

AMENDED STAFF REPORT

G.1

Municipality of Anchorage
Planning Division
MEMORANDUM

DATE: December 4, 2017

TO: Planning and Zoning Commission

THRU: Hal H. Hart, AICP Director

FROM: Shawn Odell, Senior Planner

SUBJECT: Case 2017-0124; Nordstrom Rack in Sears Mall
Amended Site Plan Review

APPLICANT: Sears Roebuck and Company/Seritage

APPLICABLE ZONING CODE: "Old" Code – Expires 12/31/14

TAX ID: 009-042-01

COMMUNITY COUNCIL: Midtown

RECOMMENDATION SUMMARY: Approval with conditions

Sears Roebuck and Company/Seritage seeks approval of an amendment to an existing large retail establishment site plan.

The Sears Mall is a large retail establishment which is deemed to have an approved site plan, as it existed prior to May 8, 2001, the date of adoption of the large retail establishment standards. Thus changes to the Sears Mall are reviewed under AMC 21.55.130 which states that "the commission shall apply the standards set out in 21.50.320 in a manner proportionate to the extent of the expansion, reconstruction, renovation, or remodeling proposed." The cost of compliance with those standards shall not exceed 10% of the cost of the reconstruction.

PROJECT BACKGROUND

History: The Planning and Zoning Commission received a request from Sears Roebuck and Company/Seritage to amend a large retail establishment site plan in the B-3 (general business) district in accordance with AMC 21.55.130 and AMC 21.50.320. The Planning and Zoning Commission reviewed and approved this request on the consent agenda on July 14, 2014 subject to eight (8) conditions. The Planning and Zoning Commission adopted resolution 2014-040 on August 4, 2014.

Six retail merchants timely filed an appeal of this decision to the Board of Adjustment. The Board of Adjustment held a meeting open to the public on February 18, 2015 as Appeal No. 2014-4. By unanimous vote (3-0), the Board of Adjustment exercised its

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017-0124

December 4, 2017

Page 2

independent judgement in the interpretation of municipal code and concluded a public hearing on a limited site plan review amendment filed under AMC 21.55.130 is not required as a matter of law.

The Board of Adjustment's decision was further appealed to the Superior Court of Alaska on December 2, 2015. Superior Court Judge Andrew Guidi ruled that based on considerations of public policy, the Commission must hold a public hearing on an application to modify a large retail establishment. This reversed the decision of the Board of Adjustment and remanded the case back to the Planning and Zoning Commission to hold a public hearing.

The Planning and Zoning Commission held a public hearing on June 13, 2016 in which public testimony was heard. The hearing was postponed to July 11, 2016 as there was a question as to whether the court ruling meant to hold only a public hearing portion or complete amended site plan review process. The Commission was directed to review the petitioner's amended site plan application in its entirety for compliance with the code ("Old" Title 21). Following this review, the Planning and Zoning Commission adopted resolution 2016-029 on August 8, 2016, approving the amended site plan with conditions.

An appeal to the Board of Adjustment was timely filed on August 24, 2016. The Board of Adjustment held meetings open to the public on April 26, 2017; April 27, 2017; April 28, 2017; and May 2, 2017 as Appeal 2016-1. By unanimous vote (3-0), the Board of Adjustment reversed Planning and Zoning Commission Resolution No. 2016-029 in its entirety and remanded the case to the Planning and Zoning Commission for a decision in compliance with code, and the direction provided in Findings, Conclusions, and Decision. The Board of Adjustment's Findings, Conclusions, and Decision, dated May 2, 2017, is provided in full to the Planning and Zoning Commission in this staff packet.

Location: The Sears Mall is bounded by Northern Lights Boulevard, Benson Boulevard, Denali Street and the Seward Highway. The Nordstrom Rack store and future tenant space is located at the north portion of the existing Sears store.

Zoning and Land Use: The property is zoned B-3. The site is bordered on three sides by major roads (north - Northern Lights Boulevard, south - Benson Boulevard, and east - Seward Highway). To the west is Denali Street.

Proposal: The petitioner is renovating a portion of the Sears store. The principal use on the site is a 308,428 square foot mall comprised of retail stores and a supermarket (Carrs has now closed and the space is currently vacant.)

