

**PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
DESIGN VARIANCE**

DATE: April 10, 2019

CASE NO: 2019-0031

PETITIONER: Ship Creek Industrial Complex

PETITIONER REP: Corvus Design

REQUEST: Variance from AMC 21.07.080E.1. *Site Perimeter Landscaping Requirements* to allow for the use of industrial art in lieu of required visual enhancement landscaping along East Whitney Road.

LOCATION: Ship Creek Crossing Subdivision, Lot 4

SITE ADDRESS: 229 East Whitney Road

COMMUNITY COUNCIL: Government Hill

PARCEL ID#: 002-051-35

ATTACHMENTS

1. Maps
2. Application
3. Reviewing Agency and Public Comments
4. Posting Affidavit

SITE

Area: ≈4.8 acres
Vegetation: Site is mostly cleared; turf-grass is present throughout the site.
Zoning: I-2 (Heavy Industrial)
Topography: Generally Flat
Utilities: Public Water and Wastewater

APPLICABLE LAND REGULATIONS, I-2 (Heavy Industrial)

Height Limitation:	None
Minimum lot size/width:	6,000ft ² /50ft
Lot coverage:	Unrestricted
Setbacks:	
Front:	10ft
Side:	40ft, if adjacent to a residential district; otherwise 0 or at least 5
Rear:	40ft, if adjacent to a residential district; otherwise 0 or at least 5

AMC 21.07.080E.1. SITE PERIMETER LANDSCAPING REQUIRMENTS

1. Site Perimeter Landscaping Requirements

a. Purpose

Site perimeter landscaping separates land uses of different characteristics or intensities, to minimize the effects of one land use on another. Perimeter landscaping also marks the interface between public streets and individual property. Four basic levels of site perimeter landscaping are provided to accommodate a variety of land uses at a variety of intensities: (1) visual enhancement landscaping; (2) buffer landscaping; (3) screening landscaping; (4) freeway landscaping. Specifications for these landscaping types are found in table 21.07-1.

b. Applicability

Site perimeter landscaping shall be provided along the perimeter property line of development sites in accordance with table 21.07-2, except for the following:

- i. At approved points of pedestrian or vehicle access;
- ii. On individual single-family and two-family lots that are not being developed as part of a subdivision, unless required elsewhere in this title; and
- iii. Along alleys.

Table 21.07-1: Landscaping Specifications

Type of Landscaping	Bed Width or Area/Location Required	Plant Materials Required	Optional Design Standards
Site Perimeter Landscaping Requirements			
Visual Enhancement Landscaping (L1)	Minimum average planting bed width: 8 feet as measured for each leg of the perimeter.	Provide 1 tree and 6 shrubs per 20 linear feet of property line requiring visual enhancement landscaping.	Use of raised planters, pedestrian amenities, and pedestrian scale lighting may be used to offset up to 1/3 of trees and 1/3 of shrubs, through an administrative site plan review.
	Minimum planting bed width: 5 feet.	All areas within the planting bed shall be covered with living ground cover, turf, or mulch.	Up to 1/2 of total required shrubs may be substituted with perennial plantings at a ratio of three 1-gallon container perennials for every shrub required.
	No more than one-half the property line length or 50 feet, whichever is less, may have a planting bed width less than 8 feet in width. The maximum bed width used for the calculation of average bed width may not be greater than 12 feet.	All trees, shrubs, and ground covers shall be chosen for suitable hardiness and length of season for the specific area to be planted.	Trees may be substituted with an equal number of shrubs at 6 foot minimum planting height in utility easements with overhead lines.

Table 21.07-2: Minimum Site Perimeter Landscaping-By Abutting District or Street

TABLE 21.07-2: MINIMUM SITE PERIMETER LANDSCAPING – BY ABUTTING DISTRICT OR STREET													
Required Level of Site Perimeter Landscaping (Levels 1-4) ^{1, 2, 3}													
Abutting District or Street	R-6, R-8, R-9, R-10, TA	R-1, R-1A, R-2A, R-2D, R-5, R-7	R-2M	R-3, R-3A	R-4, R-4A	PLI	B-1A, B-1B, B-3, RO	I-1, I-2, MC, MI	PR	Freeway	Arterial, Expressway	Collector	Local Street
R-6, R-8, R-9, R-10, TA		L2	L2	L2	L2	L2	L2	L2		L4	L2		
R-1, R-1A, R-2A, R-2D, R-5, R-7	L2		L2	L2	L2	L2	L2	L2		L4	L2	L1	
R-2M	L2	L2			L2	L2	L2	L2		L4	L2	L1	
R-3, R-3A	L2	L2				L2	L2	L2		L4	L2	L1	L1
R-4, R-4A	L2	L2	L2			L2	L1	L2		L4	L1	L1	L1
PLI	L2	L2	L2	L2	L2		L1	L1	L1	L4	L1	L1	L1
B-1A, B-1B, B-3, RO	L2	L2	L2	L1	L1	L1		L1	L2	L4	L1	L1	L1
I-1, I-2, MC, MI, AF	L2	L2	L2	L2	L2	L1	L1		L2	L4	L1	L1	L1
PR						L1	L2	L2		L4	L1	L1	L1

NOTES:
¹ This table lists minimum site perimeter landscaping standards. Other chapters or sections of title 21 may have stricter site perimeter landscaping standards which would be used instead of the standards listed in this table.
² L3 screening landscaping is not included in this table as it only occurs as a use-specific standard for certain industrial uses, or through development-specific application in processes such as conditional use approvals.
³ Commercial developments and buildings exceeding 35 feet in height in the R-3A district are subject to the R-4/R-4A site perimeter landscaping standards.

SURROUNDING AREA

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	I-2	I-1	PCD	I-2
Land Use:	Heavy Industrial	Light Industrial	Planned Community District	Heavy Industrial

PROPOSAL

The petitioner is applying for a variance from AMC 21.07.080E.1. *Site Perimeter Landscaping Requirements* to allow the use of industrial art in lieu of required visual enhancement landscaping along East Whitney Road. East Whitney Road is classified as an “Industrial Collector” by the *2014 Official Streets and Highways Plan*, which sees between 2,000-10,000 average daily vehicle trips. As such, the petitioner is required to install L1 (Visual Enhancement Landscaping) along East Whitney Road. This request is being sought because the installation of required landscaping is claimed to negatively impact the function and movement of equipment on site by the petitioner, given the site’s dimensions and existing orientation.

AGENCY COMMENTS

Agency comments are included in attachment three. No objections to the granting of this variance were received from reviewing agencies.

PUBLIC COMMENTS

On February 15, 2019, the Planning Department mailed a total of 57 public hearing notices in accordance with the procedures of AMC 21.03.020H. As of this writing, no public comments have been received. Public hearing notices were also mailed to the Government Hill and Downtown Community Councils, who have not submitted comments to the Planning Department.

FINDINGS

21.03.240G. APPROVAL CRITERIA.

