

Attachment A

Minutes of April 27, 2006

Joint Public Hearing

Planning and Zoning Commission
and Municipal Assembly

Anchorage Bowl Land Use Plan Map

(PZC Case 2006-058)

**PLANNING AND ZONING COMMISSION
SPECIAL JOINT PUBLIC HEARING WITH THE ASSEMBLY**

**Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska**

**MINUTES OF
April 27, 2006
6:00 PM**

1. CALL TO ORDER

Assembly CHAIR DAN SULLIVAN called to order the meeting of the Assembly at 6:00 p.m.

Planning and Zoning Commission CHAIR DON POULTON called to order the meeting of the Planning and Zoning Commission at 6:00 p.m.

2. ROLL CALL

Anchorage Municipal Assembly

<u>Present</u>	Dan Sullivan, Chair
	Debbie Ossiander, Vice Chair
	Paul Bauer
	Anna Fairclough
	Pamela Jennings
	Allan Tesche
	Dick Traini
	Chris Birch
	Janice Shamberg

Absent	Dan Coffey
	Ken Stout

Planning and Zoning Commission

<u>Present</u>	Don Poulton, Chair
	Toni Jones, Vice Chair
	Lamar Cotten
	Bill Wielechowski
	Art Isham
	Nancy Pease

Shaun Debenham
Thomas Vincent Wang
Cycelia Gumennik

Staff

Tom Nelson
Tom Davis
Cathy Hammond
Robin Ward

3. PLEDGE OF ALLEGIANCE – Chair Sullivan led the pledge.

CHAIR POULTON explained that this joint Assembly/Planning and Zoning Commission hearing has been called for the purpose of taking public testimony in the matter of conceptual approval of the Anchorage Land Use Plan Maps. At the outset it is not known if additional public hearings will be scheduled.

Based on the testimony heard and questions asked and answered, Planning Staff will do an issue and response summary for our collective use following this meeting. It will be made available to the public. The Planning and Zoning Commission will neither deliberate nor finalize its recommendations at this meeting. The Planning and Zoning Commission will address this matter as a non-public hearing meeting tentatively scheduled for June 12, 2006.

To preserve the integrity of its deliberations the Planning and Zoning Commission must fully disclose any potential conflicts of interest in matters coming before it. At times a Commissioner will be excused from participation. Title 21 is so broad and overreaching that all of the members will be impacted in some way. However, not all of Title 21 will impact each member personally or professionally. The Commission and the Municipality's Law Department, specifically Mr. Fred Boness and Ms. Rhonda Westover and Chair Poulton, are in the process of drafting guidelines to help determine what is and is not permitted of members. This drafting has not been completed, in part because a new ethics ordinance is finding its way through the system and there is a desire to wait until it is known whether the existing provisions will be changed.

Concerning this meeting, Commissioner Debenham, on behalf of his company has submitted a letter that is in the case packet and has expressed a desire to give testimony. Commissioner Gumennik, though not having personally taken a position, may be in a similar situation of having a potential conflict of

interest due to her position with her employer. Commissioner Wielechowski likewise has taken positions in the past and may find himself in conflict.

CHAIR POULTON asked that the Commission determine that these three individuals have a conflict with respect to their disclosures and excuse them from voting and participating in the deliberations with respect to the matter in which they have a conflict. Normally, in such conflict situations commissioners are asked to leave the room. However, Commissioner Debenham has indicated that he would like to present testimony in his capacity as an individual citizen, not as a Commission member. Commissioner Gumennik has not expressed the same, nor has Commissioner Wielechowski. CHAIR POULTON indicated he has asked the Law Department whether this is permissible under the municipal code provision. Mr. Boness has informed him that once the conflict is declared and found by the Commission to exist, the member may not vote or otherwise participate in the debate, but that the member may present testimony during the public testimony portion of this Commission's proceeding to discuss how the proposed action before the Commission affects his or her property interest. Accordingly, each Commissioner may remain in the audience for the duration of this meeting and may present testimony if he or she so chooses. Mr. Boness has informed Chair Poulton that he is willing to respond to questions concerning this ruling if members of the Commission have questions.

DISCLOSURES

VICE CHAIR JONES polled the Commission for disclosures. COMMISSIONER WIELECHOWSKI indicated that he has been involved in numerous discussions on this plan and based on previous rulings by the Department of Law and the Commission he did not believe it was appropriate for him to participate. VICE CHAIR JONES asked whether it would be difficult for him to participate in an unbiased manner. COMMISSIONER WIELECHOWSKI felt there could be an appearance of impropriety. VICE CHAIR JONES ruled that Commissioner Wielechowski be recused.

COMMISSIONER DEBENHAM asked to be recused, explaining that he plans to testify on behalf a piece of property of which he is co-owner; he owns properties in various locations around Anchorage that would be affected by the plan. VICE CHAIR JONES asked whether the parcels are so dispersed throughout the municipality that it would be difficult for Commissioner Debenham to participate at all, noting that there have been instances in the past where members have abstained on a particular portion of a matter. COMMISSIONER DEBENHAM stated that not only is he co-owner of parcels throughout Anchorage, but he also deals with brokers and other owners of

properties throughout Anchorage with which he has had discussions regarding this land use issue, so there is a clear conflict. VICE CHAIR JONES ruled that Commissioner Debenham had a conflict and would be recused.

COMMISSIONER GUMENNIK disclosed that she is employed by Carr-Gottstein Properties and that firm has submitted comments on this proposal. She asked to be recused as Carr-Gottstein will be testifying tonight through another representative. VICE CHAIR JONES asked whether Commissioner Gumennik has a personal financial interest in the properties in question. COMMISSIONER GUMENNIK indicated that the properties are owned by her employer. VICE CHAIR JONES asked that Mr. Boness offer guidance. MR. BONESS stated where the individual has a personal financial interest, there is a conflict. Where the individual has a more generalized interest, there is not a conflict that would merit recusal. VICE CHAIR JONES suggested that there be a motion directing Commissioner Gumennik to participate. She stated that, in her opinion, there does not appear to be a personal financial interest, but rather that financial interest is on the part of her employer.