The proposed renovation of the building façade does not increase the floor area of the mall as the renovation takes place within the existing space. Thus, no additional parking spaces are required. Nordstrom Rack will be located within the northeast portion of the existing Sears store and will contain approximately 34,956 square feet of store area. Three future tenant spaces with individual entranceways are proposed at 3,801 square feet each.

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017-0124

December 4, 2017

Page 3

The project includes the addition of a 683 square feet loading dock and screened trash receptacle along the north side of the existing Sears store. (Already constructed)

The changes to the site outside the store involve new down lighting incorporated into new entranceway canopies and entry features with associated architectural building articulations. A new window will be provided on the north-facing façade at the west edge. The overhang awning along the east-facing façade is proposed to be removed, and exterior insulation and finish panels are proposed to be added, with the bottom of the row of panels approximately 10 feet above the ground.

Cost of compliance: The Commission has the authority to require improvements that do not exceed 10% of the overall costs of the renovation. The petitioner has submitted estimated costs for the improvements as follows:

The original staff report stated the following:

The total exterior cost of the renovation is \$334,600. The applicant indicated this amount is for the loading dock addition and not interior renovations, which are not to be included per AMC 21.55.130A. Ten percent of this amount is \$33,460.

The Board of Adjustment Appeal No. 2016-1 Decision B.4 found that the total cost of the renovation including the interior renovations are to be counted in the ten percent (10%) cost amount. The applicant provided a revised total project cost in the amount of \$2,097,826. Ten percent of this amount minus the \$33,460 already spent on improvements is \$176,323.

The site (looking at the portion related to this tenant improvement) is deficient in pedestrian connections and landscaping. At the pre-application meeting, staff discussed this issue with the applicant and recommended that the applicant propose some site improvements, such as additional landscaping in the parking lot or along the Benson Boulevard street frontage. The applicant has provided new landscaping to replace the landscaping being removed, but otherwise has not proposed any site improvements. The non-motorized coordinator is requesting a pedestrian connection to Northern Lights Boulevard at the westerly driveway, but considering that there is a pedestrian connection at the easterly driveway, and the fact that there is no mid-block crossing of Northern Lights between the Seward Highway and Denali Street, staff recommends improving the landscaping along Northern Lights Boulevard along this building frontage as the improvement that will have the best “bang for the buck.”

AMC 21.55.130 Large Retail Establishments

In determining the degree to which the standards set out in 21.50.320 shall apply to the expansion, reconstruction, renovation, or remodeling proposed, the commission shall also consider:

1. *Whether strict application of any standard of 21.50.320 would result in peculiar or exceptional practical difficulties or work and undue hardship on the owner of the property.*

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017-0124

December 4, 2017

Page 4

Strict application with the requirements of AMC 21.50.320P.1. regarding the overhang awning on the east-facing façade should be required. As currently designed and built under the petitioner's plans, the awning meets the requirements. Strict application with other more-structural building requirements would create practical difficulties, given the limitations of the Sears store improvements and the shape and size of the existing building shell, and would thus cause undue hardship for the property owner, although it should be noted that improvements were made to the south side that provide better façade articulation and pedestrian scale interest by the addition of wall signage panels and several landscape planters instead of a continuous overhang awning.

2. *Whether the proposed design and site plan satisfies the intent of this section as well or better than would strict compliance with standards set forth in 21.50.320.*

The petitioner's original proposed design and site plan, which has been built, satisfies the intent of this section as well or better than would strict compliance with standards set forth in AMC 21.50.320. The petitioner's plans called for renovation of a portion of the Sears store and an addition of a 683 square-foot loading dock and screened trash receptacle along the north side of the building. New landscaping replaces existing landscaping that is being removed. New entries and the new loading dock meet the standards, and the new window on the north side is an improvement. The original application was limited by the \$33,460 to be used towards improvements which did not go very far in making significant changes to the property. With an increased budget of \$176,323, the petitioner should be able to make even more changes towards moving this large retail establishment closer to conformity with the adopted standards.

Following the July 14, 2014 Planning and Zoning Commission public hearing, the petitioner submitted an updated elevation plan showing an overhang awning along at least sixty (60) percent of the east elevation building length, which satisfies the condition of approval from PZC's previous resolution and brings this site into compliance with the overhang awning standards in AMC 21.50.320P.1.

