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Submitted via E-mail: title21@muni.org

Following are comments on the Title 21 2005 Draft. My experience is that of a small business owner with properties in I-1 and B-3 zoning. I am also a cyclist and walker when I am not driving my kids around from my Hillside home. I don't have a good knowledge of zoning and all of its issues beyond my immediate experience.

The first batch of comments follow the order of the draft. The last couple pages are editorial comments such as incorrect references or stray words.

I hope these comments are useful to you.

Sincerely,

21.02.020 B p 19 L6

“... P&ZC, PB, ZBEA, UDC, GTAC shall all consist of 9 members... “

Also see part 10b P23 L12-13 “Action by the board or commission shall require the favorable vote of a majority of the fully constituted board or commission. The fully constituted board or commission shall include all appointed members not excused for conflict of interest ...”

This is a requirement for variances, too p93 L18-20

JW: What if the board is short members? That can happen. Community Councils are kicked out of the loop because they are seen as holding things up. How many projects are held up by short boards on these important groups?

The increased duties of the UDC might stretch the pool of willing and qualified board members.

CHAPTER 21.03 Review and Approval Procedures p34

21.030.020 Common Procedures p34 L32-34

JW: In the discussion of preapplication conferences, it says “This review shall take place prior to any substantial investment, such as land acquisition for a proposed development”

Seems like a land buyer should be able to buy when they want and take the risk. Change “shall” to “should.”

G5 Posted Notice p42 L37-40 “... a notice to be posted on the property ..”

JW: The signs recommended here would be an improvement over the lack of info on signs posted now. Change wording to emphasize the goal of posting is to be visible so concerned people will be able to see the sign. Add a minimum size? Color?

C6e p64 L42 regarding Platting Board approval of a plat it must be found that the plat: “Provides of adequate and convenient open space.”

JW: Better revise this given the lack of requirement for open space!

C6i p65 L4-5 “provides opportunities for recreation, light and air ...”

JW: The reference to recreation is puzzling. Are there requirements for developments to provide for recreation anywhere else in Title 21?

What does the “light and air” mean? This phrase is used elsewhere in this Draft and its meaning is not clear.

21.03.200 APPEALS

The Board of Adjustment hears appeals of plats, variances and conditional uses.

The current law allows anyone “adversely affected” to appeal. The rewrite limits appeals to: “2b. ... the applicant, ... the owner,, the owner of property within the notification area for the subject application, and anyone that presented oral or written testimony at a public hearing on the application.” p95 L33-36, p9611-2

JW: Is this good? Lots of issues do not become generally known by people with legitimate concerns until late in the process. While it may be a hassle to deal with legitimate concerns late in the game, is it proper to ignore them?

B. Appeals top the Zoning Board of Examiners and Appeals

JW: Similar issues on parties of interest with see p102 L5-10.

21.04.020 RESIDENTIAL DISTRICTS

“A. General Purpose /Intent

6. Provide light, air, privacy and open space for each residential dwelling ...” p130 18-9

JW: What is “light, air”

JW: Frequently in this section the phrase “non commercial recreation uses” is used in the list of what is allowed in various zoning districts. What is the goal here? Small recreation that does not draw traffic from beyond the neighborhood? Something else? A little league complex is non commercial but for a few months draws big crowds. A commercial horseshoe club would probably be very quiet. Is there a way to define this better?

G. R-6 Low Density Residential (1 acre) District

1. Purpose

The R-6 district is intended primarily for lands that are developing or will develop for residential purposes and is designed to protect and conserve areas with larger lots and low population densities. This district permits mobile home dwellings on individual lots.” p132 L15 -21

JW: Note that the discussion of R-9 says “where public sewers are unlikely to be provided for a considerable period of time..” p132 L32-33 Add that to the description of R-6.

There are 8 points made in the description of R-10 that should be made for R-6, R-7, R-9 as well. See p133 L3-21. Leaving them out of the descriptions of these other zonings suggests these 8 points are not important.

21.04.060 OTHER DISTRICTS

C. OL: Open Lands District

1. Purpose

JW: The title for this zoning is misleading! The average person reading the words “Open Land” would not conclude that it means “land waiting to be developed.”

21.05.050 COMMERCIAL USES: DEFINITIONS AND USE SPECIFIC STANDARDS

D5a. Nightclub, Licensed. Definition” p234 L1-15

This section should say somewhere “offers or sells to its patrons alcoholic beverages or adult entertainment” to clearly distinguish it from “Nightclub, Unlicensed.”

D5bi Use specific standards a completely enclosed soundproof building ..” p234 L17

JW: What about Chilkoote Charlies’ patio bar, Humpty’s Patio, Peanut farm ... many others?

TABLE 21.05-3 TABLE OF ACCESSORY USES - RESIDENTIAL DISTRICTS p272

7. Computer-Aided Learning Center p283 L13

JW: This should have a reference directing readers to part 10b of this section where there are more requirements for this use.