COMMISSIONER ISHAM moved to direct Commissioner Gumennik to participate. COMMISSIONER PEASE seconded.

AYE: Isham, Pease, Jones, Poulton, Wielechowski, Cotten, Debenham

NAY: None

ABSTAIN: Gumennik

PASSED

VICE CHAIR JONES disclosed that in the packet received by the Commission were a number of comments by the Alaska Mental Health Trust Land Office (TLO). The law firm with which she is employed by has represented the TLO from time to time on various legal matters. She checked with the attorney who has done work for that organization and discovered that there is no current relationship. Because of the appearance of a conflict, she asked that the Commission address her disclosure through a motion.

COMMISSIONER ISHAM moved to direct Commissioner Jones to participate. COMMISSIONER WANG seconded.

AYE: Isham, Pease, Poulton, Wielechowski, Cotten, Debenham, Gumennik
NAY: None
ABSTAIN: Jones

PASSED

CHAIR SULLIVAN noted that the Assembly relies on members to come forward with conflicts.

MS. FAIRCLOUGH inquired why members who are recusing themselves and voted in conflict be permitted to vote on other members' participation. MR. BONESS indicated the members were conflicted out of voting on the issue that is coming before the Assembly and Planning and Zoning Commission, but were not conflicted out of voting on the participation of other members. MS. FAIRCLOUGH asked whether Commissioner Wielechowski also owns property. MR. BONESS indicated that he did appear to have a similar conflict. CHAIR POULTON explained there is a history regarding Commissioner Wielechowski's participation.

MR. BIRCH suspected that every member on the Assembly and Commission are property owners and may be affected to some extent by the land use maps. He asked to what extent that declaration must be made. MR. BONESS agreed with this conclusion, but indicated that a conflict carries the requirement that there be a substantial financial interest. He understood that Commissioner Debenham had specific properties he believed would be impacted. If others own property beyond their residences, they may also have such a conflict.

4. NEW PUBLIC HEARING

- A. Resolution No. AR 2006-79, a resolution of the Anchorage Assembly approving in concept the **Anchorage Bowl Land Use Plan Map** and stating the intent to, upon further review of the land use designations and narrative, adopt the Land Use Plan Map as an amendment to the Anchorage Bowl Comprehensive Plan, concurrent with adoption of the rewrite of Title 21, Planning Department.
 - 1. Assembly Memorandum No. AM 221-2006

CHAIR SULLIVAN asked that Commission and Assembly members direct their questions to those testifying. Questions can be addressed to Staff and the Administration following the public hearing.

The public hearing was opened.

SHAUN DEBENHAM explained that a little over one year ago a group headed by Debenham Properties, of which he is part owner, bought the 6-acre South Park Mobile Home Park located on Arctic Boulevard and Benson Boulevard. Since that time thousands of dollars have been invested to clean up the park, removing junk cars, fixing roads, removing dangerous dogs and evicting criminals. However, the trailer park is quickly approaching the end of its useful life. In five to seven years the park must be redeveloped. The proposed land use plan map shows 3 of the 6 acres in a residential designation and the other 3 acres having a commercial designation. He asked that the entire 6 acres be made one designation, that being Community Activity Center or Commercial Corridor. The reasons for this are: 1) when redevelopment occurs, there could be synergy over the entire 6 acres; 2) the locational criteria used to determine the land use designations for both the Community Activity Center or Commercial Corridor designations more closely match this site than the locational criteria for residential designation; 3) the trailer park is not "isolated" area located far from Midtown proper, but rather is centrally located in Midtown on Benson and Arctic Boulevards and the land use plan map has commercial designation on all sides of the property; and 4) after reviewing Anchorage 2020 Policies 5, 7, 21, 24, 25 and 10, 11, and 20 directly apply to the site. This site is the type of site that Anchorage 2020 envisions being redeveloped as mixed use.

MS. OSSIANDER asked if the entire site is zoned residential. MR. DEBENHAM replied that the site has mixed zoning of commercial and residential, although the use is residential. MS. OSSIANDER understood the request is to make this site mixed use, but Mr. Debenham's written document speaks to a Community Activity Center or Commercial Corridor. MR. DEBENHAM stated the Community Activity Center is a mixed-use designation. MS. OSSIANDER understood that designation was actually broader than mixed use. MR. DEBENHAM responded that it had previously been mixed use and now in the latest draft it has been combined to commercial/mixed use. The Commercial Corridor designation is suggested because this site is surrounded by commercial property. MS. OSSIANDER asked what abuts the boundaries of the site. MR. DEBENHAM replied that to the south are apartments and the other sides are abutted by commercial uses. MS. OSSIANDER asked if the property to the east is commercial, although the land use map shows it as medium-density residential. MR. DEBENHAM stated that the zoning to the east is R-O, so the land use map is down zoning it to residential.

MS. JENNINGS asked if mixed use is part of the redevelopment plan for the property or is the intent to develop it completely commercially. MR. DEBENHAM indicated that the property would be developed in 5 to 7 years and the market conditions will be an influence. He explained his request is a single designation so that there can be some commercial use and so the site is not restricted to residential only.

MR. BIRCH was aware there are residential uses to the east and south of the subject block, so reducing the site to entirely commercial would reduce any buffer. He understood the request is to convert the entire parcel to a quasi-commercial designation. MR. DEBENHAM stated this is Midtown proper and to the east and west there are mixed use designations. He wanted to see commercial and residential integrate so there is synergy between the two uses.

JERRY WINCHESTER and SCOTT SAKAWIZC appeared before the Assembly and Commission representing Mr. Ev Hannaker, owner of a 6-acre property at Dimond Boulevard and Arlene Street. MR. WINCHESTER explained that a proposal to rezone from R-2M to R-4 would begin next month. There are currently several parcels of business property at Arlene Street. An adjacent parcel has been rezoned to 45 DUA and at Jewel Lake/Dimond is the town center area. A large commercial area has also developed in the area of the Fred Meyer store. He reviewed the density that currently exists in the area and noted that in the land use plan maps the property along Dimond would be rezoned to R-3. From the standpoint of long-term development along this corridor, he explained that there are already commercial and high density residential uses. He indicated that his client is considering a rezoning to R-4. He predicted that low density residential is unlikely to succeed on land abutting a Class III arterial road and sitting between two major commercial areas.