The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application substantially meets the following standards:

- a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard;**

The standard is not met.

The proposed design is tailored to fit the unique industrial nature of the Ship Creek Industrial District. The installation of painted intermodal shipping containers and attached industrial metal art placed on top of an existing concrete block retaining wall will create an approximately 16 foot tall (at its highest point) screening wall between East Whitney Road and the petition site. The proposed height of this screening structure will screen views of facility operations from the nearby Ship Creek Overlook Park. The preliminary design of the artwork gives tribute to the wildlife of the Ship Creek watershed, featuring metal silhouettes of salmon, bear, and moose.

However, the placement of intermodal shipping containers along the frontage of East Whitney Road will encompass the same or less amount of space as necessary for the installation of required site perimeter landscaping. The minimum average landscape bed width for L1 visual enhancement landscaping is 8 feet. The width dimension of a standard intermodal shipping container is 8 foot, 6 inches. Despite the relatively long and narrow appearance of the petition site, the parcel is approximately 4.8 acres and provides ample space to accommodate a variety of heavy industrial uses. The petitioner cites the dimensions of the parcel as impediments to the use of this site. Sufficient evidence to support this claim has not been provided.

The purpose and intent of required landscaping is not only to screen site operations from the right-of-way, but to soften the streetscape, reduce stormwater runoff, control dust, preserve air and water quality, and to provide a consistent streetscape design for neighborhoods. The proposed design will provide screening from the right-of-way, but it does not meet the intent of the subject standard to the same or better degree.

- b. The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;**

The standard is met.

This parcel is classified as a “General Industrial” in the *2040 Anchorage Land Use Plan*, Land Use Plan Map; and “Industrial/Industrial Reserve” in the *2013 Government Hill Neighborhood Plan*, Land Use Plan Map; and “Industrial Reserves” in *Anchorage 2020 – Anchorage Bowl Comprehensive Plan*, Land Use Policy Map. The granting of this variance

will not change the classification of this parcel in the comprehensive plan. Additionally, this project is compliant with the following policies from *Anchorage 2020 – Anchorage Bowl Comprehensive Plan*.

Policy 26) *Key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes.*

This site has long been used for heavy industrial uses. It was home to the former Kink Arm Power Plant and is the current home to the Ship Creek Industrial Complex. All three of the applicable comprehensive plans, Anchorage 2020, 2013 Government Hill Neighborhood Plan, and the Anchorage 2040 Land Use Plan classify this site as “industrial.” Due to perceived site constraints of the petitioner and a desire to make the site as functional as possible, they are seeking this variance for an alternative to required landscaping. The approval of this variance will allow for an alternative to the subject standard and will bring this site into compliance with applicable landscape requirements.

Policy 83) *The Municipality shall support and encourage recycling and resource recovery.*

This site is currently being used as a recycling transfer facility, which sorts and processes scrap metals and building materials. The approval of this variance will allow this site to operate in compliance with applicable landscaping requirements.

Policy 83) *Provide opportunities for integrating arts and culture in developments throughout the community.*

The proposed design will integrate a wall of industrial art into the site design of this recycling transfer facility. Nearby King’s Landing at Ship Creek has been undergoing renovations over the past few years to enhance the experience of fisherman and park users. These renovations have featured several pieces of industrial art. The project at the Ship Creek Industrial Complex will feature art pieces that are finished in a consistent style to those recently installed within King’s Landing.

- c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard;**

The standard is not met.

The proposed alternative will bring a unique alternative to a site that has been in need of renovation. The Ship Creek Industrial District has long served various heavy industrial uses and is likely to serve in that capacity well into the future. This alternative matches the character of the district, surrounding uses, and the local wildlife who inhabit the Ship Creek Watershed. Views of the industrial operations of the site will be sufficiently screened from nearby Ship Creek Overlook Park, as well as, pedestrian and vehicular traffic along East Whitney Road through this design.

However, the purpose and intent of required landscaping is not only to screen site operations from the right-of-way, but to soften the streetscape, reduce stormwater runoff, control dust, preserve air and water quality, and to provide a consistent streetscape design for industrial, commercial, and residential neighborhoods. Inconsistency in streetscape design has the potential to negatively affect the aesthetics of the neighborhood. This inconsistency is not a benefit to the community. The proposed design will provide screening from the right-of-way, but it does not provide an alternative that is in compliance with the subject standard to the same or better degree.

- d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;**

The standard is met.

The granting of this variance will not adversely affect the use of adjacent properties. The placement and use of the proposed industrial art will be entirely on property and will not impede or infringe upon the ability of adjacent properties to lawfully utilize their parcels as allowed by municipal code.

- e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;**

This standard is met.

This variance will not change the character of the I-2 district where this project is located, nor will it permit a use not otherwise permitted in the district. In addition, this variance request is being processed in accordance with the procedures of AMC 21.03.240 *Variances*, and is in keeping with the intent of code.

- f. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and**

The standard is met.

The granting of this variance will not restrict or impede ADA accessibility, nor will it negatively affect the ability of the site to provide reasonable accommodation.

- g. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.**

The standard is met.

The granting of this variance will not adversely affect the health, safety, or welfare of the people of the municipality.

- h. In evaluating the request for a variance from the maximum sign height, the urban design commission may consider whether there are special topographic circumstances that would result in a material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.**

The standard is met.

This variance request does not involve a sign.

Additional Considerations

Because the final appearance of the metal silhouettes may differ from those shown in the submitted plans, the petitioner is requesting that the Commission delegate the approval of the final design to the Planning Director.

DEPARTMENT RECOMMENDATION

AMC 21.03.240 requires that the variance request substantially meet all eight of the design variance standards in order for a variance to be granted. The Department finds that standards b, d, e, f, g, and h are substantially met, and standards a and c are not met. Therefore, the Planning Department recommends DENIAL of the variance.

If after the public hearing the Commission finds that all eight approval criteria are met, then the approval should be subject to the following conditions:

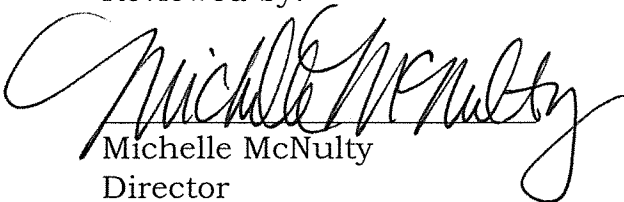
1. Variance from AMC 21.07.080E.1. *Site Perimeter Landscaping Requirements* to allow for the use of industrial art in lieu of required L1 visual enhancement landscaping along East Whitney Road, as specified in the application narrative and shown in the site plan:

“Artwork Applied to Site Perimeter Wall/Screen,” dated 2/14/2019, for Ship Creek Industrial Complex, prepared by Corvus Design and; “Plot Plan”, dated 9/11/2018, for Ship Creek Industrial Complex, prepared by Matt Crow, Alaska Construction Surveys.

