

Planning and Zoning Commission

June 5, 2017

Case #: **2017-0070**

Case Title: Request to Rezone a strip of land measuring approximately 330 feet x 69 feet from R-2M Mixed Residential District to I-2 Heavy Industrial District.

Agenda Item #: **G.1** Supplementary Packet #: **1**

X Comments submitted after the packet was finalized

Additional information

Other:

Sent by email: yes no

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7943



01232120000
BOLLES DANIEL N & DEBRA L
PO BOX 220042
ANCHORAGE, AK, 99522-0042

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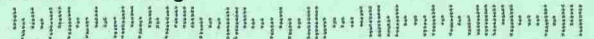
PLANNING DIVISION

NOTICE OF PUBLIC HEARING: Monday, June 5, 2017

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2017-0070

99522-0042 B001



PETITIONER: Ridge Equipment, LLC
REQUEST: Request to Rezone a strip of land measuring approximately 330 feet x 69 feet from R-2M Mixed Residential District to I-2 Heavy Industrial District.
TOTAL AREA: .52 acres
SITE ADDRESS: N/A
LOCATION: Generally located west of C Street, north of West 96th Avenue, east of Arctic Blvd. and south of West 92nd Avenue
CURRENT ZONE: R-2M Mixed Residential District
COM COUNCIL(S): Bayshore-Klatt, Taku Campbell
LEGAL DESCR: T12N R3W SEC 18 Lot 5 REM

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30PM, Monday, June 5, 2017 in the Loussac Library Assembly Chambers, 3600 Denali Street, Anchorage, Alaska.

The zoning ordinance requires that you be sent notice because your property, residence, or business is within the vicinity of the petition area. This will be the only public hearing before the commission regarding this case and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition, this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Planning Department, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed online at <http://www.muni.org/CityViewPortal>.

Name: Dan and Debra Bolles

Address: 650 W. 91st Ave
 Anchorage, AK 99575

Comments: We oppose the application for rezoning the transition, R-2M,
 property to I-2. This area was specifically zoned R-2M to provide a multi-
 family transition to the single family homes north of 91st. See PERC
 res. 97-025 (case 97-022) Binding of Parc #7.

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Bayshore Klatt Community Council

PLANNING DEPARTMENT

May 25, 2017

Case No. 2017-0070: Request by Ridge Equipment LLC, to rezone 0.52 acres from R-2M to I-2.

Location: Lot 5, Section 18, T12N, R3W, SM; Parcel ID no. 016-291-20.

Having heard testimony from the owner's representative, Tony Hoffman of Boutet Co., Inc. and residents of Newland Subdivision on March 23rd, 2017, and

Whereas the residents of Newland Subdivision provided additional testimony on March 23rd, 2017, in opposition to the proposed rezoning.

Bayshore Klatt Community Council finds that we cannot support the request by Ridge Equipment LLC. We offer the following findings in case 2017-0070.

1. 2020 policy #14, requires that there be an adopted plan in place prior to rezoning of residential property to industrial. The applicant must execute such a plan.
2. 2020 policy #31, requires new industrial developments to address safe and effective traffic routes to minimize impacts on neighborhoods. Access through Newland Subdivision is not consistent with safe usable neighborhoods. AMC 21.030.16BE.4,5,7.
3. 2020 policy #46, provides for the protection of individual residential neighborhoods in accordance with applicable goals, policies and strategies. The applicant has not addressed this requirement. AMC 21.03.160E.1,6.

Bayshore Klatt Community Council thanks you for the opportunity to review and comment on this application.

Bob Hoffman, President

Revised


Dave Carter, Vice President

(on behalf of himself and Wayne Piche, Secretary, and Bob Brock, Treasurer)

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The Newland Neighborhood offers to the Planning and Zoning Commission our response to Ridge Construction zoning request change.

1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety and general welfare;

Applicant Response: This rezone will clean up an existent "split zoning that is not the public's welfare. It is still unclear how or when the zoning was enacted, but it prevents effective development (either residential or industrial) of any sort on the lot.

Newland Neighborhood Response: Their response does not address the health and safety of the citizens of the surrounding neighborhood. While we agree that the split zoning should be resolved, it should be done to ensure the health and safety of the Newland Neighborhood residents and be consistent with the spirit of the zoning, which stated in the 1997 rezone attempt as:

The I-2 is not in conformity with the Comprehensive Plan. The existing R-2M portion of this property was rezoned one year after most of the area had be zoned I-2 with the intention of providing a multi-family transition between the I-2 and the fully developed single family residential development to the north.