MS. OSSIANDER asked if the property in question is three lots and what is developed on that property currently. MR. WINCHESTER replied that the property consists of three lots and is developed with a single house. The current resident has sold the property; the house will be demolished and the rest of the property developed.

CHAIR SULLIVAN understood the proposed rezoning is going to move forward and the suggestion is that the designation along the corridor be for a higher density residential use. MR. WINCHESTER felt it was appropriate to evaluate the advisability of designating low density residential in this area.

COMMISSIONER PEASE asked how the greenbelt is developed in this location. MR. WINCHESTER replied that to the east is a municipal park with a soccer field and a creek lies below that. He stated he would be working with Parks and Recreation and would incorporate access to the parkland from the property in question. One of the current problems is that the only access to the park is from Dimond Boulevard. All of the access to the property in question will be from Arlene Street.

J.J. BROOKS stated that he and several partners purchased the mobile home park at the corner of Arctic Boulevard and 36th Avenue several years ago. He stated that approximately one million square feet of commercial space has been built in Midtown in the last few years. With Title 21 there is a movement toward town centers, more density, and mixed use. He is looking to redevelop his 7 acres at the corner of Arctic Boulevard and 36th Avenue. He needs flexibility to develop in this area. There is currently a suggestion for Commercial Corridor along Arctic Boulevard and 36th Avenue for 300 feet back and medium-density residential behind that. He wants high-density residential and mixed use that allows retail and commercial. He reviewed a map depicting his property and the surrounding area. Along Chugach Way there is industrial, medium density residential to the south and apartment buildings. He intends to build higher density medium-rise residential along Chugach Way and build retail and office in the middle of the site.

MS. OSSLANDER asked if the property in question is zoned PLI. MR. BROOKS believed it is zoned B-3 on the area along Arctic Boulevard and the rest is R-2M. He described the location of the property. He explained his concern is that the land use plan map is not going far enough by identifying acreage that can be significantly changed in an area that could be blighted, such as his property. MS. OSSLANDER asked if Mr. Brooks is asking for a change in designation on the map. MR. BROOKS explained his request is that he be allowed maximum flexibility to develop his property; his expectation is that it would be developed mixed use, but high density residential will be needed in any case.

MR. BIRCH confirmed the property in question is at the southwest corner of 36th Avenue and Arctic Boulevard. He understood the desire is to develop a combination of residential and commercial on that site. MR. BROOKS explained his proposal is for higher density residential along Chugach Way with office and retail and parking in the middle. The intent is to orient the residential to the south and develop the remainder of the property

commercially. This would address issues with respect to road noise and vibration from adjacent roadways affecting residential uses.

CHAIR SULLIVAN noted that Mr. Brooks and Mr. Debenham are both seeking mixed use. The large buildings to the east will not have residential components. MR. BROOKS stated there are a number of mobile home parks in Midtown and he felt his and Mr. Debenham's properties should be developed in part commercially while the others that are not along major corridors would more appropriately be developed residentially.

STEVE NOEY, property owner north of O'Malley Road on Old Seward Highway across from Phil Hawes, explained that his property is zoned B-3 and would be changed to R-3 on the proposed land use plan maps. He stated that as a property owner, he receives notice if someone is proposing a rezone or variance, but he did not receive notice of the land use plan maps, which would cut the value of his land in half. He felt those who are going to be affected by the recommendations of the land use plan maps should receive written notice. He reiterated that this proposal would take half of the value of his property. He viewed this as an imminent domain issue where taxes have been paid on a property for many years and its value is reduced, which is essentially a taking.

MS. OSSIANDER asked for the location of Mr. Noey's property. MR. NOEY replied that the property is located north of O'Malley Road on Old Seward Highway across from Phil Hawes Auto Outlet. MS. OSSIANDER noted that the land use plan maps would affect all residents of Anchorage and notification of such areawide issues has not historically been given to every property owner. MR. NOEY suggested that if the value of a particular property is affected or the property becomes non-conforming so it is not possible to get insurance and rebuild, the owner of that property should be notified. He stated he has participated in three comprehensive plan processes beginning in 1971 and is aware of the process for areawide issues. He explained that a potential buyer indicated to him they were not interested in buying his property because it was slated for residential. MS. OSSIANDER noted there would be additional time to make comment on the land use plan maps. MR. NOEY emphasized that this affects his ability to sell his property.

TOM McGRATH thought mixed use is the cornerstone of Anchorage 2020. Because of the plan developed for Spenard Road in the 1980s, the Spenard corridor has been B-3 for the first 150 feet and then residential. He felt a mixed-use component is missing from the land use plan that would encourage residential use, with a scoring mechanism of some sort. He stated that the

area from 36th Avenue to Chugach Way, Spenard Road to Arctic Boulevard, is a concern of the Spenard Community Council. He felt that area should be designated for mixed use because of the need for a traffic corridor from Minnesota through Midtown through an area, which is deteriorated. The traffic count will be higher in the future because of the commercial buildings being built in the area and the noise impact created by that traffic does not lend the area to entirely residential development as the map now shows. He agreed with Mr. Brooks that there should be commercial along 36th Avenue with residential behind. There is a need for innovation in the plan. He stated that higher density residential is needed in Anchorage because of the lack of developable land. Adding innovative components to the map will help implement what is envisioned in Anchorage 2020. Allowing greater latitude will allow private developers to do what government regulation cannot achieve. He noted that the area from Chugach Way to 36th Avenue is extremely important to the Spenard community because it is the most deteriorated area and without a mixed-use component it will become more deteriorated.