3. *Whether relaxation of any requirement of 21.50.320 would impose any significantly greater negative impact on surrounding property.*

Given the intense commercial quality of the surrounding property, relaxation of some of the requirements - for example, the requirement to vary roof lines and heights should not have a greater negative impact on the surrounding properties.

4. *Whether the proposed design and site plan brings the site into greater compliance with the standards set forth in 21.50.320 than the existing structure.*

As noted under #2 above, the new elements that accommodate the creation of new retail spaces (entries and loading docks) meet the large retail establishment standards. Under the original application, changes to the site were limited to additional landscaping in front of the loading dock to screen the view from Northern

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017-0124

December 4, 2017

Page 5

Lights Boulevard. The original application was limited by the \$33,460 to be used towards improvements which did not go very far in making significant changes to the property. With an increased budget of \$176,323, the petitioner should be able to make even more changes towards moving this large retail establishment closer to conformity with the adopted standards.

5. *To grandfather existing large retail establishments and to set standards for their renovation which encourage conformity to the new ordinance without undue economic hardship.*

Full compliance with the large retail establishment standards would require such significant changes to both the building and the site that it would cause undue economic hardship to the owner.

AMC 21.50.320 Public hearing site plan review - Large retail establishments

- A. *Intent. The standards in this section promote architectural variety, compatible scale, access amenities, and mitigation of negative impacts. These standards govern site plan review by the Planning and Zoning Commission for large retail establishments. Where these standards conflict with other provisions of this Title, these standards and the terms of site plans approved under this section shall govern.*
- B. *Vehicular access. Primary vehicular access shall be from a street designated collector or greater on the official streets and highways plan. Secondary vehicular access may be from a street designated less than a collector on the Official Streets and Highways Plan (OS&HP) provided the applicant demonstrates that any traffic and visual impacts on adjacent residential and commercial areas are sufficiently minimized.*

Vehicular access to the mall is from Northern Lights Boulevard, Benson Boulevard, and the Seward Highway. This meets the requirements for access from a street designated collector or greater. Alaska Department of Transportation and Public Facilities (ADOT&PF) has expressed concern over existing trees blocking the driver's ability to see traffic as they exit onto Northern Lights Boulevard. Landscaping that is within the ADOT&PF sight triangles must be removed. Any landscaping trees that are removed shall be replaced elsewhere on-site outside of the sight triangle on a one-to-one basis.

- C. *Traffic impacts. The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) and traffic mitigation measures for approval by the Commission.*

A TIA is not required as the proposed renovation would not significantly alter traffic patterns. New retail floor area is not proposed, so it is presumed that the number of trips to and from the site will remain generally the same.

- D. *Drainage. A site drainage and grading plan shall be submitted and approved as required by this Code along with the site plan.*

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017 – 0124

December 4, 2017

Page 6

The petitioner will be required to submit a site grading and drainage plan when applying for a building permit.

- E. Visual and noise buffers. *The large retail establishment shall provide a landscape plan that provides acceptable visual and noise buffers, including at least 25-foot wide buffer landscaping, to separate the commercial development from abutting R-zoned areas.*

Given the surrounding uses – major roads and retail stores, there should be little noise generated on the site that could potentially impact nearby land uses. The visual impact of the new loading area is partially buffered by a screening wall. As noted earlier, staff recommended adding landscaping along Northern Lights Boulevard which would further screen the loading area. No residential uses abut the mall.

- F. Outdoor storage or display areas. *Products stored or displayed outside shall not be visible from abutting R-zoned property. Areas for the outdoor storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. The height of stored materials shall not exceed the height of the screening wall or fence. Materials, colors, and the design of screening walls and/or fences and their covers shall be complementary to those used as predominant materials and colors on the building. Commercial trailers, shipping containers, and similar equipment used for transporting merchandise, shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes.*

The petitioner's narrative states there are no plans for any outdoor storage or display areas as part of this project.