18. Outdoor Storage Accessory to a Commercial Use

b Use-Specific Standards

“I. Each outdoor storage area shall be to the rear of the principal structure and may not be in the front setback.”

JW: This may not be possible on an I-1 lot with the building built to the side property lines. No access to what would usually be a very small area at the back of the lot. There are lots of I-1 properties with storage in the front. i.e large building material and pipe that would be hard to haul to the back of the lot.

22. Vehicle Repair/Rebuilding, Outdoor, Hobby

“b I Only one inoperative vehicle may be stored outdoors on the site at any given time.

...

iii and shall be screened from view from all property lines and adjacent rights of way by an opaque fence ..” p294 L14-27

JW: What about a ‘parts’ vehicle for a restoration? If inoperative vehicles are required to be screened from view, why such a tight limit? It is hard to be a motorhead without at least one parts vehicle.

21.060 Measurements and Exceptions

A6bii “Trails and bicycle paths” p 319 L2

JW: The phrase “bike trail” and “bicycle path” are misleading. What is usually really meant is “paved trail.” That phrase should be used or the ungainly “multi purpose trail.” (Also correct p356 L 41)

RE: SETBACKS picture p 324

JW: Why would lots 11 & 12 have all front setbacks while lots 10 & 13 have only one front setback?

CHAPTER 21.07 DEVELOPMENT AND DESIGN STANDARDS p 333

D. Wildlife Conflict Areas

1. Applicability This subsection shall apply within 200 feet on either side of the ordinary high water mark of the following streams: Eklutna River (downstream from the Old Glenn Highway), Thunderbird Creek, Peters Creek and its tributaries; Fire Creek (downstream from the Old Glenn Highway), Eagle River, South Fork of Eagle River (below the falls), Ship Creek (upstream from Reeve Blvd.), Campbell Creek (upstream of Lake Otis Parkway), Rabbit Creek, Little Rabbit Creek, Indian Creek, Bird Creek and Portage Creek.) p 344 l 12-19

JW: Is this adequate given Anchorage’s broadly expressed interest in wildlife among us? When people buy land with a stream or other important environmental feature, they should expect to face a few constraints to preserve it. There’s a creek dominating 2/3 of the property my house is on. That’s why I live here.

21.07.060 TRANSPORTATION AND CONNECTIVITY

C1. a. Trip generation during any peak hour is expected to exceed 500 trips per day ...”

JW: Units inconsistent? Should it say “a rate of 500 trips per day?”

D3.e Connections to Vacant Land p356 L 39-41

JW: This section refers to “bicycle paths” but not explicitly to trails in general. How about changing that to “bicycle and pedestrian connections.”

F. Standards for Bicycle Facilities

1. Bicycle Lanes Encouraged

“Locations for bicycle lanes are identified in the Areawide Trails Plan and information about the design Standards are included in the Design Criteria Manual. Bicycle lanes are encouraged in the design of all arterial, collector, and local streets where low traffic speeds and volumes allow bicyclists and motorists to share the road safely.” p 359 L 22-28

JW: This is mostly good. Bike lanes on local streets might create a width that would work against traffic calming. Local streets outside of the ARDSA are often dirt so bike lanes would be impractical.

Regarding “share the road safely,” collectors and arterials with bike lanes should be designed so this is a given. The current wording could prevent bike lanes arbitrarily. How about replacing that last sentence with “Bicycle lanes are encouraged in the design of all arterial, collector, and local streets and these streets should be designed to allow bicyclists and motorists to share the road safely.”

H. Screening

3. Refuse Collection

b. Screening Enclosure p377 L 16-27

JW: Screening a dumpster on 4 sides? The truck driver will have to get out to open the gate. That'll slow things down. How about screen on 4 sides or 3 if the opening is not directly towards the street. Or at least make that the case in Industrial and Commercial areas.

I. Fences p379 line 40

JW: This would be a good place to mention fencing not impeding pedestrian circulation. For example: If you are on W 53d and want a sandwich at the Subway in the new Bailey's Furniture building, you can't walk 100' to get there. You have to walk ½ mile to go around to International Airport Road and then walk to the Bailey's parking lot and the length of that to the Subway. All that for the lack of a 2' opening in the fence.

If you leave Bailey's from the front door, there is a bus stop on C St. that is fairly close. Blocked by a fence, you have to walk to International and then double back on C St. That more than doubles your walking due to the lack of a small opening in the fence.

Not to pick on Bailey's. I am glad it is there.

21.070.090 OFF-STREET PARKING AND LOADING p 380 L 1

C. 2 a. The parking lot layout and design plan shall be prepared by a design professional” p 381 L39-40

JW: For a lot with 10 spaces! Ouch! How about “to standards of the Institute of Traffic Engineers or by a design professional” or use the wording like p 396 lines 3-4.