MR. BIRCH agreed that more flexibility in development is desirable, but asked how to address the situation of owners whose properties are made less valuable because of a change in designation, such as was testified to earlier. MR. McGRATH stated he owns a business at 33rd Avenue and Spenard Road on property zoned B-3. Next to that property are two restaurants that on the land use map would become residential; there is also an acre of B-3 behind that that is an old trailer court. When he built his building one of the larger charges he incurred was electrical infrastructure for buildings like his because Chugach Electric Association envisioned more commercial buildings. If the property becomes residential the owner of the trailer court will lose a substantial amount of money. Penguin Trailer Court is 3 acres of B-3 property and if it became residential the value would be cut by half. He thought that down zoning property in this way would bring imminent domain laws into play and people would have to be compensated. He suggested that along the Spenard Road corridor there be a mixed-use designation with a scoring component to encourage residential as envisioned in Anchorage 2020.

MS. JENNINGS agreed that Spenard Road is the right place for a mixed-use component, as is Fireweed Lane. She asked if the property along 36th Avenue from Spenard Road to Chugach Way should be mixed use. MR. McGRATH stated his recommendation pertains to the area from 36th Avenue to Chugach Way and from Spenard Road to Arctic Boulevard, which encompasses the 7 acres of the Kathy O Estates Trailer Court. Most of those properties are being used for business now, despite the R-2M residential zoning. He stated he

owns a lot at the corner of 36th Avenue and Dorbrandt Street and the house there shakes when large trucks go by on 36th Avenue, so it has not been occupied for approximately ten years. MS. JENNINGS asked if high density residential would be feasible in this area. MR. McGRATH felt that high density mixed-use is appropriate, such as Mr. Brooks has proposed.

ALLEN KEMPLER, representing Fairview Community Council, expressed support for the process involved in the development of the land use plan map and appreciation of the professional expertise of staff, particularly Tom Davis. He noted that significant changes are ahead for the eastern end of downtown; the LRTP is an indication of that with the highway-to-highway connection. The land use plan map should recognize these major changes and the importance of strengthening the urban core. He expressed appreciation for the continued support of the revitalization of Fairview.

MS. OSSLANDER asked if the Council is supportive of the way Fairview is depicted on the land use plan map. MR. KEMPLER indicated the Council had submitted written comments summarizing areas of agreement and disagreement.

CHAIR SULLIVAN asked if Mr. Kempler would care to highlight changes desired by the Council. MR. KEMPLER indicated that the Council suggests that land on the western side of the highway-to-highway corridor should be higher density, more mixed-use, and more reflective of a downtown rather than the commercial development depicted in the plan.

LOTTIE MICHAEL, owner of a 53-acre mobile home park at the southeast corner of DeBarr and Bragaw that fronts on both roads stated the plan shows this property as medium density residential. There are currently two commercial office buildings, a retail building, and a restaurant on this property. Of these two parcels, the 17-acre parcel is developed with an RV park. She envisioned this property as either all commercial or commercial with a very high density residential.

MS. OSSLANDER asked the location of Ms. Michael's property. MS. MICHAEL explained that it is across DeBarr from Costco. MS. OSSLANDER saw that property designated for office and low intensity residential. MS. MICHAEL understood this, but felt it was more sensible for the property fronting on the DeBarr and Bragaw to be commercial. CHAIR SULLIVAN asked if her recommendation is for residential use behind that. MS. MICHAEL replied in the affirmative. She indicated she is not planning to do anything with the park immediately.

TIM POTTER felt that innovation, flexibility, and incentives should be included in this plan. He first commented on areas where the map identifies a public use on private land, such as the proposed middle school site at the Anchorage Sand & Gravel pit at the northeast corner of Dimond Boulevard and Sand Lake Road. If that deal does not go through and the plan is approved there would be a 26-acre parcel identified for public use that is still privately held and is probably better used for something else. He noted that he is passionate about town centers and, while he endorses that concept, flexibility is key in order to achieve them, as well as potential subsidies if the project is to be accelerated in front of the marketplace. He felt there should be recognition that mixed use or high density is not the "enemy." He specifically referenced the trailer park at the southwest corner of Glenn Highway and Muldoon Road, noting that at the Northeast community meeting he commented to Mr. Davis that it would be unfortunate to make that property such a low density residential that a typical site condo would be developed, versus allowing either a higher density, mixed use, or commercial that would elicit more investment into that location and could act as a catalyst to surrounding properties. He felt there should be recognition that allowing potentially greater density and mixed uses, such as the project Mr. Brooks discussed, could be a catalyst. With investment does come re-investment and improvement.

MS. JENNINGS asked if Mr. Potter wished to conclude his comments. MR. POTTER displayed a pictorial depiction of property at 36th Avenue and Arctic Boulevard both as the proposed land use map demarks the uses by creating rectangular configurations and an alternative design for an integrated project.

CHAIR SULLIVAN asked how, as a professional planner, Mr. Potter would deal with the testimony about down zoning and loss of value. MR. POTTER stated those who feel they have been impacted by devaluation probably have the right to be frustrated. Those who may benefit from modification will likely not complain. The endeavor is to mold this young community toward its potential and in reality some owners will come out of the process without the development capabilities that existed before. If those owners are negatively impacted there may be some compensation due.

MS. OSSIANDER noted that one of the concerns in the Title 21 Rewrite Committee is how to be flexible and allow a variety of approaches for entry-level housing. It seems that owners of mobile home parks would like to redevelop those properties, but historically in Anchorage that has been a

viable way for people to buy housing. She asked how this issue could be dealt with while giving people more flexibility to develop their property. MR. POTTER suggested that there be incentives for innovation and incentives so affordable housing can be incorporated into mixed-use development. Affordable housing is one of the most difficult types of developments. A good example of affordable housing lies outside of Lynnwood north of Seattle, Washington. It is a 10-cottage development with ganged garage units that is located inside of a typical neighborhood. Those homes were priced at \$260,000. He noted there is no reason that manufactured housing or trailer parks could not be developed.

CHAIR SULLIVAN asked if the units in Washington are similar to Strawberry Cottages developed off of Strawberry Road. MR. POTTER stated they were colorful, there were only 10 units, and the ordinances were created such that no more than 12 cottages could be developed in a project. The architecture for Strawberry Cottages is somewhat different than the units in Washington.