2. Prior to this variance becoming effective, a notice of zoning action shall be filed with the State of Alaska District Recorder’s Office, including a site plan and a copy of the resolution of approval.
3. Approval of the final artwork design and subsequent modifications shall be delegated to the Planning Director.
4. Resolve with Traffic, the required sight line triangles for vehicular and pedestrian ingress and egress from East Whitney Road.

Reviewed by:

Prepared by:

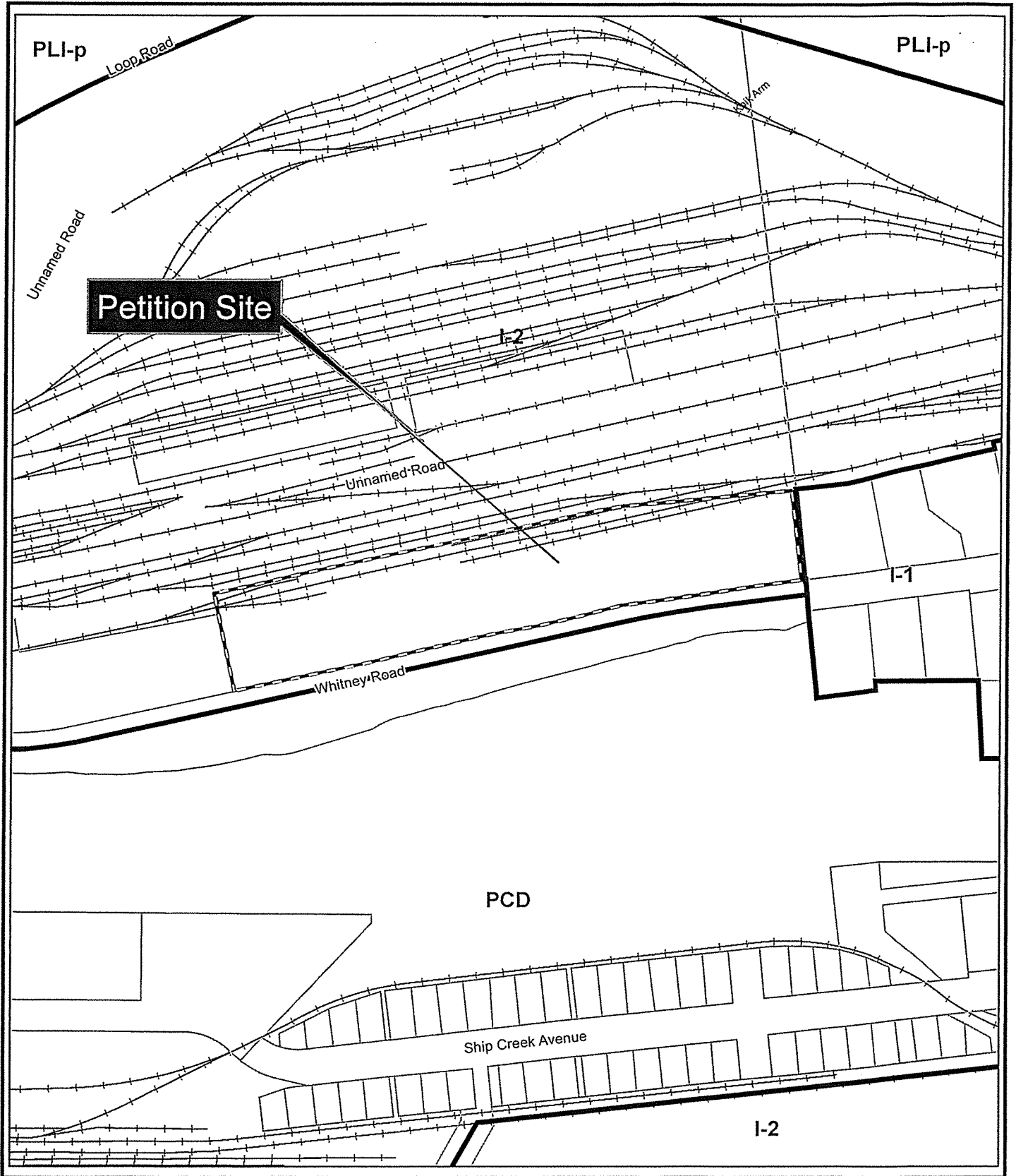

Michelle McNulty
Director


Ryan Yelle
Senior Planner

(Case 2019-0031; Parcel ID# 002-051-35)

Maps

2019-0031





Application

Application for Design Variance

Municipality of Anchorage
 Planning Department
 PO Box 196650
 Anchorage, AK 99519-6650



PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first) Ship Creek Industrial Complex		Name (last name first) Briggs, Peter	
Mailing Address 311 N. Sitka St		Mailing Address 2506-B Fairbanks Street	
Anchorage, AK, 99501		Anchorage, AK, 99503	
Contact Phone – Day (907) 561-0125	Evening	Contact Phone – Day 907-222-2859	Evening 907-229-1647
Fax		Fax	
E-mail donna@cei-alaska.com		E-mail pbriggs@corvus-design.com	


*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

PROPERTY INFORMATION		
Property Tax # (000-000-00-000): 00205135		
Site Street Address: 229 East Whitney Road, Anchorage, AK, 99510		
Current legal description: (use additional sheet if necessary) Ship Creek Crossing, Lt 4		
Zoning: PCD 12	Acreage: 4.79954086317723	Grid #: SW1131


PETITIONING FOR
Landscape variance for the use of art in place of visual enhancement landscaping. See attached narrative.

CODE CITATIONS
AMC 21.03.240.G.1 (Approval criteria for variances decided by the urban design commission).
AMC 21.07.080 (Landscaping, screening, and fences).

I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I am petitioning for variance in conformance with Title 21 of the Anchorage Municipal Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I understand that the burden of evidence to show compliance with the variance standards rests with me, the applicant. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff or the Urban Design Commission for administrative reasons.

Signature  Owner Representative Date 2/14/2019
 (Representatives must provide written proof of authorization)

Peter Briggs
 Print Name

Accepted by: 	Poster & Affidavit: 2/1/1	Fee: \$3,905	Case Number: 2019-0031	Requested Meeting Date: 4-10-19
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RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion of site)	
<input type="checkbox"/> Rezoning - Case Number:	
<input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat - Case Number(s):	
<input type="checkbox"/> Conditional Use - Case Number(s):	
<input type="checkbox"/> Zoning variance - Case Number(s):	
<input type="checkbox"/> Land Use Enforcement Action for	
<input type="checkbox"/> Building or Land Use Permit for	
<input type="checkbox"/> Wetland permit: <input type="checkbox"/> Army Corps of Engineers <input type="checkbox"/> Municipality of Anchorage	

SUBMITTAL REQUIREMENTS	
1 copy required:	<input type="checkbox"/> Signed application (original)
34 copies required:	<input type="checkbox"/> Signed application (copies) <input type="checkbox"/> Variance narrative, addressing: <ul style="list-style-type: none"> <input type="radio"/> The need for the variance <input type="radio"/> The effect of granting the variance <input type="radio"/> An analysis of how the proposal meets the variance standards below <input type="checkbox"/> As-built survey showing existing conditions, to scale (no more than 2 years old) <input type="checkbox"/> Proposed plot plan, site plan, or building elevations, to scale (new construction) <input type="checkbox"/> Photographs or renderings
<small>(Additional information may be required.)</small>	

VARIANCE STANDARDS
<p>The Urban Design Commission may only grant a variance if the Commission finds that all of the following 8 standards are substantially met. Each standard must have a response in as much detail as it takes to explain how your property's condition satisfies the standard. The burden of proof rests with you.</p> <ol style="list-style-type: none"> a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard; b. The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard; c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code; e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies; f. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and g. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality. h. In evaluating the request for a variance from the maximum sign height, the urban design commission may consider whether there are special topographic circumstances that would result in a material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.