- G. Trash collection and recycling. *Trash handling and recycling shall be screened from public streets and pedestrian ways, internal pedestrian sidewalks, and adjacent R-zoned property by landscaping or architectural features in conformity with the external design and material used by the establishment. Screening shall be designed to abate noise and to confine loose trash. The commission may limit hours of trash collection as necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.*

A screened trash receptacle enclosure is proposed on the north side of the building. The enclosure will feature architectural elements of the building, including corrugated metal siding and concrete block of Cook Inlet Gray and Kodiak Brown per AS&G's available block colors.

- H. Snow storage or removal. *A plan for snow storage or removal from the site shall be submitted and approved. Use of sidewalks for snow storage may be allowed under the approved snow storage-landscaping plan. The Commission may impose such restrictions on snow removal operations as are necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.*

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017 – 0124

December 4, 2017

Page 7

The petitioner's narrative states snow will be plowed and removed from site.

- I. Parking. *A detailed parking plan shall address the convenience and safety of patrons, adequate winter lighting, and landscaping amenities and the configuration of parking spaces, walkways, and other amenities. Aesthetic features, landscaping, and the design of parking areas shall, wherever practicable, reduce the appearance of large expanses of parking from neighboring streets and enhance the view of the establishment from its principal point(s) of access. The number and configuration of parking spaces may be determined by the Commission as necessary to achieve these standards. Additional landscaping and community spaces may be required where the applicant wishes to provide parking that exceeds the minimum standards of this Title. The site shall not allow storage or overnight camping of trailers or recreational vehicles.*

According to the submitted narrative with this application, a parking count was done in 2001 for the entire mall for a proposed 14,240 square foot expansion that was not built. At that time the mall had a requirement of parking for 1,025 stall and a total of 1,203 parking stalls are currently provided at the site. The proposed project will result in the loss of 19 parking spaces. An overall total of 1,184 parking spaces will be provided, which is an excess of 159 spaces.

The submitted landscape plan shows the landscaping area that is removed for parking along the west side proposed store fronts being replaced on the north side as part of the loading dock bulb-out area.

- J. Pedestrian access. *The establishment shall provide sufficient accessibility, safety, and convenience to pedestrians, customers and employees. Unobstructed sidewalks shall link the site to existing public sidewalks, its entrances, adjacent transit stops, and abutting residential and commercial areas. **Sidewalks shall also be provided along the full length of any building where it adjoins a parking lot.** Sufficient sidewalks shall also be provided or barriers shall be provided between parked cars and buildings to prevent vehicles from protruding into reasonable pedestrian passage. Sidewalks shall be separated from adjacent streets by an area sufficient for snow storage to provide a buffer for pedestrians from vehicular traffic.*

Sears is not planning to make any pedestrian improvements from existing public sidewalks or transit stops. Landscaping and curbing are provided to the north building elevation which provides a more defined vehicle circulation route and provides a barrier between pedestrians and vehicles. The northeast corner of the sidewalk wrapping the building will be removed and replaced with new concrete. A tubular handrail will be installed between the sidewalk and the loading bay pit.

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017-0124

December 4, 2017

Page 8

The Sears Mall has a lack of pedestrian access from the Northern Lights Boulevard sidewalk to the west and east entry doors where improvements are being made. The non-motorized transportation coordinator has requested that a walkway from the sidewalk on Northern Lights Boulevard thru the planting beds to the doorways on the west and east side be constructed. Given the competing priorities of improved pedestrian access and improved landscaping, and the pedestrian connection at the easterly driveway, staff recommends landscaping improvements take precedence over a second pedestrian connection.

Seritage submitted an alternative sidewalk design at the June 2016 hearing. The Municipal traffic engineer has made comments on the design. Traffic has stated that the proposed concept design for a walkway to Nordstrom Rack that crosses the dumpster enclosure and loading dock would be an acceptable design and appear to be compliant with the requirements of Title 21. All of the segments that are parallel with the vehicular driveways are raised and all of the segments that cross vehicular driveways are striped. The pedestrian connection does cross the loading dock and trash pick-up, but that is not prohibited by code. Typically, deliveries and trash pick-up do not occur during peak hours and occur less frequently than other traffic, so the conflicts with pedestrians are minimal when compared to crossing a typical driveway.