MS. JENNINGS asked if there were any incentives for the cottages in Washington. MR. POTTER replied that the market was the incentive and there was also tax credit financing. He noted that tax credits could be local, as well as state and federal.

MR. TRAINI asked in what community the Washington development was located. MR. POTTER replied that it is in Shoreline two blocks from the community college.

LAUREN AGNI, representing Carr-Gottstein Properties, stated the firm owns a 3.5-acre property at the northwest corner of Raspberry Road and Northwood Drive. The property is zoned B-3SL and, while no zoning change is reflected on the draft land use plan maps in comparison to existing zoning, on the proposed draft of the community facility map layer it is designated as Park, Recreation, and Natural Resource. The property has been under development for a very long period of time. In 1992 the Assembly rezoned this property to B-3SL and Carr-Gottstein has been attempting to secure Corps of Engineers (COE) approval to develop the property since 1996. In 1997 the Municipality approved plans to develop this property, which is a good location for a gas station and fast food restaurant. Since 1993 there has been a jurisdictional dispute with the COE. Since 2004, a hydrologist has been monitoring approximately 30 wells installed all over the vicinity at Carr-Gottstein's expense. The firm hopes to conclude the jurisdictional dispute in the fall and develop the property next year. She asked that the site

be removed from the community facilities map layer and place it on the commercial intensities map layer, where it more appropriately belongs.

MR. TESCHE arrived at 7:13 p.m.

KATHLEEN PLUNKETT, representing the Russian Jack Community Council, stated the Council submitted written comments and reviewed the Northway Mall designation at its April meeting. The Council views the Northway Mall as a neighborhood community activity center, as well as business and commercial use. In the new map the Northway Mall is designated as industrial. With the work at the Bragaw/Glenn interchange and other work in the area, the assets in the Northway Mall are used and appreciated by the residents. The grocery store is an essential use in the area; there are many pedestrians, disabled individuals, and drivers that utilize that store. As a private citizen, MS. PLUNKETT noted that after working with Malaspina Investments for over one year and working on Williwaw Park, she could see the DeBarr and Bragaw property owned by Ms. Michael could turn into more business and commercial and the area behind that could be developed as higher density residential.

MS. OSSIANDER asked if Ms. Plunkett is aware of a rationale why Northway Mall is being considered for industrial designation. MS. PLUNKETT heard that Merrill Field thought they wanted more industrial property, which she did not accept. She also heard that because some industrial is being taken out of Mountain View, there was a desire to put more industrial in the area. MS. OSSIANDER noted that there appeared to be another rectangle of industrial at the Anchorage Daily News. MS. PLUNKETT thought the industrial designation was the Cook Inlet Tribal non-profit service center, which she did not think was appropriate. She thought the industrial could be both the Anchorage Daily News and the Cook Inlet facility. MS. OSSIANDER noted that industrial designation extends beyond the Northway Mall. PLUNKETT stated it extends to Home Depot and Sam's Club, but excludes Brighton Park and Pacific Northern Academy.

MR. BAUER asked if Ms. Plunkett had seen the revised land use plan map. He stated the Northway Mall is shown as currently zoned I-1 and I-2 and used commercially. He understood the plan is to maintain commercial use. MS. PLUNKETT supported a designation of community use and neighborhood activities.

MS. JENNINGS asked if there has been discussion of a higher density residential area within the Malaspina property. MS. PLUNKETT stated the

property is zoned R-2M. The issue has not come before the Council, but she expected at some point there would be high density residential on this property.

WOODY SANDERS, owner of a restaurant next to Frigid North, stated the proposed plan shows his property as residential. He bought his property as an investment and has put time and money into renovating it. He felt that building residential adjacent to Spenard Road is not advisable, particularly at this location where there is a dangerous curve and a great deal of traffic. He was also concerned with the change in value of the land. He asked that his property remain commercially designated.

MR. BIRCH asked how a reclassification would affect the assessment of Mr. Sanders' property. MR. SANDERS assumed the value of his property would be reduced.

MR. TRAINI asked when Mr. Sanders became aware of the redesignation of this property. MR. SANDERS replied that he became aware of the proposed designation one week ago when Mr. McGrath made him aware. He noted that an effort to rezone is substantial and this plan would effectively rezone without notification.

CATHY GLEASON, representing the Turnagain Community Council, asked that the Planning and Zoning Commission and Assembly review all of the written comments in the packet. The Turnagain Community Council submitted an extensive letter outlining issues and questions and recommendations regarding the land use map, primarily focusing on Airport land and land around the Airport land. She stated the Assembly passed AO 2000-151(S2) in 2001 to allow the Heritage Land Bank to give up development rights to a parcel in Klatt Bog to the Airport when the Airport was applying for a 10-year wetland fill permit. That property in Klatt Bog was to be used as mitigation for projects to be built under that permit; that permit is now revoked. The Council is concerned with additional growth at the Airport that is getting closer to the Turnagain neighborhood. That development has significant negative impacts associated with it, as both the Airport and the Assembly recognized. As part of the ordinance, a map she had distributed was developed and agreed to by the Airport and the Assembly. That lands shown in green on that map are designated as areas not to be developed essentially to serve as buffer between other Airport development and the Turnagain neighborhood; this is not reflected on the land use map and the Planning Department is well aware of that. She hoped the Legal Department would issue a directive that the land use map should

be changed accordingly. The Airport argued at a meeting last month that because their 10-year wetland permit was revoked, this map does not apply, but the ordinance does not reference the map as being connected with the 10-year wetland permit. The ordinance does reference the fact that increasing Airport development is impacting Turnagain and that a buffer area should be designated. The accompanying Assembly Memorandum only mentions that the Airport had applied for the 10-year wetland permit. Nowhere in the document does it say the map is tied only to the 10-year permit. The Airport is using the mitigation from that Klatt Bog transfer for individual permit mitigation.