See attached narrative and exhibits.



Landscape Architecture • Planning • Industrial Design

2506-B Fairbanks Street, Anchorage, Alaska 99805
119 Seward Street, Suite 15, Juneau, Alaska 99801

February 14, 2019

Re: Application for Variance – Ship Creek Industrial Complex MOA Case 2019-0031

Find enclosed (34) copies of an Application for Variance packet, with (1) original signed application.

This variance request (21.03.240.G.1) is for the use of artistic/graphic features along a site perimeter as a means to achieve alternative compliance in place of Site Perimeter Landscaping (L1) Visual Enhancement (21.07.080.E.1.d.). This variance request is sought as the existing location and dimensions of the site, combined with its industrial use, result in a condition where a reduction in the width of the site to accommodate required landscape bed widths significantly impact its function for equipment movement and the general needs of a recycling facility. This request seeks to meet or exceed the intent of code, specifically for aesthetics and community benefit.

The conceptual design included within this packet establishes a baseline for how this concept will be developed. While difficult to quantitatively assess artwork, the intent is that while the design may evolve, the amount of artistic components (as established by square footage perhaps) remain the same or may potentially increase.

Within Department recommended conditions of approval, we would request a condition where the Urban Design Commission would approve this Variance Request, with the final design refinements being reviewed by Department Staff as being within the intent of Commission review and approval.

Thank you for your consideration,

Peter Briggs
Corvus Design, Inc

(for Ship Creek Industrial Complex, LLC)

CRITERIA FOR APPROVAL OF VARIANCE

- A. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard;

The design standard that this variance application seeks to meet by alternative means is for Visual Enhancement Landscaping. Along the southern property line for the area in question, the site is required to have Site Perimeter Landscaping (L1) Visual Enhancement Landscaping.

Visual enhancement landscaping is intended to integrate new or renovated development into the surrounding community and is required along property perimeters that abut another zoning district or a public right-of-way. (AMC 21.07.E.1.a)

This variance request (21.03.240.G.1) is for the use of artistic/graphic features along a site perimeter as a means to achieve alternative compliance in place of Site Perimeter Landscaping (L1) Visual Enhancement (21.07.080.E.1.d.). This variance request is sought as the existing location and dimensions of the site, combined with its industrial use, result in a condition where a reduction in the width of the site to accommodate required landscape bed widths significantly impact its function for equipment movement and the general needs of a recycling facility. This request seeks to meet or exceed the intent of code, specifically for aesthetics and community benefit.

The proposed alternative is to provide artwork along the approximately 600 lineal feet of property edge. This edge is composed of modular concrete block retaining wall (up to approximately 8' tall). Concrete block units have a face dimension of 5' length and 30" height). On top of the wall is an approximately 8' height screening wall composed of cargo containers, currently painted a uniform green color.

Specifics of the intended art installation include:

- The proposed alternative is to be installed at the property line adjacent to a public right-of-way, integrated with or mounted to the existing block wall and/or screening wall.
- The art is intended to enhance the visual appearance of the site along East Whitney Road, and provide long-views (where possible) with visual interest.
- The addition of an art piece will aid in integrating this site into the surrounding area.

This alternative method is consistent with the intent of this subject design standard, if not providing a higher level of community benefit. Visual Enhancement Landscape could be described as landscape that provides aesthetic edges to sites. This relates to the visual attractiveness of a site, and also provides benefit in adding a consistent element to other sites that have the same landscaping installed. The proposed artwork provides a much higher level of aesthetics in that it achieves the intent of visual attractiveness, and goes beyond to provide a unique focus within the area. Beyond *visual attractiveness* gained through a uniform community treatment (landscaping), it provides *visual interest* in being unique and contributing character.

- B. The proposed alternative achieves the goals and policy of the comprehensive plan to the same or better degree than the subject standard;

The implementation of an art wall is highly consistent with relevant Anchorage planning. Assessments of Anchorage 2020, the Ship Creek Framework Plan, and the Government Hill Neighborhood plan are included within this document.

C. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard;

Integrate new or renovated development into the surrounding context of the community including its neighborhoods and street corridors. (AMC 21.07.A.2)

Repeated from Variance Standard A above:

This alternative method is consistent with the intent of this subject design standard, if not providing a higher level of community benefit. Visual Enhancement Landscape could be described as landscape that provides aesthetic edges to sites. This relates to the visual attractiveness of a site, and also provides benefit in adding a consistent element to other sites that have the same landscaping installed. The proposed artwork provides a much higher level of aesthetics in that it achieves the intent of visual attractiveness, and goes beyond to provide a unique focus within the area. Beyond *visual attractiveness* gained through a uniform community treatment (landscaping), it provides *visual interest* in being unique and contributing character.

D. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;

- Adjacent properties are zoned for the same use, and the proposed improvements will not adversely affect these properties in any way.
- The proposed alternative is intended to enhance the visual appearance of the site along East Whitney Road and does not negatively affect or abut conflicting adjacent properties.

E. The variance, if granted, will not and does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;

- The purpose of this variance is to add visual interest and a new exciting character; therefore, it will not adversely change the character of the zoning district where the property is located.
- The use of artwork to add visual aesthetics and interest is in keeping with code intent.
- The variance request does not affect site use. Site use will remain consistent with code.

F. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation;

- ADA accessibility is not required for visual enhancement landscaping as it serves an aesthetic purpose.
- All persons, both with and without disabilities, will have equal access to this art.

G. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.

- The proposed alternative will not result in any health, safety, and welfare issues for the people of the municipality.
- The proposed alternative will be attached to an existing wall and is purely for the visual enhancement of the site.

H. In evaluating the request for a variance from the maximum sign height, the urban design commission may consider whether there are special topographic circumstances that would result in material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.

Not relevant to this variance request.

ANCHORAGE 2020 COMPREHENSIVE PLAN ASSESSMENT

The use of artwork for alternative compliance with Visual Enhancement Landscaping is consistent with planning goals. Specific components of Anchorage 2020 that directly or indirectly relate to the visual enhancement of a site (whether through landscape or artwork) are provided below. These are as taken from the plan, without additional narrative.

