation and should be submitted to the Assembly for approval. The Design Criteria Manual should be updated no more than every two years with public input and participation.

21. The connectivity index is confusing and should be deleted. While connectivity to public land is important, the developer should not be required to dedicate private land for, or build, a road or parking lot, as this could be considered a taking without compensation. Also, there should be more emphasis placed on the requirements of the park plans. The developer may be required to dedicate a public easement and the developer may be required to dedicate a vehicular right of way, if it is identified and adopted in a park plan.

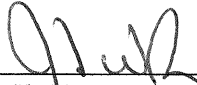
23. Requiring fees for verification of nonconforming status for nonconformities generated by the changes in Title 21 will create a financial burden on citizen land owners. Accordingly, the fees should be waived for a two year period.


24. Nonconforming uses should not be automatically deemed abandoned based on inactivity if the owner can show attempts to continue the nonconforming use.

B. The Commission recommends that the Assembly adopt Chapters 1, 2, 3, 4, 5, 6, 7, 8, 12 and 14 as amended by the Administration's and Planning and Zoning Commission's amendments as reflected in the following documents which are attached hereto by chapter and are collectively referred to as Exhibit A:

1. Table of Amendments.
2. Recommendations on the Combined Chart of Proposed Amendments.
3. Red lined/blue lined version of each chapter.
4. Clean version of each chapter.

PASSED AND APPROVED by the Planning and Zoning Commission this 13<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Jerry T. Weaver, Jr., Secretary

  
\_\_\_\_\_  
Connie Yoshimura, Chair

Attachment A – Planning and Zoning Commission recommended documents.

(Case 2011-104)

djt