- K. Community spaces. *Appropriate interior and exterior public areas shall be provided and maintained for customers and visitors to the site to congregate and relax.*

All community spaces are provided internal to the Mall at Sears. There are a variety of sitting and gathering places located throughout the mall.

- L. Delivery and loading spaces. *Delivery and loading operations shall be designed and located to mitigate visual and noise impacts on adjacent R-zoned property or commercial areas. The Commission may limit hours of delivery and loading as necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.*

The loading dock addition will be located on the north side of the building. Materials and paint used for the design will mitigate the visual impact by blending in with the existing building. No noise impacts are anticipated as the loading dock is separated from the nearest use by a parking lot and Northern Lights Boulevard.

- M. Exterior Signs. *An exterior sign plan which respects the needs of the establishment to establish its location as well as the higher aesthetic aspirations of the community in general and the immediately surrounding areas shall be submitted for approval. Signs shall be architecturally treated to compliment the building architecture. Pole signs, rotating signs, and flashing signs shall be prohibited.*

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017-0124

December 4, 2017

Page 9

The application notes that there is no new signage included in this project. Exterior signage will be provided under future tenants and permitted separately by the building owner and tenants. One piece of signage will be relocated and the building owner plans to go through the permitting process separately to place the sign back up. The petitioner installed wayfinding between Nordstrom Rack and the mall.

- N. Outdoor lighting. *A photometric and outdoor lighting plan to mitigate negative impacts on adjacent uses shall be submitted for approval.*

The application notes that down lighting will be incorporated into new awnings and entry features, but the locations and type of lighting was not included in the submittal. No new site lighting is proposed.

- O. Northern design elements. *The Commission may require the provision of design elements that address Anchorage's distinct geography, low light angles, length of days, cold temperatures, wind, snow and ice.*

The east side mall entry will have a new entry feature that will project out in addition to an existing recessed entry. This feature should provide some degree of weather protection. The north, east, and west sides of the existing Sears store have awnings projecting over the sidewalks, which is in conformance with this section of Title 21. The awnings should be kept in place to protect pedestrians from the elements.

- P. Aesthetic characteristics.

1. *Facades and exterior walls, including side and back walls. The building shall be designed in order to reduce the appearance of massive scale or a uniform and impersonal appearance and to provide visual interest. Long building walls shall be broken up with projections or recessions. Along any public street frontage, the building design should include windows, arcades, or overhangs along at least sixty (60) percent of the building length. When appropriate, architectural treatment, similar to that provided to the front face, shall be provided on the sides and rear of the building to mitigate any negative view from abutting properties and/or streets. The site plan shall ensure buildings have complexity at street level with human scale by providing features such as changes in building form at entrances, and providing windows, enhanced trim and architectural detail.*

The existing Sears store entry will be remodeled with a parapet to break up the front face, existing overhangs (along the Sears store portion) are to remain and a new paint scheme is proposed to reinforce the buildings identity and to tie the renovations together with the existing upgrades of the south side of the mall. The application states new entrances are proposed to be built on the west elevation to provide opportunities for individual retailers to have specific identities while providing a common backdrop. The site plan enhances the street level human scale by adding a storefront window to the north elevation.

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017-0124

December 4, 2017

Page 10

This addition coupled with the loading dock will break up the long building wall on the north side of the Sears store and provide a similar architectural treatment to the mall building.

The Nordstrom Rack store will have its own entrance on the northeast side of the Sears mall. This entrance feature will project out from the wall with a sign wall and support structure with covered entrance. New glass doors and framing are proposed for the entrance to upgrade the architectural appearance. The east-facing elevation currently has overhang awnings along approximately 80% of the façade. The applicant constructed awnings and covered entrances that exceed the code minimum of 60% of the building length.

The applicant satisfied the condition of approval to provide an updated elevation plan showing an overhang awning along at least sixty (60) percent of the east elevation building length; therefore, the site is in compliance with the code.

2. *Detail features. The design shall provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive scale effect by breaking up the building wall, front, side, or rear, with color, texture change, and repeating wall offsets, reveals, or projecting ribs.*

The exterior renovation is an improvement from the existing façade along the north and west elevations. The upper portion of the exterior walls along the east and north elevations are to be clad in new exterior insulation and finish panels, however the height is above that to provide visual interest at the pedestrian level and involves removing the existing awning. The northwest corner will have views into the storefront from the proposed window which breaks up the mass effect and allows for the interior to be visible to passerby during the winter months. The existing awning canopy does a decent job of reducing the mass effect of the building wall and provides protection from the elements.