LAND USE & TRANSPORTATION POLICIES AND STRATEGIES

- Infill, redevelopment, and adaptive land reuse principles revitalize the community.
- Neighborhood vitality and quality of life are reinforced through density, street and trail layout, architectural design principles, and neighborhood or district plans.

General Land Use

1. Rezones and variances shall be compatible in scale with adjacent uses and consistent with the goals and policies of ANCHORAGE 2020.
7. Avoid incompatible uses adjoining one another.

Residential – Not Applicable

N/A

Commercial

23. Major Employment Centers, shown on the Land Use Policy Map, exist at the Downtown, Midtown, and University /Medical areas. Characteristics of these centers are as follows:
 - d. Creation or enhancement of public focal points such as plazas or parks, including public art;

Industrial

26. Key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes.
27. Commercial/light industrial parks:
 - c. Shall include design features such as pedestrian facilities, landscaping, and compatible signage.

Transportation

N/A

Transportation Design and Maintenance

N/A

ASSESS AND MITIGATE ADVERSE AIR QUALITY IMPACTS OF MAJOR PUBLIC LAND USE AND TRANSPORTATION DECISIONS.

- Improved building/parking location, orientation, streetscape and form are important in order to achieve efficient and attractive development.
- The visual image and identity of the city are strengthened and promoted.
- The natural environment is embodied in project design.

Design & Environmental Policies and Strategies

41. Land use regulations shall include new design requirements that are responsive to Anchorage's climate and natural setting.
42. Northern city design concepts shall guide the design of all public facility projects, including parks and roads.
47. Provide distinctive public landmarks and other public places in neighborhoods.

Housing

N/A

Open Space

N/A

Habitat

N/A

Water Resources

N/A

PUBLIC FACILITIES & SERVICES POLICIES AND STRATEGIES

N/A

Level of Service

N/A

Utilities

83. The Municipality shall support and encourage recycling and resource recovery.

Parks, Trails, Recreation

N/A

Education & Culture

88. Provide opportunities for integrating arts and culture in developments throughout the community.

GOVERNMENT HILL NEIGHBORHOOD PLAN ASSESSMENT

The Government Hill Neighborhood Plan serves to bring clarity and provide direction for the future goals of the community. "The overarching goal of this neighborhood plan is to promote the orderly growth, improvement, and future development of the Government Hill neighborhood."

The intent of this neighborhood plan is (as it refers to landscape) to provide visual interest and a special identity to the area. To accomplish this, the plan recommends retaining mature trees and forested areas as much as possible, protecting fish, wildlife habitats, wetlands, and the use of art is also a common theme.

The proposed art installment will serve to enhance the streetscape and add visual interest to the area's industrial district. This art installment will add a unique visual character to the site as well as the surrounding areas. This addition gives the site a distinct identity, and will serve as a landmark which will aid in wayfinding in the area.

The use of artwork for alternative compliance with Visual Enhancement Landscaping is consistent with planning goals. Specific components of the Government Hill Neighborhood Plan that directly or indirectly relate to the visual enhancement of a site (whether through landscape or artwork) are provided below. These are as taken from the plan, without additional narrative:

- "Provide design concepts and scenarios that, in the event that the KAC project moves forward, will mitigate impacts of that project, and in the event that it does not move forward, will include priorities for the future development and enhancement of the neighborhood in the context of JBER, the Railroad, and the Port of Anchorage." Pg. 3
- "This plan looks to the future, seeking to establish a framework for good stewardship and strategic improvements that enhance the neighborhood." Pg 43
- "The neighborhood's future will be shaped by a complex set of variables, some of which are difficult to predict. The plan, therefore, must remain flexible, while providing clear direction." Pg. 47
- "Other buildings may be designed to provide visual interest to pedestrians at the street level by using display cases, decorative architectural treatments, and artwork." Pg 52
- Streetscape enhancements would give special identity to the area and encourage pedestrian activity." Pg. 57
- Goal and Objectives (pg. 59)
 - Enhanced pedestrian streetscape with public art, seating, etc.
 - Enhanced as gateway for neighborhood
 - Clear Government Hill identity
 - Enhanced signage and wayfinding tools
- "Incorporate public art in outdoor uses areas at building entrances and in parks. Include art in heritage interpretation schemes as well, and provide a series of historical markers to convey the history of Government Hill." Pg. 80 & pg. 116 Policy UD-5
- "Use public art, a water feature, or distinctive plant arrangements to create a distinct identity." Pg.83
- Provide a pedestrian-friendly street edge. Pg.85
 - Wall art

SHIP CREEK FRAMEWORK PLAN ASSESSMENT

The Ship Creek Framework Plan is a long-term vision for the future of the Ship Creek area. The intent of this framework plan as it refers to landscape is to protect, promote, and enhance existing vegetation and wildlife. A major theme throughout the Framework Plan is that of creating unique, attractive, and visually interesting areas which will serve to enhance the experience of inhabitants and visitors. The proposed installation will reflect and bring attention to Alaska's natural landscape as viewed through the window of a moving train. The train concept integrates the site within the context of the area's historical use. Policy 88 of the Framework Plan states "the integration of arts into the Ship Creek mixed-use development is fundamental to the intent of both the framework plan and the existing design guidelines that exist for most of the subject area."

The use of artwork for alternative compliance with Visual Enhancement Landscaping is consistent with planning goals. Specific components of the Ship Creek Framework Plan that directly or indirectly relate to the visual enhancement of a site (whether through landscape or artwork) are provided below. These are as taken from the plan, without additional narrative:

- Promote historic character and an arts corridor along 1st Avenue. Pg. 9
- Encourage the use of public art to help create memorable places in Ship Creek. Support efforts to create an Arts District in Ship Creek. Pg. 40 & 50



Ship Creek Industrial
Complex, LLC

February 12, 2019

Municipality of Anchorage
Planning Department
PO Box 196650
Anchorage, AK 99519-6650

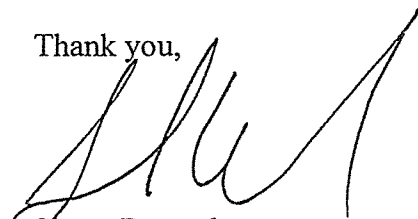
Re: Ship Creek Crossing, Lot 4 - Variance

Dear Planning Department;

