

# *Municipality of Anchorage*

## MEMORANDUM

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**DATE:** August 10, 2009

**TO:** Planning and Zoning Commission

**FROM:** Physical Planning Division Staff

**SUBJECT:** Commercial Design Standards and Multiple Residential Structures on a Lot

### 1. Commercial Design Standards

Attached please find the staff's recommendations for amendments to Section 21.07.110, *Public/Institutional and Commercial Design Standards*, and Section 21.07.120, *Large Commercial Establishments*, suggested to be renamed *Large Establishments*.

Changes to the Public/Institutional and Commercial Design Standards come from staff's additional review and testing. Specific test cases and results will be provided at the August 10 meeting.

Staff recommends broadening Large Commercial Establishments to become Large Establishments, so that the section can include large nonresidential developments in residential districts. During the review of Chapter 5, staff received comments about the impacts of large nonresidential developments in residential districts. The following is the comment and staff response from the Chapter 5 Issue Response document that was written for the Commission:

2. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts*

Non-Residential uses over a certain size and those that will increase neighborhood traffic should be subject to a major site plan review. These uses always stir up concern. That should be recognized with an overt requirement. We've had some problems on the Hillside recently with building or expansion of churches. The use regulations say churches have to meet the standards for "Community Centers." This offers no protection for the neighborhood.

Neighborhoods in all residential zones appear to have no protection from busy religious assembly buildings that can have impacts comparable to big box stores in terms of parking, footprint, land clearing, and traffic.

Any non residential uses in residential areas should have a major site plan review if the building exceeds a certain square footage perhaps 4 times the size of the average home Any non residential uses that are allowed in R-6, with the current setbacks (50ft front/25ftside reinstated) should be required to set back parking lots to this distance to preserve the integrity and adjacent property values of the zone. Impervious surface coverage should be added as part of lot coverage in non residential uses in residential zones.

Non-residential uses in residential districts should be subject to major site plan review in most cases as their presence usually stirs up concern and this MSP requirement would recognize that.

Table of Allowed Uses: the Purpose statements for R6-10 are not always consistent with the allowed uses. Some allowed, commercial uses in R-8-9 appear to be traffic dependent. R8-9 parcels are often in the remoter areas with inadequate infrastructure. If the intent of large lots is to be honored, then non-residential uses in R6-10 should be subject to regulations that promote the desired characteristics of low density areas per their Purpose statements.

Commercial uses in R-6-10 should be removed (except for home based businesses that do not increase traffic) because SE Anchorage residents have repeatedly expressed their desire to remain strictly residential and safety is a factor in these districts of poor infrastructure (the Table of Allowed Uses for R6-10 refers mainly to this quadrant of the MOA because Eagle River and Girdwood have different codes).

A prior Title 21 draft contained language stressing the provisional allowance of non-residential uses in these districts subject to their compatibility with the purpose/intent statements. Add back the prior language.

The larger the non-residential entities are, the greater the setbacks, vegetative retention, and height restrictions should be. The foot print of such buildings should include parking lots and driveways; their lot coverage should be about the same as for residential uses in order to blend in with adjoining neighborhoods. A few examples of non-residential uses that appear to be especially inconsistent with R6-10 districts are: large child care centers (not home day care) and veterinary clinics.

**Staff Response:** Certain nonresidential uses are historically customary in residential areas. Examples include child care, religious assembly, schools, etc. Having these uses spread throughout residential neighborhoods is a benefit to the community. That said, some of these uses, when they are large, need standards to mitigate adverse impacts on the neighbors and the residential area in general.

Based on public comments and on growing concerns over some recent situations, staff is proposing a revised method to regulate this situation:

Currently, development in certain commercial use categories that has a gross floor area over 25,000 square feet is referred to the Large Commercial Establishment section of chapter 7, where there are specific standards for these developments. Instead, staff proposes that all development over a certain size threshold will be referred to this section, to be renamed something like “Large Development” and within that section will be various subsections based on the type and location of the large development. The section for large commercial establishments that exists now (the big box regulations) would be carried forward as a subsection. There would be a subsection for nonresidential development in residential districts. There would also be subsections for that large development that may not have any additional standards, such as industrial development.

The benefit of this approach is that there is one place in the code to look if your development is over a certain size, and this can be easily reflected in the table, mostly likely through the use of a footnote. Without this approach, there is not a convenient location in the code to put regulations that would apply to a large group of uses in a large group of districts. The regulations could be listed in each of the residential districts, but that repetition would add significant length to chapter 4. They could be listed at the beginning of the use sections dealing with nonresidential development, but they might not be noticed there. Staff is confident that this proposed new organizational method will be the most clear for users of the code.

Several issues have yet to be determined: 1) the size threshold that will trigger the “Large Development” label; and 2) what standards will be applied to nonresidential “large development” in residential districts. Staff will continue to work on these issues and make a proposal through the chapter 7 issue response document.

**Staff Recommendation:** HOLD

Based on the discussion above, staff has proposed a new section for large nonresidential development that is in or surrounded by large lot residential development. Certain nonresidential uses that meet or exceed a size threshold (8,000 square feet) would have additional requirements regarding floor area ratio limitations, setbacks, buffers, and vegetated open space. These requirements would help bring the intensity of nonresidential development closer to the low level of intensity in the large lot residential districts.

Staff examined a number of existing churches and schools to see if they would meet the proposed FAR, and found only one church that would not meet the FAR. South High School, Goldenview Middle School, and Bear Valley Elementary School were all significantly under the FAR threshold.

## **2. Multiple Residential Structures on a Lot**

Staff recommends a limit of one principal residential structure on a lot unless the development goes through a PUD process.

Limiting residential lots to one principal structure would entail a change to the dimensional tables of Chapter 6. Staff is willing to re-examine the PUD process (in Chapter 3) in light of this recommendation and see if some modifications are appropriate.

Many years ago, the municipality determined the various minimum lot sizes and setbacks for different housing types and zoning districts—these standards (combined with other zoning regulations) created neighborhoods and neighborhood character. If a residential developer did not want to use the subdivision process, the planned unit development (PUD) process was available along with its flexible uses and standards and a density bonus. For certain periods, other types of development, such as cluster housing or zero lot line, were also available. Staff has been unable to identify another community that allows multiple residential structures on a lot without a PUD-like review process. Practice in most communities and in at least one model code is to allow one residential principal structure on a lot, unless a PUD-type process is used. A process like the PUD gives a developer some flexibility from the standards, but in return there is greater review and a clear public benefit.

The underlying zoning regulations such as lot size, lot width, and setbacks, are not designed for multiple residential structures on a lot. Building design standards are not intended to address such issues as setbacks from streets or other buildings, landscaping, or bulk regulations—these are established in the code as uniform standards.

If a residential development does not use the subdivision process, which assures the adherence to certain minimum standards (lot size, setbacks, etc...), then the PUD process exists to give a developer more flexibility to deviate from the established minimum standards, but in return requires a review process and clear neighborhood amenities.