

PLANNING DEPARTMENT STAFF ANALYSIS REZONING

DATE: September 10, 2018

CASE NO.: 2018-0089

APPLICANT: Arias Baltazar, owner

REPRESENTATIVE: Jerry T. Weaver, Jr., W Group

REQUEST: A request to rezone approximately ±2.04 acres from B-3 SL (general business) and R-2M (mixed residential) to B-3 SL

LOCATION: Lots 1 and 2, Maclaren Subdivision; Lot 1 Andres Subdivision; and Parcel 3B

COMMUNITY COUNCIL: Northeast

TAX NUMBERS: 006-403-01; -02; 03; and -49

ATTACHMENTS:

1. Departmental and Public Comments
2. Affidavit of Posting
3. Application

RECOMMENDATION SUMMARY: Approval of rezone to B-3 SL

SITE:

Acres: ±2.04 acres

Vegetation: Trees and shrubs along the east side of the district

Current Zoning: B-3 SL and R-2M

Topography: Slopes uphill to the east

Existing Use: Vehicle service and repair and vacant

Utilities: Public water and sewer

COMPREHENSIVE PLAN

Classification: "Town Center" in *Anchorage 2020*, *Anchorage 2040*, and the *East Anchorage District Plan*

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	B-3 SL; R-2M	R-2M	B-3 SL; R-2M	B-3 SL
Land Use:	Park	Multifamily Residential	Commercial and Multifamily Residential	Commercial

PROPOSAL

This rezone involves four lots, of which two are split zoned B-3 SL and R-2M. The property owners are requesting to eliminate the split zoning and to modify the special limitations to allow more vehicle service and repair than is currently allowed.

AGENCY COMMENTS

Reviewing agencies provided comments that are attached. None of the reviewing agencies objected to the rezone.

COMMUNITY COMMENTS

Five-hundred and seventy-three public hearing notices were mailed on August 1, 2018, and no responses were received. The Northeast Community Council passed a resolution supporting the rezone subject to two special limitations. They are: 1) bring the developed lots up to "New" Title 21 code requirements; and 2) limit the number of vehicles parked outdoors overnight.

FINDINGS

21.03.160 Rezoning (Zoning Map Amendments)

Pre-Application Conference

A pre-application conference was held on July 16, 2018, in accordance with 21.03.020B.

Community Meeting

A community meeting was held at the Northeast Community Council meeting on May 17, 2018, in accordance with 21.03.020C. The Northeast Community Council provided a resolution of support for the rezoning with conditions.

21.03.160E. Approval Criteria

The planning and zoning commission may recommend approval, and the assembly may approve a rezoning, if the rezoning meets all of the following criteria:

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

The proposed rezoning to B-3 SL conforms the comprehensive plan and fixes the existing split zoning on two lots, which will make for more efficient use of the land. This rezoning allows slightly more commercial uses than were previously permitted because it amends the existing special limitations that were based on the "Old" Title 21 code. The rezone promotes the general welfare by supporting the vitality of an existing business within the Muldoon Road Commercial Corridor.

2. The rezoning complies with and conforms to the comprehensive plan, including the comprehensive plan map(s).

The site is identified as “Town Center” in the 2001 *Anchorage 2020* Land Use Policy Map, the 2014 *East Anchorage District Plan* Land Use Plan Map, and the 2017 *Anchorage 2040* Land Use Plan Map. There are several policies in *Anchorage 2020* that are relevant to this rezoning:

- *Policy 4: The Zoning Map shall ultimately be amended to be consistent with the adopted Neighborhood or District Plan Maps.*

The proposed rezoning to B-3 SL district implements the land use plan maps in the *East Anchorage District Plan* and *Anchorage 2040*, which show the property as “Town Center.” The “Town Center” designation is implemented by the B-3 zoning district.

- *Policy 7: Avoid incompatible uses adjoining one another.*

The majority of the property is already zoned B-3 SL and this rezoning will eliminate the existing split zoning with R-2M. The property on three sides is zoned B-3 SL as well. This district abuts Muldoon Road to the west, the unbuilt East 14th Avenue right-of-way to the north, commercial properties to the south, and multifamily housing to the east. The rezone to B-3 SL is compatible with surrounding land uses with a special limitation requiring L2 buffer landscaping where abutting the multifamily residential to the east.

- *Policy 14: Conservation of residential lands for housing is a high community priority. New residential development at densities less than identified in the Neighborhood or District Plans is discouraged. No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan.*

The residentially zoned portion of these lots is unlikely to be developed for residential uses because the majority of the property is zoned B-3 SL. The comprehensive plan and district plan both support the B-3 district for the entirety of these properties. This site has an existing vehicle tire shop on two of these four lots. A portion of two lots is unusable for commercial uses due to the split zoning with the R-2M district. The elimination of this split zoning will clean up the zoning map and implement the adopted land use plan maps which support B-3 zoning.