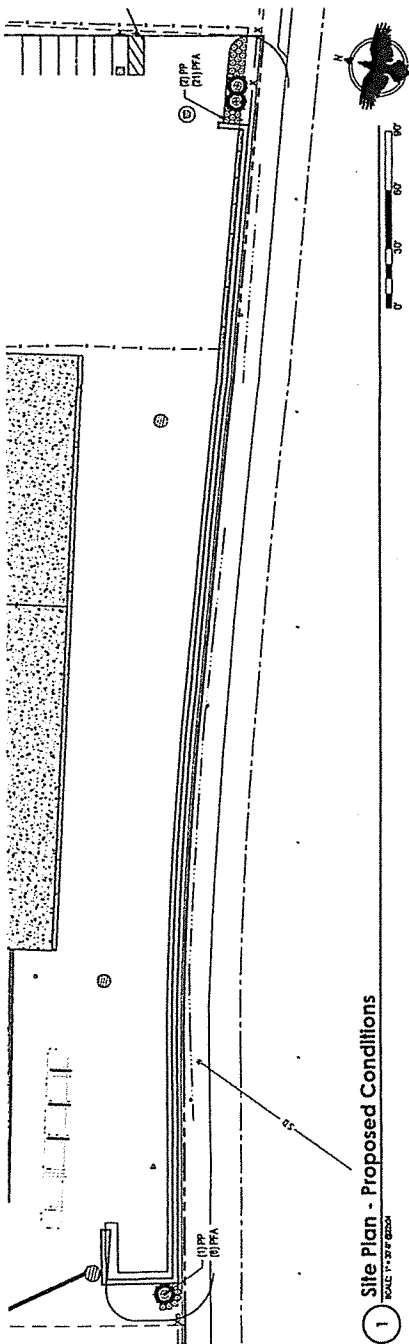
Ship Creek Industrial Complex, LLC (SCIC) would like to designate/authorize Peter Briggs of Corvus Design as our Co-Representative for our Variance request for our property at 229 East Whitney Rd.

Please let me know if there is any further information required for this designation request. I can be contacted via email at shane@cei-alaska.com, or by phone at (907) 561-0125.

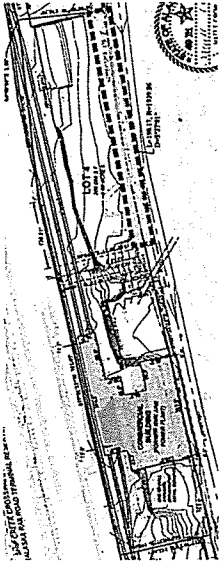
Thank you,



Shane Durand



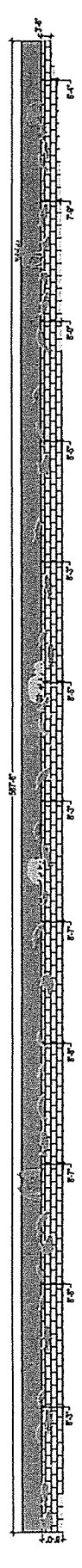
1 Site Plan - Proposed Conditions
SCALE: 1" = 20' @ 200'



Key Plan - Location of Artwork within Lot 4



2 Elevation - Art Shown Over Existing Conditions
SCALE: 1" = 20' @ 200'



3 Elevation - Proposed Conditions (Illustrative)
SCALE: 1" = 20' @ 200'

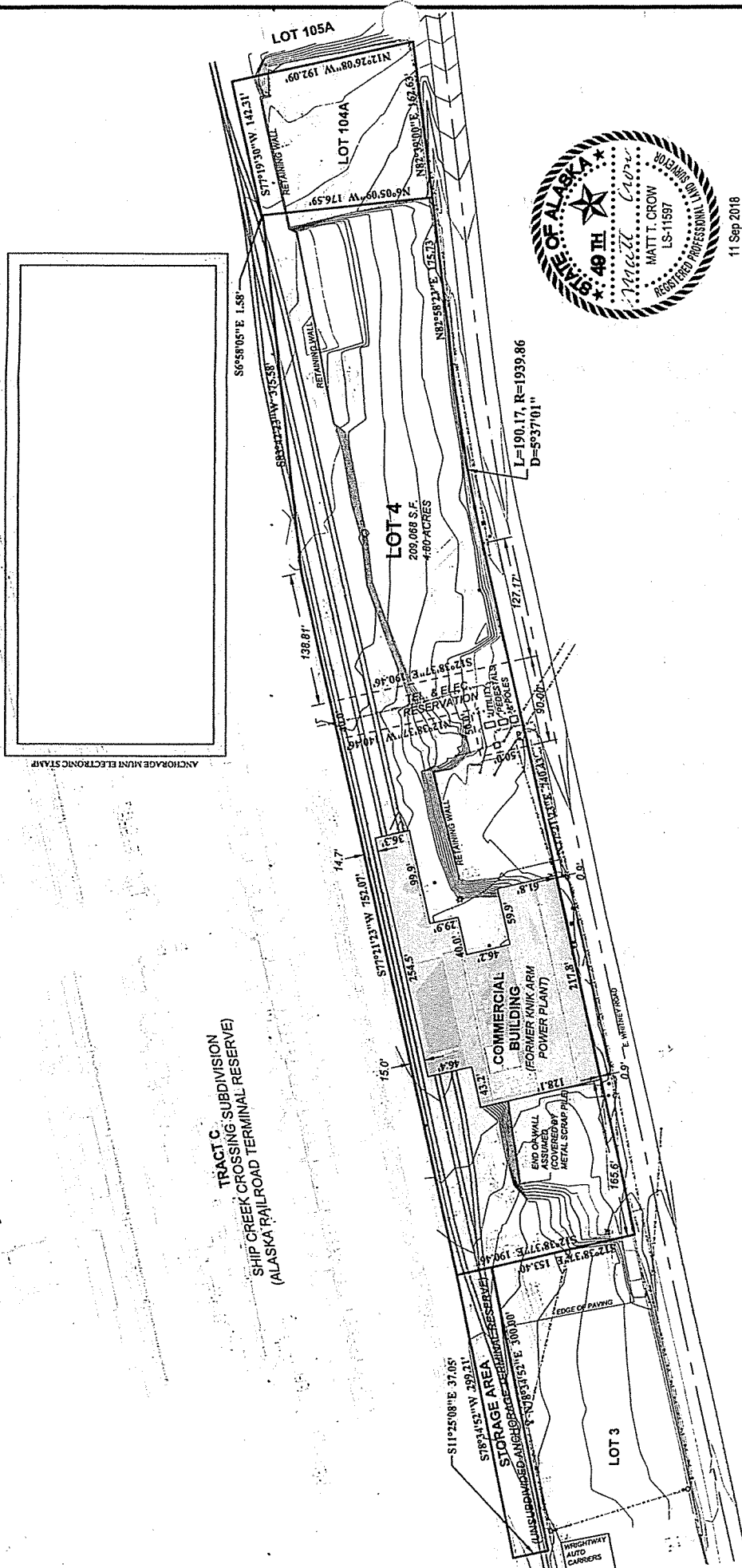
Note: Graphic shows illustrative intent for the scene. Animal silhouettes are intended to be plate materials attached to wall and screen wall with stand-offs. Retaining wall is intended to be painted a solid color. Screen wall (composed of cargo containers) will have existing gaps filled, and be painted a solid color.