3. *Roofs. The roof design shall provide variations in roof lines and heights to add interest to, and reduce the massive scale of, large buildings. Parapet walls shall be architecturally treated to avoid a plain or monotonous style.*

The roof design does not provide variations in roof lines or heights; however, the renovation includes parapet walls at the storefront entrances and is aesthetically pleasing and visually interesting without incorporating a varying roof line.

4. *Materials and colors. The buildings shall have exterior building materials and colors which are aesthetically pleasing and compatible with the overall site plan. Construction material shall provide color, texture, and scale.*

The objective of the proposed improvements for this project is to be consistent with the previous façade changes that are already completed on the south side

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017 – 0124

December 4, 2017

Page 11

of the mall, while providing branding identification for the Nordstrom Rack development entryway. The applicant proposes to tie together the future renovations by painting the building, providing entry improvements, and building a loading dock and trash enclosure with building materials that will match the texture, color, and scale of the mall. It should be noted that the changes to the south side of the mall included large glassed-in merchandise display areas and textured concrete landscaping planters of varying size that provide both visual interest at the pedestrian scale and some relief to the flat façade.

5. *Entryways. Entryways shall be designed to orient customers and add aesthetically pleasing character to buildings by providing inviting customer entrances that are protected from the weather.*

The entryways will be defined to orient customers and is aesthetically pleasing and inviting and should provide protection from the weather. The improvements will provide a baseline architectural identity while still allowing for individual retailers to have their own specific brand identity.

6. *Screening of mechanical equipment. Roof or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. Ground-mounted mechanical equipment shall be screened. The screen shall be of such material and be of sufficient height to block the view and noise of the equipment.*

The screening that exists on the north side of the roof-top Sears building adequately blocks the mechanical equipment. The screening matches the material and color of the existing overhang awning that wraps around the building. The east side of the roof-top contains two large pieces of mechanical equipment that are not screened and are visible from the ground. These two large pieces of mechanical equipment could be screened using a portion of the required 10% towards improvements.

PUBLIC COMMENTS – Public comments were received and are included in the staff packet.

AGENCY COMMENTS – See attachments for all agency comments.

The Alaska Department of Transportation and Public Facilities noted that the landscaping at the driveways from the lot Northern Lights Boulevard is a concern. The west most driveway has a tree blocking the driver's ability to see traffic as they exit onto the roadway. The east driveway looks to have a tree that might impact driver vision. As such, we require that the ADOT&PF sight distance triangles found in the Alaska Highway Pre-construction Manual page 1160-17, figure 1160-8 be added to the site plan for access points onto Northern Lights Boulevard. Any landscaping that falls within these sight triangles must be removed.

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017 – 0124

December 4, 2017

Page 12

The non-motorized transportation coordinator provided a comment that the Sears mall has a lack of pedestrian access from the Northern Lights Boulevard sidewalk to the west and eastern entry doors where these improvements are proposed. We request a walkway from the sidewalk thru the planting beds to the doorways on the west and east side. Since work is being done in the parking lot this work is appropriate and will create easier pedestrian access.

DISCUSSION

The petitioner has completed all of the eight original conditions as required by the Commission in the resolution (2014-040) which granted them approval for construction per the site plan. The Nordstrom Rack is currently open as a retail establishment.

On remand from the Superior Court, the Planning and Zoning Commission adopted a second resolution (2016-029) on August 8, 2016, again approving the amended site plan with conditions. The petitioner has met those conditions.

The decision by the Board of Adjustment Appeal No. 2016-1 reversed Planning and Zoning Commission Resolution No. 2016-029 in its entirety and remanded the case to the Planning and Zoning Commission for a decision in compliance with code, and the direction provided in Findings, Conclusions, and Decision.