- *Policy 21: All new commercial development shall be located and designed to contribute to improving Anchorage’s overall land use efficiency, compatibility, traffic flow, transit use, pedestrian access, and appearances. To eliminate the problems associated with strip commercial development, new commercial development shall adhere to the following principles: a) New commercial*

development shall occur primarily within Major Employment Centers, Redevelopment/Mixed-Use Areas, Town Centers, and Neighborhood Commercial Centers; b) In order to use existing commercial land more efficiently, redevelopment, conversion, and reuse of underused commercial areas shall be encouraged; c) Rezoning of property to commercial use is only permitted when designated in an adopted plan; d) Architectural and site design standards shall improve the function, appearance, and land use efficiency of new commercial developments; e) New strip commercial development is strongly discouraged.

This site is an appropriate location for B-3 commercial uses, given that it abuts Muldoon Road and the East 14th Avenue right-of-way. The B-3 district suits this location better than R-2M because of the surrounding commercial uses and the high traffic volumes on Muldoon Road. A portion of this site is already zoned B-3 and this will eliminate the existing split zoning.

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

The B-3 district is intended,

“primarily for general commercial uses in commercial centers and areas exposed to heavy traffic. These commercial uses are intended to be located on arterials, or within commercial centers of town, and to be provided with adequate public services and facilities. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Environmental impacts should be minimized. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. While B-3 district areas shall continue to meet the need for auto-related and other auto-oriented uses, it is the municipality’s intent that the B-3 district also shall provide for safe and convenient personal mobility in other forms. Planning and design shall accommodate pedestrians and bicyclists. In addition to a wide range of commercial office, retail and commercial services, other use categories such as residential and community uses, and mixed-use projects, are allowed.”

Baltazar Tire Shop is contained in two buildings on about half of the property within this rezoning and the rest of the property is vacant. Vehicle service and repair is a permitted by-right use in the B-3 district.

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.

This rezoning will resolve the existing split zoning. The general area contains a diversity of commercial, residential, and parkland uses, and the proposed zoning is consistent with those uses. The land north of East 14th Avenue and the Chester Creek is Chanshtnu Park. The land south and east of the petition site is commercial. The land west of the petition site is multifamily residential. New Title 21 code requires specific site design elements, like a pedestrian walkway to Muldoon Road and site perimeter landscaping where abutting residential districts.

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.**

The petition site is located within the Anchorage Roads and Drainage Service Area (ARDSA) and has access to Muldoon Road and the East 14th Avenue right-of-way.

Public utilities such as water, sewer, gas, and electric are available to this property.

The petition site is located within of the Police, Fire, and Building Safety service areas.

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.**

Two of the lots are already developed with commercial uses and two other lots are cleared of vegetation. This is a commercial corridor and the properties are likely to continue to have commercial uses. The B-3 district prohibits industrial uses that cause incompatibility with neighboring properties due to noise and odor issues. All uses on the property will be subject to AMC 15.70 *Noise Control*, AMC 15.30 *South Central Clean Air Program*, and AMC 15.35 *South Central Clean Air Ordinance Regulations*.

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.**

The majority of the lots are zoned B-3 SL per AO 2001-182. The special limitations prohibit several uses, limit the height of buildings, and restrict the number of driveways onto Muldoon Road.

The New Title 21 code has district-specific standards, use-specific standards, and landscape requirements that are more restrictive than the Old Title 21 code and are intended to make permitted commercial uses more compatible

with less intense uses, like residential and park. For example, the New Title 21 code requires L2 buffer landscaping between the B-3 district and the R-2M district.

The New Title 21 code prohibits many of the same uses that are prohibited by the special limitations, like mobile home display lots, lumber yards, building supply stores, storage yards, and pole signs. In some cases, the special limitations prohibits uses that the New Title 21 code allows with but with restrictions. For example, the special limitations prohibit crematoriums. The New Title 21 code allows crematoriums, but requires them to be located at least 200 feet from residential districts. The proposed rezone would allow some of the uses that are currently prohibited, like vehicle sales, gasoline service stations and off-street parking lots.

The New Title 21 code limits building height to 45 feet, which is 10 feet higher than the existing special limitation. All driveways onto Muldoon Road are required to obtain a driveway permit from ADOT, similar to the existing special limitation.