SHIP CREEK INDUSTRIAL COMPLEX

Artwork Applied to Site Perimeter Wall/Screen

REV: 2019-02-14





11 Sep 2016

HORIZONTAL BASIS
 HORIZONTAL BASIS OF BEARINGS IS REFERENCED TO RECORD OF SURVEY PLAT 2009-35, COMPLETED BY LOUNSBURY & ASSOCIATES IN 2009.

THE FOLLOWING POINTS WERE LOCATED AND USED AS THE BASIS:

230	N:342988.19	E:349770.76	EL:21.45
960	N:342736.76	E:348735.29	EL:26.28
961	N:343297.60	E:347623.01	EL:22.55
955	N:344268.79	E:348931.85	EL:N/A

VERTICAL BASIS
 VERTICAL DATUM IS MUNICIPALITY OF ANCHORAGE 1972 NGS ADJUSTMENT, BASED ON PUBLISHED ELEVATIONS. DIFFERENTIAL LEVELING WAS PERFORMED FROM MO.1 BENCHMARKS TO POINTS 230, 960, AND 961 TO ESTABLISH VERTICAL CONTROL.

PLOT PLAN
 I HEREBY CERTIFY THAT I HAVE SURVEYED THE FOLLOWING PROPERTIES:
 LOT 4 SHIP CREEK CROSSING SUBDIVISION (PLAT 96-515)
 -37' WIDE STORAGE AREA, PART OF TRACT C, SHIP CREEK CROSSING SUBDIVISION (PLAT 96-515)
 (SAID PROPERTIES ARE MORE PARTICULARLY DESCRIBED IN AKRR LEASE CONTRACT NO. 9908)

THE DRAINAGE PATTERNS ARE AS SHOWN HEREON AND ALL DIMENSIONS HAVE BEEN MEASURED TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND ABILITIES.

EXCLUSIONS
 IT IS THE RESPONSIBILITY OF THE OWNER OR BUILDER, PRIOR TO CONSTRUCTION TO VERIFY PROPOSED BUILDING GRADE RELATIVE TO FINISH GRADE AND UTILITY CONNECTIONS, AND TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED PLAT.

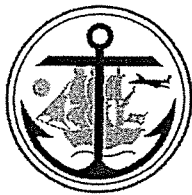
AKS
 ALASKA SURVEYORS
 ANCHORAGE, ALASKA

Alaska Construction Surveys
 907 E Dowling Rd, Suite 10
 Anchorage, Alaska 99518
 Office: (907) 344-5505
 Fax: (907) 344-4773
 Email: mtcrow@alaskasurveyors.com

Survey by: Matt T. Crow
 Date: 09/08/2016
 Sheet: 1 of 1 (1 of 1)

AKRR LEASE CONTRACT NO. 9908
 SHEET NO. 001

Reviewing Agency & Public Comments



MEMORANDUM

DATE: March 15, 2019

RECEIVED

TO: Current Planning Division Supervisor,
Planning Department

MAR 15 2019

THRU: Kristen A. Langley, Traffic Safety Section Supervisor,
Traffic Department

PLANNING DEPARTMENT

FROM: Randy Ribble, Assistant Traffic Engineer

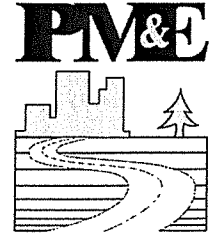
SUBJECT: 2019-0031 Design Variance for Visual Enhancement Landscaping.

Traffic Department recommends approval of this design variance with the following comments;

Variance is to use containers with painted art in lieu of landscaping along the south perimeter of the lot. Provide site plan showing location of containers on site and any impact to sight distance triangles for each driveway to Whitney Road from this lot.



Municipality of Anchorage
Project Management and Engineering
MEMORANDUM



DATE: March 13, 2019

RECEIVED

To: Dave Whitfield

MAR 13 2019

FROM: Kyle Cunningham

PLANNING DEPARTMENT

SUBJECT: Case 2019-0031: Comments from Watershed Management Services.

Watershed Management Services (WMS) has the following comments for the April 10, 2019 Urban Design Committee hearing:

- 2019-0031 - Ship Creek Crossing Subdivision, Lot 4;
 - WMS has no comments specific to this request, however comments issued by WMS for the same property for case 2018-0104 on 10/5/18 still apply to this property. Please contact WMS to have comments reissued if necessary for this case.

MUNICIPALITY OF ANCHORAGE



Development Services Department

Private Development Section

Mayor Ethan Berkowitz

RECEIVED

MAR 13 2019

MEMORANDUM

PLANNING DEPARTMENT

Comments to Urban Design Commission Applications/Petitions

DATE: March 13, 2019
TO: Dave Whitfield, Planning Section Supervisor
FROM: Brandon Telford, Private Development Plan Review Engineer
SUBJECT: Comments for Urban Design Commission
Public Hearing date: April 10, 2019

Case 2019-0031 – Request for Design Variance from AMC 21.07.080 Table 21.07.1 to allow the use of art in place of visual enhancement landscaping.

Department Recommendations:

Private Development has no comment on the Request for Design Variance.



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Transportation and
Public Facilities

Program Development and Statewide Planning
Anchorage Field Office

4111 Aviation Avenue
P.O. Box 196900
Anchorage, AK 99519-6900
Main number: 907-269-0520
Fax number: 907-269-0521
Website: dot.state.ak.us

March 6, 2019

David Whitfield, Senior Planner
MOA, Community Development Department
Planning Division
P.O. Box 196650
Anchorage, Alaska 99519-6650

RECEIVED

MAR 06 2019

PLANNING DEPARTMENT

RE: MOA Zoning Review

Dear Mr. Whitfield:

The Alaska Department of Transportation and Public Facilities (DOT&PF), Central Region Planning Field Office has no comments on the following zoning cases:

- 2019-0025: 6301 Markstrom Drive
- 2019-0027: 119 Stowe Drive
- 2019-0028: 2123 Solstice Circle
- 2019-0030: 1042 H Street
- 2019-0031: 229 East Whitney Road

Sincerely,

A handwritten signature in black ink, appearing to read "James Starzec".

James Starzec
Anchorage Area Planner

Cc: Tucker Hurn, Right of Way Agent, Right of Way, DOT&PF
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities, DOT&PF
Jim Amundsen, P.E., Highway Design Group Chief, DOT&PF
Paul Janke, P.E., Regional Hydrologist, Hydrology DOT&PF

"Keep Alaska Moving through service and infrastructure."