Keeping a transitional zone between a residential area and I-2 development is consistent with the goals of the 2020 Comprehensive Plan Land use policy numbers 5-7. It is important to note that these policies have not been specifically superseded in the 2040 plan draft. In addition several of the policies in the 2040 draft also support using transitions such as parks and open spaces from less compatible uses such as residential and industrial.

It is also inaccurate to state that it prevents effective development of any sort on the lot. There are developments that are permitted on both R-2M and I-2; a park is one such permitted use, as is a community or police substation.

2. The rezoning complies with and conforms to the Comprehensive Plan, including the Comprehensive Plan map(s);

Applicant Response: While this parcel is identified as "residential" in the currently adopted 1980 Comprehensive Plan, the current draft of the 2040 Comprehensive Plan clearly indicates the area as Industrial. Following is one of the applicable 2040 Land Use Plan Policies:

LUP 9.1 Identify and preserve a suitable, predictable supply of industrial land in areas most appropriate for existing and future high-priority industrial uses.

Applicant Response: As this property is adjacent to other industrial uses along the 'C' Street corridor, it is appropriate to develop this property as industrial, compatible with the other uses south east and west. The residential development across the ROW to the north can be protected though Title 21 provisions for setback, screening and use hours.

Newland Neighborhood Response: This language is misleading as it ignores the 2020 Comprehensive Plan making the zoning appear to be more dated than it actually is, especially considering that the previous attempt to rezone was denied in 1997. Land use policy number 14 states that: "No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zones property into commercial or industrial uses unless consistent with an adopted plan." While we agree that it is important to use the 2040 draft plan as a guide to the future growth and needs, it should be done so with respect to the currently adopted plan.

Claiming that this parcel is comparable to the "adjacent" industrial uses along the "C" Street corridor is inaccurate as that area does not contain an established residential neighborhood and heavy equipment has access to main arterial streets that do not have neighborhoods. In addition the "adjacent" industrial area includes several entry and exit points as well as traffic lighted intersections to promote smoother and safer traffic patterns. In contrast the access to the parcel requesting the rezone has limited access only off of 92nd Ave. A 4 lane major arterial road separates those Industrial properties and this parcel. While it's actual surrounding area is residential to the north and Class A Wetlands that directly abuts the property to the West and South. According to the Heritage Land Bank these parcels 5-005 and 5-006 are being held in the HLB inventory and managed as vacant land with no plan to be developed at least within the next 5 years per their five-year working plan adopted April 13th 2017. The development of Class A wetlands is a lengthy and costly endeavor requiring permitting from the Army Corps of Engineers. It should be mentioned that the method of clearing is currently under investigation by the Army Corps of Engineers. It is premature to assume that this development would be consistent with land uses to the west and south, as the municipality has not yet identified a need for their development.

The residential area to the north is in fact a development neighborhood with 175 dwellings. The Title 21 provisions for setback, screening and use hours will do nothing to mitigate against the unsafe traffic conditions resulting from an I-2 property sharing road access with a neighborhood. LUP 9.2 speaks to ensuring compatibility of adjacent uses and traffic.

The applicants own choice of land use policy is inaccurate as this is not a suitable location in an area most appropriate for future high-priority industrial uses. . It should be noted that in the 2040 plan draft the summary of Goal 9 states that: "It prioritizes industrial functions, such as manufacturing, production, and distribution enterprises, over low-employment uses like outdoor storage." Since the applicant is not forthcoming with the intended use of developed property, we cannot assume

that it will indeed be a high employment industrial use and not, in fact, what is stated in the 2040 Comprehensive Plan as lower priority such as outdoor storage.

3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title;

Applicant Response: The proposed zoning will allow Industrial uses as specified in code.

Newland Neighborhood Response: In the Title 21 code there are 90 different uses allowed under an I-2 zoning, some permitted as of right, and others as conditional or special use. With that said there is still a long list of permissible uses, with unforeseen impacts on the surrounding areas. The goals of a Comprehensive Plan are for smart growth. The goals of zoning are to prevent incompatible uses and protect property owners and citizens. Due to the limited access to this site, surrounding wetlands, the adjacent neighborhood, and road currently not build to handle industrial traffic, I-2 zoning is incompatible with several of the 2020 requirements including policy numbers 5,6,7 as well as 2040 goals. LUP 1.6, 4.1, 7.1, 7.2.