MR. TESCHE asked for other comment. MS. GLEASON spoke to a parcel that was transferred from the Heritage Land Bank to AWWU. This is a small parcel located between Airport property and the sewage treatment plant just south of Point Woronzof. The Heritage Land Bank historically recognized that parcel should be transferred to the Parks Department because the Coastal Trail runs through it, but she was not sure whether that request has been made. That entire parcel buffers the Coastal Trail as much as it can from two incompatible land uses. She suggested that parcel should be shown as other areas used as parks; it is shown on the map as a special study area. MR. TESCHE asked whether he was involved in the contractual agreement made in 2001. MS. GLEASON replied that, as an Assembly member in 2001, he would have been involved. MR. TESCHE asked who were the parties to that agreement. MS. GLEASON replied that the Heritage Land Bank owned the property in Klatt Bog and the Airport asked for the sale of development rights to them because they needed mitigation in order to develop. MR. TESCHE understood the parties were the Heritage Land Bank, Airport, and the neighbors. MS. GLEASON responded that the Council did not sign a document, but did work closely with the Assembly and the Airport. MR. TESCHE recalled that this agreement resolved quite a conflict. MS. GLEASON confirmed that this was the case.

COMMISSIONER JONES asked the AO number Ms. Gleason had referenced. MS. GLEASON stated it is AO 2000-151(S2). CHAIR SULLIVAN noted that the Council's letter begins on page 73 of the packet.

COMMISSIONER PEASE stated that in reviewing the letter from the Turnagain Community Council, she did not see anything identifying the fragment parcel near the treatment plant. MS. GLEASON stated it is a small parcel that is shown as a special study area; it is located just south of Point Woronzof between Airport property and the AWWU treatment plant.

DAVE SYREN expressed support for the first letter in the packet dealing with a parcel at Eagle Street and 3rd Avenue, which is a strip of R-O zoned property that extends from Eagle Street to Gambell Street. The owner of that property is trying to do something that needs better parking options. He encountered the same issue several years ago on parcels 4 to 5 parcels removed from this property where he lacked 6 inches on a parking spot in order to meet required parking. He suggested that if the parcel discussed in the packet were changed from R-O to B-2C, better options would exist.

MS. OSSIANDER suggested that Mr. Syren review the Title 21 Rewrite language regarding parking because there is a requirement for fewer parking spaces in the area he referenced. MR. SYREN thought that R-O would not be the best use in the long-term on 3rd Avenue.

DIANNE HOLMES agreed with the remarks of Cathy Gleason. She noted that the Rabbit Creek Community Council comments submitted last fall were not carried forward in the packet given to the Commission and Assembly. She stated the land use plan map tries to put too much information into too small an area and suggested that a map inset or additional color should be used to denote that much of Bear Valley is designated 1 to 2 DUA, not 1 to 8 DUA. Maps take on a life of their own and in no way can Bear Valley be expected to develop at a higher density than 1 DUA, although currently there is some 2 DUA development. The Hillside District Plan's delineation of the urban/rural boundary should provide the density definition in Bear Valley. By having the land use plan map put various densities together because of cartographic limitations is not necessary or a good practice. She asked that Map B and E not include the 15-acre parcel north of Heritage Land Bank Parcel 2-136 under any residential category. This was never part of the original Mental Health Trust land transfer and should undergo a separate public process to determine its best use because of its challenges.

Maintaining the undeveloped R-3 zones in Potter Valley is unwise. There is a severe limitation of one road out of that valley, a twisting road that school buses do not take, that cannot be overcome. She suggested that Potter Valley have a lower density and that the Hillside District Plan determine any increase. She stated that in her 46 years in Anchorage she has also lived in Fairview, Turnagain, and Spenard. When she can no longer shovel snow at higher elevations, she plans to move into Downtown. Downtown has a small town feeling because of its charming residential area south of the Park Strip, but this would change if more high rises and commercial zoning is allowed between 9th Avenue and 17th Avenue. Anchorage 2020 calls for protection of neighborhood character and those policies are not fulfilled with this land use

pan map. She suggested changing the designation to keep the area from being homogenized.

MR. TESCHE understood that Ms. Holmes did not favor any commercial zoning in the residential area south of 10th Avenue. MS. HOLMES noted there is some commercial zoning and its appropriateness depends on how it is handled. MR. TESCHE asked if she would favor more mixed residential use and office use. MS. HOLMES did not support high rises with commercial on lower floors because it would generate more traffic that the streets might not be able to handle. She thought it might be appropriate to develop neighborhood retail to which area residents could walk. MR. TESCHE asked if she would support height limitation and, if so, what limitation would she recommend. MS. HOLMES replied that she would support a height limitation, but was not sure whether it should be lower than three stories.

MS. OSSIANDER asked that Rabbit Creek Community Council comments be resubmitted. She asked the location of the Heritage Land Bank parcel that Ms. Holmes had referenced. MS. HOLMES replied that it is located in Forest Heights on South Goldenview to the west. She explained that the land use map includes a 15-acre parcel that is not Mental Health Trust land transfer or in Forest Heights; it should not be automatically designated residential without a public process.

MS. SHAMBERG noted that she and Ms. Ward met several weeks ago about the 15-acre parcel Ms. Holmes referenced.

COMMISSIONER PEASE asked what is the feeling of the Rabbit Creek Community Council about the range of 1 to 8 DUA designation. MS. HOLMES replied that the Council was told by the Planning Department that because of the size of the map and the cartographic limitations these areas were lumped together, although others who have done cartography have told her that can be overcome. She was concerned with the effect of something being on a map, noting the supposed requirement of 3 DUA for all areas connecting to public sewers that was never more than a recommendation on a map, yet the Planning Department required it.