TIBURON Agency/Dept.: APD/Anchorage Police Department Terminal ID: YUQ0 User: 62852/REYES,JAN MICHAEL Log me out
 Location Details Anchorage - RMS 7511 Production Friday, February 22, 2019

Law Enforcement Administration Help
 System Favorites General Operations Records Property Packetwriter
 Searches and Evidence

• Index
Location Master Information

Address	MLI	LINKS	City	Map	Rep Dist	Fire Dist	Map Coordinates	Beat
229 E WHITNEY RD	25775	25775	ANC		02D1		01661190 02639337	

Person Summaries

Summary	Reference No	Sec Reference No	Name	Invl	Date
	170022358 (Incident)		ALASKA INDUSTRIAL PAINT	VAB	06/06/2017
	170022358 (Incident)		SAKATA,ALBERT AMIR	COM	06/06/2017
	160025241 (Incident)		ZWEIFEL,DOUGLAS LEON	SUS	06/17/2016
	160005972 (Incident)		ALASKA INDUSTRIAL PAINT	VAB	02/10/2016
	160005972 (Incident)		CENTRAL ENVIROMENTAL INC	VAB	02/10/2016
	150012509 (Incident)		ZWEIFEL,DOUGLAS LEON	COM	03/31/2015
	100013640 (Incident)		MARLOW,MARC ALAN	WIT	03/23/2010
	060021912 (Incident)		SCHALK,BOBBY JAY	ARR	05/12/2006
	050041737 (Incident)		HANDLE CONSTRUCTION	VAB	09/15/2005
	040057357 (Incident)		DRAKE,DEBRA ANN	COM	12/08/2004
	990060568 (Incident)	99012824	RADER,ETHMER THEODORE III	BOO	11/13/1999
	990045792 (Incident)	99009511	SIMKINS,DANIEL K	OR	08/28/1999

Summaries

Summary	Reference No	Sec Reference No	Invl	Reason	Date
	180016489 (Incident)		LOC	BURGLARY	04/24/2018
	170034639 (Incident)		LOC	FOUND PROP	08/26/2017
	170032187 (Incident)		LOC	FOUND PROP	08/10/2017
	170022358 (Incident)		LOC	STOLEN VEH	06/06/2017
	170022358 (Incident)		VAB	STOLEN VEH	06/06/2017
	170022358 (Incident)		COM	STOLEN VEH	06/06/2017
	160029432 (Incident)		LOC	STOLEN VEH	07/14/2016
	160025241 (Incident)		SUS	ASS SIMPLE	06/17/2016
	160005972		LOC	BURGLARY	02/10/2016
	160005972 (Incident)		VAB	BURGLARY	02/10/2016
	160005972 (Incident)		VAB	BURGLARY	02/10/2016
	150505752 (Incident)		LOC	HARASS	10/24/2015
	150012509 (Incident)		LOC	BURGLARY	03/31/2015
	150012509 (Incident)		COM	BURGLARY	03/31/2015
	150012318 (Incident)		LOC	THEFT	03/30/2015

More Records

End of document

RECEIVED

FEB 26 2019

PLANNING DEPARTMENT

2019-0031
 APD

31

TIBURON Agency/Dept.: APD/Anchorage Police Department Terminal ID: YUQ0 User: 62852/REYES,JAN MICHAEL Log me out
 Location Details Anchorage - RMS 7511 Production
 Friday, February 22, 2019

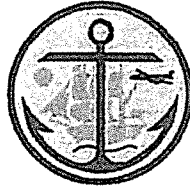
Law Enforcement Administration Help
 System Favorites General Operations Records Property Packetwriter
 Searches and Evidence

Summaries - 229 E WHITNEY RD

Summary	Agency	Reference No	Sec Reference No	Invl	Reason	Date
	APD	180016489 (Incident)		LOC	BURGLARY	04/24/2018
	APD	170034639 (Incident)		LOC	FOUND PROP	08/26/2017
	APD	170032187 (Incident)		LOC	FOUND PROP	08/10/2017
	APD	170022358 (Incident)		VAB	STOLEN VEH	06/06/2017
	APD	170022358 (Incident)		LOC	STOLEN VEH	06/06/2017
	APD	170022358 (Incident)		COM	STOLEN VEH	06/06/2017
	APD	160029432 (Incident)		LOC	STOLEN VEH	07/14/2016
	APD	160025241 (Incident)		SUS	ASS SIMPLE	06/17/2016
	APD	160005972		LOC	BURGLARY	02/10/2016
	APD	160005972 (Incident)		VAB	BURGLARY	02/10/2016
	APD	160005972 (Incident)		VAB	BURGLARY	02/10/2016
	APD	150505752 (Incident)		LOC	HARASS	10/24/2015
	APD	150012509 (Incident)		COM	BURGLARY	03/31/2015
	APD	150012509 (Incident)		LOC	BURGLARY	03/31/2015
	APD	150012318 (Incident)		LOC	THEFT	03/30/2015
	APD	150011176 (Incident)		LOC	WARRANT	03/21/2015
	APD	2765559 (Person)	1503241 (Arrest Summary)	ARR	AS11.46.130(A){1}	03/21/2015
	APD	150009191 (Incident)		LOC	THEFT	03/07/2015
	APD	140034529 (Incident)		LOC	STOLEN VEH	08/21/2014
	APD	140032420 (Incident)		LOC	BURGLARY	08/08/2014
	APD	120504278 (Incident)		LOC	CIVIL PROB	11/12/2012
	APD	120027963 (Incident)		LOC	VEH TAMPER	06/17/2012
	APD	110016428 (Incident)		LOC	STOLEN VEH	04/09/2011
	APD	100013640 (Incident)		WIT	COLLISION	03/23/2010
	APD	060021912 (Incident)		ARR	WARRANT	05/12/2006
	APD	050041737 (Incident)		LOC	BURGLARY	09/15/2005
	APD	050041737 (Incident)		VAB	BURGLARY	09/15/2005
	APD	040057357 (Incident)		COM	ASSAULT	12/08/2004
	APD	040004245 (Incident)		LOC	TRAF VIOL	01/26/2004
	APD	020039691 (Incident)		LOC	THEFT	08/05/2002
	APD	020028714 (Incident)		LOC	TRESPASS	06/11/2002
	APD	0719181 (Incident)	9912824 (Arrest Summary)	BOO	AMC9.12.010(B){1}	11/13/1999
	APD	990060568 (Incident)		LOC	DWLS/DWLR	11/13/1999
	APD	990045792 (Incident)		LOC	DRUG POSS	08/28/1999
	APD	0715278 (Incident)	9909511 (Arrest Summary)	OR	AS11.71.060(A){1}	08/28/1999
	APD	990029962 (Incident)		LOC	MURDER	06/06/1999
	APD	990029976 (Incident)		LOC	TRAF VIOL	06/06/1999
	APD	980061766 (Incident)		LOC	RCV VEH	11/04/1998

End of document

Posting Affidavit



AFFIDAVIT OF POSTING

CASE NUMBER: 2019-0031

I, Donna C. Mears hereby certify that I have posted a Notice as prescribed by Anchorage Municipal Code 21.03.020H.5. on the property that I have petitioned for design Variance. The notice was posted on 2/22/2019 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 12th day of March, 2019.

Donna C Mears
Signature

LEGAL DESCRIPTION

Tract or Lot: 4 104A, 105A, 107A

Block: _____
Subdivision: Ship Creek AER Anchorage
Crossing Terminal Reserve