H 3 c. Pedestrian Connections p 404 L15-25

JW: This is a good place to address pedestrian access to adjacent properties and roads. i.e. “Fences will have openings so as to allow direct pedestrian access to adjacent roads, businesses and bus stops.” Or match the phrasing regarding large commercial establishments p429 Lines 1-3 “pedestrian walkways shall be provided from the principal building to adjacent developments, and to adjacent neighborhoods where trail or street connections are available.”

H 3 d. “... pedestrian drop-off area shall be provided near the primary building entry.” p404 L42-43.

JW: What if there are more than one main entry? i.e. the Dimond Center, Northway Mall, strip malls...

5. Snow Storage and Handling

“a. iii Snow shall not be stored on any site .. for more than 21 days” p406 L 38-40

JW: This should come with some parameters. If a site has lots of room for snow storage and has not exceeded the 15' height. Why remove the snow? That's more expense, more traffic, no gain. It will melt soon!

21.070.110 PUBLIC, INSTITUTIONAL AND COMMERCIAL STANDARDS

G 2 a. Building Mass

JW: The wording p430 Lines 15-20 accomplish the same goal but appear to be less restrictive and more clear.

G 3 b Entrances “each primary structure shall have a clearly defined main pedestrian entrance ..” p424 L1-2

JW: What about Dimond Center, Northway Mall, 5th Avenue Mall? They have and need several nice entrances. Maybe ask for one on each side of the building that is generally accessible to customers.

G 4 Human/Northern Climate Factors p424 L28

JW: No mention of Skybridges? This is a big topic, but important. Calgary has several blocks connected by skybridges. This provides easy walking and more retail and office space in the downtown.

4 d. Microclimate Wind Mitigation p425 L21

“Buildings should be relatively low on height or similar in height to adjacent buildings.”

JW: Anchorage is a squat town. To get density in the core, we have to grow upwards. The rules in this section will impede that. The nicest new buildings in Midtown would not meet this standard.

21.070.120 LARGE COMMERCIAL ESTABLISHMENTS P425 L36

E. General Standards menu

5 b Canopies, awnings ... at least eight feet in depth..” p431 L 28-29

vs.

e “ Planting beds at least six feet wide...” p432 L5

JW: How will the canopy protect walkers if it mostly covers the plants?

CHAPTER 21.08 SUBDIVISION STANDARDS p451

C. Walkways

“ ... the minimum width of a walkway dedication shall be 10 feet. If the walkway is paved, the paving should be a minimum of four feet and a maximum of six feet wide.”

JW: Are these widths consistent with these other sections?

- 21.07.060 D3b iv p 356 L3-4 requires eight foot wide “pedestrian access easement”
- E2c p358 L 27-28 “ trails no less than five feet in width “
- Table 21.08-9 p465 says minimum width five feet.

EDITORIAL COMMENTS

p26 L13 Should say Planning and Zoning Commission

B1b p71 L 6 reference to section 21.030.090C should be to 21.03.090B. And dump the “only” in that section since the same sentence is used C1b p71 L329-30 and only means once, but that definition of public facilities is used twice.

21.03.110 Land Use Permits

JW: Can you Define Building Service Safety Area?

21.05.030 A. Household Living “‘household’ which is defined in chapter 21.13” p199 L3

JW: I couldn’t find this definition there. After this mention, the word “family” is used in the definitions. The definition of ‘family’ is in the glossary.

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D. Density 1. Measurement of Residential Density p323 L1-6

JW: The formula presented does not give the “units per acre,” it gives the number of units allowed on the parcel.

(Parcel size in acres) / (Min Lot size in acres) = # lots allowed on the parcel.

The formula that appears to be appropriate here is:

(Units allowed per lot) / (min lot size in acres) = #units/acre

Editorial: Several locations the phrase “Common Open Space” is used where “Private Common Open Space” should be used p346 L 32, p 347 L4, 14

E. Standards for Pedestrian Facilities p357 L 31- p357 L6

“... 1.b Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets ... and within the frontage of all new development or redevelopment, This requirement shall not apply to local streets in districts where the minimum lot size is 40,000 square feet or greater ... “ p357 L 36-41

Various ways this section refers to place people walk and ride bikes:

bicycle paths p356 L41

bicycle and pedestrian connections p 357 L 19

pedestrian walkways p358 L 9

pedestrian ways p 358 L 27-28

multi purpose trail p 358 L 28

multi-use path p358 L 38

Sidewalks, Walkways, Trails p 359 L 9

Can you be more consistent?

p 358 l 13 delete the word “to”

p 371 l 2 Delete the first “of.”

There is no section 21.07.030C as referred to on p407 L 15. That really makes the discussion hard to understand.

p 416 L 9 Change “improve” to “promote” or “enhance.” Other wise it begs the question “improve from what?” and L10 change “import” to “importance.”