CHERYL RICHARDSON, representing the Anchorage Citizens Coalition, stated that in general it is a good idea that the land use plan map reflects the current zoning. The hard decisions to implement the comprehensive plan should be done through district and neighborhood planning where people can be heard and understand the scale of changes that will affect their property. One of the Coalition's greatest concerns with the map is the need for more

public participation. She attended recent areawide meetings and fewer than 50 people attended them. At a recent Federation of Community Councils meeting people were asked to indicate if they had attended and few responded. She was concerned that more people need to be aware of the consequences of this map and Title 21 before decisions are made. She suggested that the plan map and Title 21 be placed on the municipal website; offer presentations to every community councils; prepare larger scale maps for neighborhoods to view; provide side-by-side comparisons of the existing and new zoning districts; and have newspaper inserts such as were done for the comprehensive plan. The Coalition has general concern that many important questions remain unanswered very late in the process. The question asked many years ago what zoning and service is needed to make transit viable in this town has never been answered. The highest density on the map is 35 DUA and the Coalition's information is that a density of 50 DUA is needed to make transit viable. Another question is where high density residential should be located. The Coalition thinks it should start in downtown north of 9th Avenue. A consultant came to Anchorage approximately one year ago to talk about phasing the density in Anchorage. She also felt the question should be asked how northern design and landscape standards would affect density. She thanked Staff for making every opportunity available for those who asked questions to get answers.

MR. TESCHE was intrigued with the comment that the plan map should be implemented through the neighborhood plan process rather than through the areawide process. He asked if this is not contrary to what the Administration is doing. MS. RICHARDSON felt the land use plan map was going the right direction as it gets feedback about what problems may exist. She felt that in order for a neighborhood to accept more density or commercial in a particular location those decisions should be made in a more precise process. Many people are unaware of what is happening with this land use map. MR. TESCHE understood that a map of this sort is not going to be generally accepted unless it is driven by a neighborhood planning process. He noted there are not many neighborhood plans underway. The question is how to expand the neighborhood planning process to other parts of the community so that the plan map could be more acceptable. MS. RICHARDSON agreed that this is the question, particularly when staff is already overworked.

MS. OSSIANDER noted that even the meaning of zones is potentially being changed with the Title 21 Rewrite. The discussion on this map has been that the colors are broad concepts and should not be looked at as something that definitely would happen in a particular area; the ultimate refinement will be the neighborhood plan. MS. RICHARDSON stated this is her understanding.

GREG JONES with Cook Inlet Region Inc. (CIRI) congratulated the Municipality and particularly Mr. Nelson and his staff for bringing this land use map forward. Work on this was accelerated through the Title 21 Rewrite and is an essential part of the planning process. His company owns property at the northwest corner of the Muldoon/Glenn interchange and the land use plan map shows it as commercial/mixed use, which is accurate. The affordable housing issue will be addressed when a plan to develop that property comes forward later this year. He echoed what Mr. Potter said about the mobile home park across the street from this parcel. The CIRI project will be worth several hundred million dollars. What CIRI develops on the north side of the interchange must be spectacular and what happens on the south side of the interchange must also be spectacular. Medium density residential will not achieve that. There is a need for flexibility and intensity, which will generate the value in the land that will ultimately allow for something spectacular to be developed. He next discussed property at the inside of the curve of Minnesota at O'Malley Road and "C" Street. CIRI owns slightly over 60 acres and is in the process of acquiring more in order to assemble a virtual town center/mixed use. CIRI is dealing with issues including access and poor soils; there is a need for flexibility to develop this property. This will be a large planned community with a variety of uses. The property is categorized as light and heavy industrial and that is not the direction CIRI is taking.

COMMISSIONER JONES asked what type of classification(s) would allow for the type of flexibility and intensity required for this scale of project. MR. JONES felt that a commercial/mixed use designation, which he understood would allow residential, would be appropriate. That designation would be refined as part of the zoning process.

MS. OSSIANDER sought assistance identifying the parcel owned by CIRI at the Glenn/Muldoon interchange and asked if it is zoned medium-density residential. MR. JONES replied that it is zoned medium-density residential and CIRI is asking that it be changed.

MR. BAUER asked what is Mr. Jones's association with the property at the Glenn/Muldoon interchange. MR. JONES explained that CIRI owns the north 95 acres of the parcel at the northwest corner. MR. BAUER asked if the property to the south half should also be mixed use. MR. JONES explained his comment expressed a desire to see a nicer entrance to Anchorage. Developing the mobile home park on the property to the south with low or medium density he did not think would foster that type of development. MR. BAUER asked whether CIRI is master planning. MR. JONES replied that

master planning has begun. MR. BAUER asked when the Assembly would see these plans. MR. JONES stated that the intent is to come to the neighborhood with these plans this summer.

MS. JENNINGS noted respecting the parcel at O'Malley and Minnesota that the Assembly has some responsibility to maintain industrial areas and asked how, as a policy, the Assembly could consider making that area commercial in light of that responsibility. MR. JONES indicated that the area is large enough to accommodate a mixture of uses; there could be an industrial component. He desired the flexibility for a planned community to be developed on the site. He stated this site is one of the few consolidations possible in Anchorage. It has the real opportunity to become a town center, so while there may be a demand for industrial, this is not the appropriate location for that.

No additional persons wished to testify.

CHAIR POULTON thanked the Planning Department for their efforts with respect to in the land use plan maps. Based on the low turnout at this hearing and because of the impacts these plan maps would have on the public, he was concerned that the Commission was not sufficiently prepared to deliberate in the public's best interest at its June 12, 2006 meeting. He suggested that the public hearing be continued and that the Commission discuss at its meeting on May 8, 2006 how to better get information out to the public.

COMMISSIONER JONES asked to what date the public hearing should be continued. TOM NELSON explained that, while he appreciated the Commission's concern to keep the public hearing open, at the same time the Department is trying to adhere to a schedule adopted by resolution on Title 21 and the land use plan map. The request is to approve the land use plan map in concept so that it can provide some basis upon which people can consider the potential implications relative to the proposed use districts in Title 21 and where they would most likely apply. A public hearing draft of Title 21 is forthcoming in one month with public hearings beginning in mid-August. The intent is that the land use map be adopted in concept form by mid-summer so there is time for people to utilize it in consideration of their position on Title 21. He understood there was concern that individual notices were not sent, but he noted that before there is any zoning change, notices would be sent to individual property owners. This is not a zoning map, it is a land use map. He stated that postponing the public hearing would make it difficult for the Department to adhere to the schedule dictated by Assembly

resolution. The Department planned to prepare an issue and response summary following this hearing to address the issues brought forth this evening and for the Commission to make its recommendations following a work session on the issue and response summary; the same thing would then occur with the Assembly. COMMISSIONER JONES asked if this matter is scheduled to come back to the Commission on June 12, 2006. MR. NELSON replied that it is tentatively scheduled for that date.