The Board of Adjustment's (BOA) findings state that interior only remodels would not require a limited site plan review. If a renovation project involves interior and exterior changes, it requires a limited site plan review. The intent of the code is to move the property in the direction of conformity with the code, and the applicant cannot increase the non-conformity of the property. ~~The applicant is required to spend a minimum of 10% of their total project cost on bringing non-compliant issues in the direction of compliance with the code.~~ **The applicant's costs to address non-conforming aspects of the property, thereby bringing the property further in the direction of conformity, shall not exceed 10% of their total project cost.** The Board found that the 10% calculation is to be based upon the cost of the entire interior and exterior project, this is a change from the original staff report that only required 10% of the exterior cost.

The BOA also found that the Planning and Zoning Commission may consider and require interior changes to a site plan. As proposed, Title 21 does not require interior access to the larger retail establishment for this project, and thus Planning is not recommending an interior connection be provided.

355 public hearing notices were mailed on October 9, 2017, comments were received from the public. The Planning Department has not received a response from the Midtown Community Council at the time of this writing.

Seritage submitted an alternative sidewalk design at the June 2016 hearing. The Municipal traffic engineer has made comments on the design. Traffic has stated that the proposed concept design for a walkway to Nordstrom Rack that crosses the dumpster

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017 – 0124

December 4, 2017

Page 13

enclosure and loading dock would be an acceptable design and appear to be compliant with the requirements of Title 21. All of the segments that are parallel with the vehicular driveways are raised and all of the segments that cross vehicular driveways are striped. The pedestrian connection does cross the loading dock and trash pick-up, but that is not prohibited by code. Typically, deliveries and trash pick-up do not occur during peak hours and occur less frequently than other traffic, so the conflicts with pedestrians are minimal when compared to crossing a typical driveway.

DEPARTMENT RECOMMENDATION

The Department recommends APPROVAL of the amended site plan review for the Sears store tenant improvements for Nordstrom Rack located on the north side of the Sears Mall, subject to the following conditions:

1. All construction and improvements related to this approval shall be substantially in compliance with the application, narrative, and with the following plans on file with the Planning Division, except as modified by conditions of this approval:

700 E. Northern Lights Blvd. Renovation, prepared by RIM architects/DowlHKM; sheets D201, A101, A201, A202, C101, C102, C103, L101, L501, L502 dated 4/07/2014, and Walkway Alternative Plan dated June 13, 2016.

2. A notice of zoning action, including a copy of the approved Commission resolution for this case, shall be filed with the State Recorder's Office and proof of such shall be submitted to the Department of Planning.
3. Submit a copy of the updated site plan that shows the required sight distance triangles per ADOT&PF standards. Verify the removed trees are replaced on a one-to-one basis.
4. Amend the site plan to show pedestrian walkway striping for pedestrian access to the east entry doors from the sidewalk along Northern Lights Boulevard.
5. Submit a copy of the updated elevation plan to show an overhang awning along at least sixty (60) percent of the east elevation building length.
6. Submit a landscape plan to include the landscape budget required by AMC 21.55.130 towards improving landscaping along Northern Lights Boulevard.
7. A lighting plan shall be submitted for review and approval.
8. Amend the plan to include signage, or otherwise to SIGNIFICANTLY promote access to common areas of the mall through the Sears store.
9. ~~Submit to Planning, a plan and cost estimate that satisfies the required \$176,323 to be spent in accordance with AMC 21.55.130 (10% of the project cost to be used towards bringing non-conforming issues in the direction of conformity with the standards of AMC 21.50.320.)~~

AMENDED STAFF REPORT

Planning and Zoning Commission

PZC 2017 – 0124

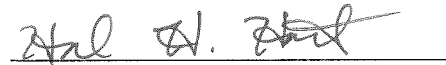
December 4, 2017

Page 14

- 9. Submit to Planning, a plan and cost estimate that satisfies the AMC 21.55.130 requirement that the cost of compliance with the standards set forth in AMC 21.50.320 shall not exceed 10% (\$176,323) of the project's cost.**

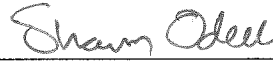
¹ The following recommendations are based on petitioner's originally proposed design & site plan as well as any updated designs submitted by petitioner. The Department notes that petitioner has already met some of the recommended conditions of approval.

Reviewed by:



Hal H. Hart, AICP
Director

Prepared by:



Shawn Odell
Senior Planner