4. The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities;

Applicant Response: This property is currently “split Zoned”, with the southern portion of the Lot zoned I-2. This rezone is essentially a “house cleaning” type of process, cleaning up and existent and inappropriate spot zoning. While the properties to the North are zoned R-5 (Low Density Residential) there are plenty of provisions in Title 21 that will “buffer” the residential properties to the north from the higher intensity uses allowed by the I-2 (i.e. landscaping, setbacks etc.). Utilizing a split zoning “strip” to buffer lands is not appropriate. Additionally, it should be point out that the ROW in front of this property is 100 feet wide, which adds another 40-foot setback to the standard ROW width of 60 feet.

Newland Neighborhood Response: As previously mentioned the Title 21 landscaping and buffering requirements, as set out in code 21.07.080 will do nothing to “buffer” a neighborhood from sharing a road that is not built to municipal weight standards with heavy industrial traffic. Additionally, it should be noted that if it were indeed rezoned, the width of the ROW in question would not exist, and does not provide an additional 40-foot setback. Also, the stated area in the rezone request is 330-feet by 69-feet. Clarity is needed as to what 100-foot width the applicant is referring to. Given the discrepancies/inconsistencies’ between what was presented at the Bayshore-Klatt Community Council and then again at the Taku-Campbell

Community Council, as well as inaccuracies within the application itself, along with the applicants apparent desire to obfuscate the development plans; there is no confidence that such additional buffer would be upheld.

While we agree that the issue of the split zone should be resolved, it should once again be done with careful attention to the actual current use of surrounding lands, future land holds of the Municipality and, most likely development of Class A Wetlands and Utility holding to the South. It is more accurate to describe the I-2 zoning as spot zoning as it would allow a small parcel to be developed incompatibly with the abutting properties and require extensive capital outlay to rebuild 92nd Avenue to municipal standards and does nothing to address the shared road access from a residential street and potential blocking of access to residential properties directly across from the site.

5. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development;

Applicants Response: All utilities are available immediately adjacent to the site. The 'C' Street corridor is designated as a "Major Arterial" roadway in the 2014 MOA Streets and Highways Plan, which is supportive of industrial uses. Additionally, all utilities are available immediately adjacent to the site in 92nd Avenue, eliminating the need fore any utility extension to the site. Additionally, there is a full width walking and biking pathway along "C" Street that provides pedestrian access. Also, when the appros to "C" Street from 92nd Avenue was constructed during "C" Street construction, a curb barrier "nose" was constructed at the entrance to 92nd, which will help control traffic onto 92nd Avenue and "C" Street.

Newland Neighborhood Response: Heavy industrial development off the corner of 92nd and "C" Street will only create unsafe access to the bike and pedestrian path which is in direct conflict with both the 2020 and 2040 plan of multimodal paths and a walkable, livable city. The residents and children of the Newland neighborhood use the south side of 92nd Ave to access the path due to the residential driveways located on the north side of the street. It would be unwise to use the north side, which like the south side of 92nd has no sidewalks and vehicles back out of their driveways on to 92nd. A heavy industrial access point can only reduce visibility of children and pedestrians and increase accident potential.

The curb barrier "nose" can only be used as an argument against safe and adequate access to the site as it severely tightens access to the property and would creating blocking of residential driveways and potential back up onto "C" Street. The small right hand turn lane on "C" Street to 92nd is not sufficient to allow for waiting while

large trucks attempt to access the lot approaching from the East. This and other site access issues have already resulted in the use of 88th Ave and Vernon Street by the applicant for access to the property during the clearing of the land on April 17th. The haul route for the clearing permit C17-070 was stated as 92nd Ave to C Street to Dimond Blvd to Sandlake Road. The only access to this site is gained by using residential streets. While “C” Street is a “Major Arterial” 88th and Vernon are residential streets. Without additional traffic control installation, making left hand turns from 92nd onto “C” Street from large trucks will be problematic to say the least. Vernon to Dimond would be the easiest exit point if any traffic has to head north. However, Vernon is already on the municipality’s list of qualifying streets for traffic calming, pointing to an existing knowledge of unsavory traffic conditions for residential areas. How the applicant would not use Vernon Street as a thoroughfare, for this development has not been defined and is uncertain.

Pursuant to Code 9.46.410 heavy trucks are not supposed to be allowed routinely on residential streets; where no local or residential collector street as designated on the official streets and highways plan of the municipality may be used by any commercial vehicle with a gross weight of 11,000 pounds or greater, except where required to make deliveries or pickups, or to provide business services at a specific location for which the vehicle is required as an essential part of the service, and then only by the most direct route requiring the least amount of travel upon such local or residential collector streets.