COMMISSIONER JONES moved to continue the public hearing to June 12, 2006. COMMISSIONER COTTEN seconded.

COMMISSIONER JONES felt that because there was not a large turnout, she would like to allow an additional opportunity for public testimony because of the importance of this issue. Although there is a tight time schedule, it is important to do this right because, even if this is approved in concept, it is hard to undo something. She saw nothing prohibiting the Commission from taking action on June 12, 2006. At that time the Commission will also have the benefit of Staff feedback.

AYE: Isham, Pease, Jones, Poulton, Cotten, Gumennik
NAY: None

PASSED

CHAIR SULLIVAN closed the Assembly public hearing. He indicated the Assembly would work with the Planning Department on the schedule for this matter to come back before the Assembly.

5. MAYOR, ASSEMBLY AND STAFF COMMENTS

MR. BIRCH was troubled with the impact of this zoning map as discussed. These maps do not represent a de facto rezone, but it lays the groundwork for that. There was discussion this evening about adverse financial impacts on property owners in the community. There is a map identifying the changes that the land use plan map would impose on properties across the Bowl. Since those areas are identified, he would like to have a summary assessment of the properties that would be impacted in terms of value.

MS. OSSIANDER shared some comments from the Title 21 Rewrite Committee. There have been concerns at the Committee that the public would not be able to adequately comment on the proposed changes to zoning because they could not overlay it on their neighborhoods/properties. There

were lengthy discussions between the Committee and the Planning Department about this and the Committee is very appreciative that the land use map came forward as a necessary adjunct in order to understand what is being proposed in Title 21. There is concern that this is a zoning map, but it is not. Even if this map is thought of as a general approach to land use, that is not sufficient because so many changes to the zoning districts are being considered. While the maps provide a lot of information, it is only part of what is needed to understand the changes being proposed in Title 21. She cautioned the Assembly to not view the map as a stumbling block. She stated she spoke at the Federation of Community Councils about this and some Assembly Members are making their neighbors aware of this, but the Assembly must be careful not to call this is a zoning map and people should not use this map as an overlay based on their knowledge of current zoning districts.

MR. TESCHE asked Ms. Ossiander or Staff to provide a recommendation as to how the Assembly should regard the land use map when some version comes to it for concept approval. MR. NELSON stated concept approval is recommended because there are not yet definitive use districts. He remarked that final approval does require more scrutiny. The Department anticipates there would be a process of final approval of the land use map after Title 21 is adopted when there is a better sense of how the use classifications on the map would likely apply. The decision on that issue should wait until Title 21 is adopted and a separate hearing process occurs. The intent of this land use map is to indicate where the districts may likely apply so that people can prepare their response to the changes proposed in Title 21. This is primarily a guide to help ascertain the appropriateness of the use districts in Title 21 and where they should be applied. MR. TESCHE understood that the Assembly should not get bogged down in a parcel-by-parcel process at the concept stage, but rather approve the land use plan map in concept in a timely fashion and then come back to finalize the land use map after something is done with the specific zoning districts in Title 21. MS. OSSIANDER concurred with the approach being discussed, which reflects the discussions of the Title 21 Rewrite Committee. It is difficult for the public to react and comment on draft language in Title 21 if they cannot envision how it would impact their neighborhoods and the situation in Anchorage today. She felt it was important to emphasize that this is a conceptual map and, if there are areas that are questionable such as Northway Mall, it would be appropriate and better the process to amend the map to reflect the concerns expressed on a neighborhood-by-neighborhood rather than lot-by-lot basis. It must be recognized that the maps are dependent on Title 21 and vice versa. The map can only be approved in final after Title 21 clarifies the zoning. MR.

TESCHE asked if Ms. Ossiander also agree with timetable recommended by Staff. CHAIR SULLIVAN asked for a brief summary of the timetable. MR. NELSON replied that Planning and Zoning Commission action is anticipated in the first half of June, followed by Assembly action in the first half of July, allowing a month or so before the formal public hearing process begins on Title 21. The schedule is outlined in the AR on the Title 21 Rewrite. Joint hearings of the Planning and Zoning Commission and Assembly would be held from mid-August through September; the Planning and Zoning Commission's deliberations and recommendation are anticipated in the September/October time period; and the matter would then be forwarded to Assembly for deliberation in November/December. CHAIR SULLIVAN suggested that this timetable be publicized.

MR. BIRCH stated that he was struggling with defining the land use plan map as conceptual because the pixel size on some of the maps delineate individual lots and fractions of acres. To say the land use plan map is simply a guideline is difficult to accept, given the specific changes shown on the map. He felt it was disingenuous to say this is conceptual. MR. NELSON stated the last time a land use plan map was prepared and adopted it was done by hand with colored pencils and was more generalized. Today, mapping is done using automated systems, so the specificity is more easily seen. The large land use plan map shows the underlying zoning and parcel base, which some Assembly Members requested for ease of reading. Although it has the appearance of specificity, there is no suggestion that the boundaries on the land use plan map are exact. MR. BIRCH appreciated this comment.

MS. OSSIANDER stated the Assembly specifically requested that the Planning Department show the lot size primarily because people tend to pay attention and participate most in a matter when they see an immediate personal impact. There was discussion of the pros and cons of showing individual lot lines. At the end of May the Public Comment Draft of Title 21 will be made available, so if the land use plan map is adopted in concept people will have the land use map to see where new zoning districts are being proposed.

CHAIR SULLIVAN asked when Staff would come back with an issue and response summary and if there is the possibility that those responses may contain recommendations for amendments to the land use plan map. MR. NELSON responded that this was a very productive hearing with a number of relevant issues raised. The Department is aware of some of the issues and is trying to work through them, most fundamentally how to accommodate mixed use so there is truly mixed use.

6. ADJOURNMENT

MS. OSSLANDER moved to adjourn. MS. SHAMBERG seconded.

There being no objection, the motion passed unanimously.

The meeting was adjourned at 8:40 p.m.