The petitioner has offered two special limitation aimed at making the B-3 district compatible with neighboring uses. They are:

- a. "There shall be a permanent L2 landscape buffer along the east boundary of Lot 1, Maclaren Subdivision, and Lot 1, Andres Subdivision, which abut residentially zoned land and a permanent L1 landscape buffer along Muldoon Road."
- b. "The following uses shall be prohibited: major engine, transmission, differential repair or replacement, body, fender, upholstery work, and painting"

The first special limitation mirrors the New Title 21 code site perimeter landscaping requirement. The second special limitation allows the Baltazar Tire Shop to do tire repair, wheel alignment, brake service, and auto glass replacement, which is currently prohibited. These types of light automotive repair services are classified as "vehicle service and repair, minor."

The Northeast Community Council requested the property be brought up to the New Title 21 code B-3 requirements and that the amount of vehicles parked outside and overnight be limited. With the special limitations proposed by the petitioner, these two issues are resolved. First, the New Title 21 code site perimeter landscaping requirements will require new landscaping to be installed where abutting the residential district. Second, the number of vehicles parked outside and overnight will be limited because major vehicle service and repair will continue to be prohibited. Major vehicle repair necessitates keeping vehicles on-site for multiple days, whereas, minor vehicle repair does not. Minor vehicle repair services typically have same day

drop-off and pickup. Furthermore, off-street parking is a permitted by-right use in the B-3 district and no other commercial zoning district along the Muldoon Commercial Corridor limits overnight parking.

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

The rezoning to B-3 is consistent with the *East Anchorage District Plan* and the *Anchorage 2040*.

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

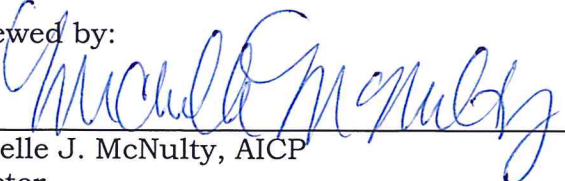
The rezoning will eliminate the existing split-zoning on two lots.

DEPARTMENT RECOMMENDATION

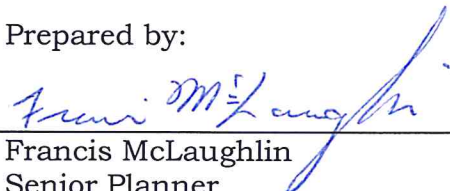
The Department recommends APPROVAL of the rezoning to B-3 SL, subject to the following special limitations:

- 1) Install L1 visual enhancement landscaping along Muldoon Road and L2 buffer landscaping where abutting residential zoning.
- 2) Major engine, transmission, differential repair or replacement, body, fender, upholstery work and painting are prohibited.

Reviewed by:


Michelle J. McNulty, AICP
Director

Prepared by:


Francis McLaughlin
Senior Planner

(Parcel ID No. 006-403-01, -2, -03, and -49)

Submitted by: Chair Dunbar at the Request
of the Mayor
Prepared by: Planning Department
For Reading:

ANCHORAGE, ALASKA

AO No. 2018-___

1 AN ORDINANCE AMENDING THE ZONING MAP AND APPROVING THE
2 REZONING OF APPROXIMATELY 2.04 ACRES FROM B-3 SL (GENERAL
3 BUSINESS) DISTRICT WITH SPECIAL LIMITATIONS AND R-2M (MIXED
4 RESIDENTIAL) DISTRICT TO B-3 SL (GENERAL BUSINESS) DISTRICT WITH
5 SPECIAL LIMITATIONS FOR LOTS 1 AND 2, MACLAREN SUBDIVISION; LOT 1,
6 ANDRES SUBDIVISION; AND PARCEL 3B, LOCATED WITHIN T13N, R3W, SEC
7 21, NW ¼, NE ¼, E 165 FEET, WEST 215 FEET, SOUTH 50 FEET, NORTH 675
8 FEET; GENERALLY LOCATED EAST OF MULDOON ROAD, SOUTH OF THE
9 EAST 14TH AVENUE RIGHT-OF-WAY, WEST OF CAROLYN CIRCLE, AND
10 NORTH OF EAST 16TH AVENUE, IN ANCHORAGE.

11
12 (Northeast Community Council) (Planning and Zoning Commission Case 2018-0089)

13
14 **THE ANCHORAGE ASSEMBLY ORDAINS:**

15
16 **Section 1.** The zoning map shall be amended by designating the Lots 1 and 2,
17 Maclaren Subdivision; Lot 1, Andres Subdivision; and parcel 3B, Located within
18 T13N, R3W, Sec 21, NW1/4, NE1/4, E 165 feet, west 215 feet, south 50 feet, north
19 675 feet, as B-3 SL, general business district with special limitations.

20
21 The property described above is shown on Exhibit "A," attached.

22
23 **Section 2.** This zoning map amendment is subject to the following special
24 limitations:

25
26 A) Install (L1) visual enhancement landscaping along the west boundary
27 of the district and (L2) buffer landscaping along the east boundary of
28 the district.