This concern was presented in the 1997 case and has been researched in response to the current rezoning proposal. In both the 1997 case and current conditions, the responsibility lies on the residents to call the police to report truck use on Vernon or any side streets. This is a gross misuse of already limited funds and police time in our current economic environment considering that this is a preventable issue that does not have to occur should 92nd Ave access to the lot be denied. During the May 1st Planning and Zoning Commission hearing, Commissioner Jon Smith expressed concerns regarding Traffic Impact Analysis being promised and then never delivered. Mr. Smith stated that Traffic and Engineering is limited in what it can do, once a rezone has been passed.

6. The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated:

Applicant Response: As the majority of the property is already zones I-2, the proposed rezone will create no additional impacts to the site than already implemented. As stated previously, there are plenty of provisions existent in the Title 21 that will mitigate any potential impacts to the environment of wildlife. Additionally, it should be pointed out that the US Fish and Wildlife services (specifically Fisheries and Ecological Services, aka FES) was contacted in February

to discuss the eagles that occasionally perch on the high trees on the property. Personnel at FES stated that to their knowledge, there are not nest sites anywhere in that area. They also provided guidelines for documenting the site conditions, which has been accomplished. Finally, Title 21 (21.05.060) provides additional mitigation regulation to uses allowed for I-2 zoning. These standards (referred to as “use specific standards”) provide additional protections to potential impacts to residential areas from “heavy industrial uses.

Newland Neighborhood Response: The lot in question is currently under investigation by the Army Corps of Engineers as to how it was cleared in regards to the Class B wetlands. Since the applicant has not disclosed what the development plans are, it is difficult to foresee what impacts this development will have on the environment or the cost of appropriate mitigation. Wetlands are one of the most productive ecosystems on the planet and one of the many ecosystem services that they provide is water filtration. The applicant has left a piece of machinery sitting idle in a large puddle of water to rust and leak oil and other toxins into the water system for the last month. The applicant acknowledged that environmental concerns were of paramount to the residents, but offers no specific mitigation plans and this type of equipment neglect seems counter to environmental accountability. While it may be correct that the tall trees in the lot were only Bald Eagle roosting trees, eagle roosts play an important role in the lifecycle of non-breeding eagles and are specifically protected in the “disturb” clause of the Bald and Golden Eagle Protection Act (BGEPA) (16U.S.C. 668-668d, 72 FR 31131). We are still waiting on confirmation that correct procedures have indeed been followed, however the absence of these trees has already diminished sighting of the Neighborhood Bald Eagles. In addition moose in the area have already been seen less frequently. The Residents are already experiencing increased noise pollution due to the land clearing.

7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations;

Applicant Response: As already mentioned, the high density house north of the property will be adequately protected and buffered by the provisions outlined in Title 21, as well as the extra width ROW that exists on 92nd Avenue.

Newland Neighborhood Response: The proposed rezoning is guaranteed to have significant adverse impacts upon the Newland neighborhood. Not only does it significantly increase dangerous traffic conditions on 92nd Avenue and surrounding residential streets, it would also restrict access to the bike path on C Street. This project has already resulted in loss of the local Bald Eagle roosting habitat. Proceeding with the land clearing has created a premature vacancy of land that was home to local wildlife. Without the trees as a natural buffer there is already a significant increase of traffic noise from “C” street. The Newland Neighborhood (88th

Avenue and Vernon Street) has been a thoroughfare for the industrial traffic during the clearing of the property, by the applicant. As the applicant has yet to disclose what the intended development is, we cannot fully understand the potential impacts of noise, light, and air pollution that may result from its development. The I-2 use directly across from residential streets is harmful to the neighborhood's property values, which in turn harms the whole community. This will affect the tax base. The Queensgate Neighborhood located off of King Street is one such example where being boxed in by less compatible land uses has been detrimental to the property values. This is in direct odds with many of the 2040 Comprehensive plan goals including LUP 4.1, 4.4, 7.2 and 8.1. At the May 11th Taku-Campbell Community Council meeting, applicant representative, Tony Hoffman told the attendees of that meeting that the city had advised him not to share the plans for the site. While it is within the property owner's rights to conceal their intended use of the land, it does not bode well with the residents of the Newland Neighborhood. The repeated mentioning of an additional extra width ROW on 92nd appears to be lip service at best.

8. The rezoning does not extend or exacerbate a land use patter that is inconsistent with the comprehensive plan.

Applicant Response: This zoning is fully consistent with the goals and uses outlined in the proposed 2040 Comprehensive Plan. While the area is designated as "residential" in the currently adopted 1980 Comprehensive Plan, it is recognized in the goals and polices of the 2040 plan that the need for employment supportive Industrial and Commercial needs are paramount for the continuation of growth in Anchorage.

Newland Neighborhood Response: Once again by bypassing the 2020 Comprehensive Plan, in which land use maps identify a large part of the area as future industrial reserves but does not include up to 92nd ave, the applicant attempts to present this issue as outdated, and seeks rezoning support based on a land use plan not currently adopted. This is in direct odds with LUP 14. While we acknowledge that there is a need for industrial lands in Anchorage and that the reserves are limited, there is a much greater need for residential properties. The Municipality's own Anchorage Housing Market Analysis, states, "there is not enough buildable land to accommodate future housing demand under historical development patterns, current land use policies and development options...The mismatch between future housing demand and land supply is serious and needs attention" (McDowell and ECONNorthwast, 2012). During the Monday May 1st Planning and Zoning Commission workshop on the 2040 plan, staff member Tom Davis stated that there are 3 residential neighborhoods where the 2040 plan sought to have adjacent I-1 changed to 1-2 and suggested that they remain I-1 to be more consistent with the residential areas.

9. The rezoning shall not result in a split-zoned lot:

Applicant Response: The proposed rezone actually rectifies an existent split zone situation.

Newland Neighborhood Response: While we agree that the split zone should be resolved, it should be done so in respect to the goals of the compressive plan and the 1997 denial of the previous attempt to rezone this lot. The 1997 rezone attempt was denied in part because it does not satisfy 21.20.090 criteria for approval. This criterion has subsequently been rewritten during the Title 21 rewrite and is the above-rebutted points.

In addition to our response to the application, we present these additional concerns and suggestions.

We acknowledge that the planning documents reflect there is a 25-50 % deficit for Industrial lands in Anchorage and agree with the 2040 plan draft goals of preserving and consolidating industrial lands. However, this is but one of the many goals outlined in the 2040 plan and should not come at the expense of an established neighborhood with so many foreseeable detriments to health, safety and public welfare. Land use policies 1.2, 2.3, 3.2, 4.1, 4.2, 4.3, 4.4, 5.2, 6.1, 6.2, 7.1, 7.2, and 8.1 should be given equal consideration.

Planning documents also reflect that there is also a 50 percent deficit for housing in Anchorage. With the cost of housing being 49.9 percent more expensive than the average American city according to the Anchorage Economic Development Corporation, residents of Anchorage struggle to find affordable housing. This is indeed acknowledged in the goals of the 2040 comprehensive plan draft.

This area has been identified as one of significant growth, yet is largely unrepresented in long term planning as it has no area specific plan.

The 2040 plan draft goals speak of preserving neighborhood character, while providing for more mixed uses development, improved multi-modal pedestrian access and public transit. It speaks of linked and walkable commercial centers, neighborhoods and parks. The Newland Neighborhood is a model neighborhood for such a vision.

- With homes under \$300,000 it contributes to inventory of affordable housing while remaining an economically stable, safe and desirable place to live.
- Residents commute to work, local shopping areas, restaurants, cafes, libraries, and parks located to the north and south via the "C" Street bike corridor.
- Residents regularly utilize the Taku-Campbell trail system.
- The neighborhood provides close and easy access to public transportation.

- The Newland Neighborhood residents enjoy the open area to the south, frequently walking dogs year-round and cross-country skiing in the winter. It's been an amazing wealth of wildlife viewing opportunities, contributing to the unique character that attracts people to Anchorage.
- With already existing multi-family dwellings on the north portion of the neighborhood, Newland can absorb additional well-planned higher density housing to the south without disruption to neighborhood character.
- There are many alternative development opportunities of the south end of the Newland Neighborhood to further promote and achieve the goals of the 2040 draft plan.

With residents that already bike to work, libraries, local parks and farmers markets, use public transportation, patronize and support locally owned business and restaurants, we are in full support of many of the goals that the 2040 plan wishes to promote, achieve, and most importantly in this case preserve.

The Newland Neighborhood thanks you for your thoughtful and careful deliberation of this issue.

Kimmel, Corliss A.

From: Jacqueline LaFrance <lafrance@ak.net>
Sent: Wednesday, May 31, 2017 3:02 PM
To: Kimmel, Corliss A.
Subject: Supporting Photos for case 2017-0070

TRUCKS USING RESIDENTIAL STREETS



TRUCKS USING RESIDENTIAL
STREETS



NEGLECTED EQUIPMENT



UNSAFE TRAFFIC