29
30 B) Major engine, transmission, differential repair or replacement, body,
31 fender, upholstery work and painting are prohibited.

32
33 **Section 3.** This ordinance shall become effective 10 days after the Director of the
34 Planning Department has received the written consent of at least 51 percent of the
35 owners of the property within the area described in Section 1 above to any special
36 limitations contained herein. The rezone approval contained herein shall
37 automatically expire, and be null and void, if the written consent is not received

1 within 120 days after the date on which this ordinance is passed and approved. In
2 the event no special limitations are contained herein, this ordinance is effective
3 immediately upon passage and approval. The Director of the Planning Department
4 shall change the zoning map accordingly.

5
6 PASSED AND APPROVED by the Anchorage Assembly this _____ day
7 of _____ 2018.

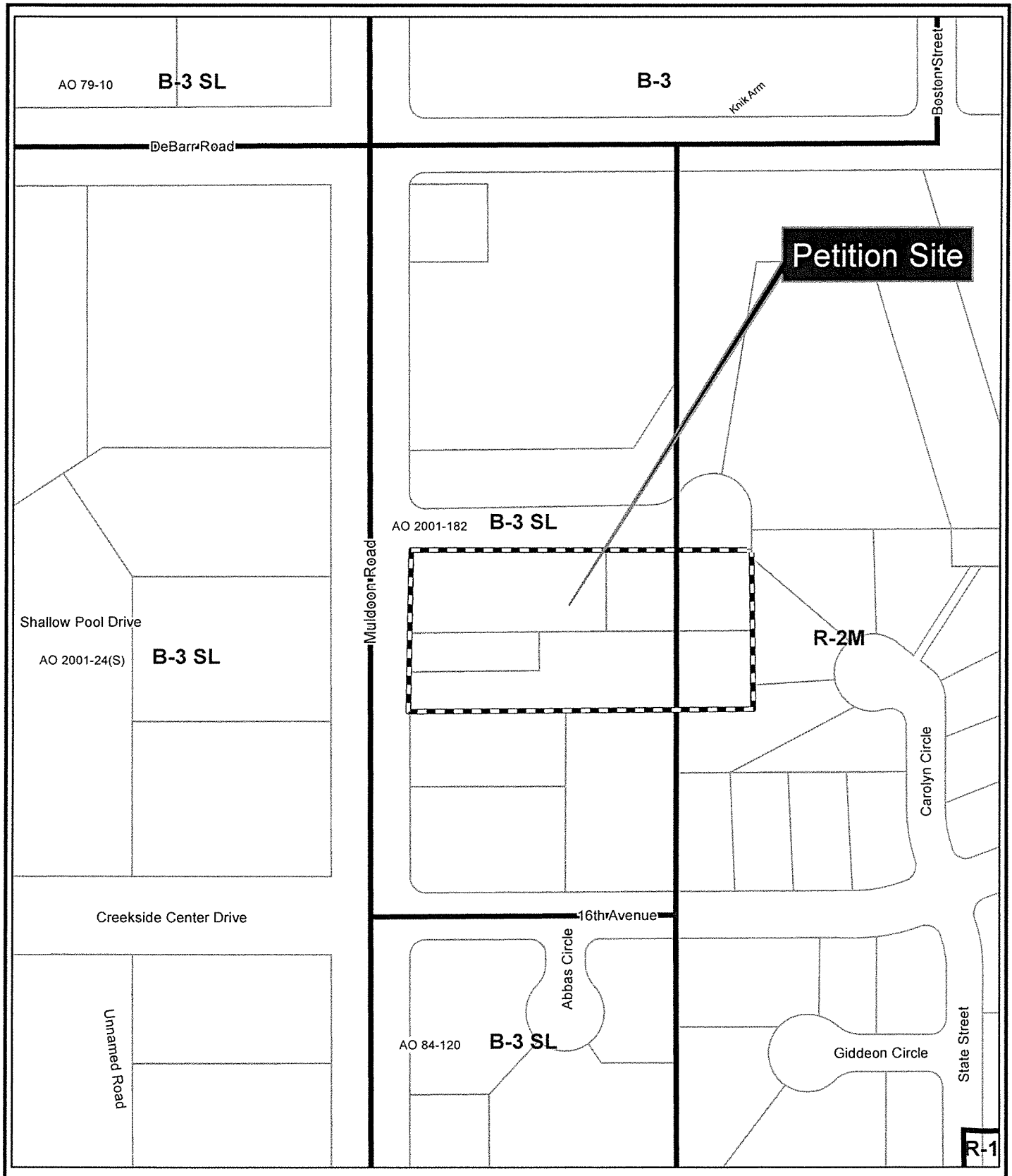
8
9
10 _____
11 Chair of the Assembly
12

13
14 ATTEST:

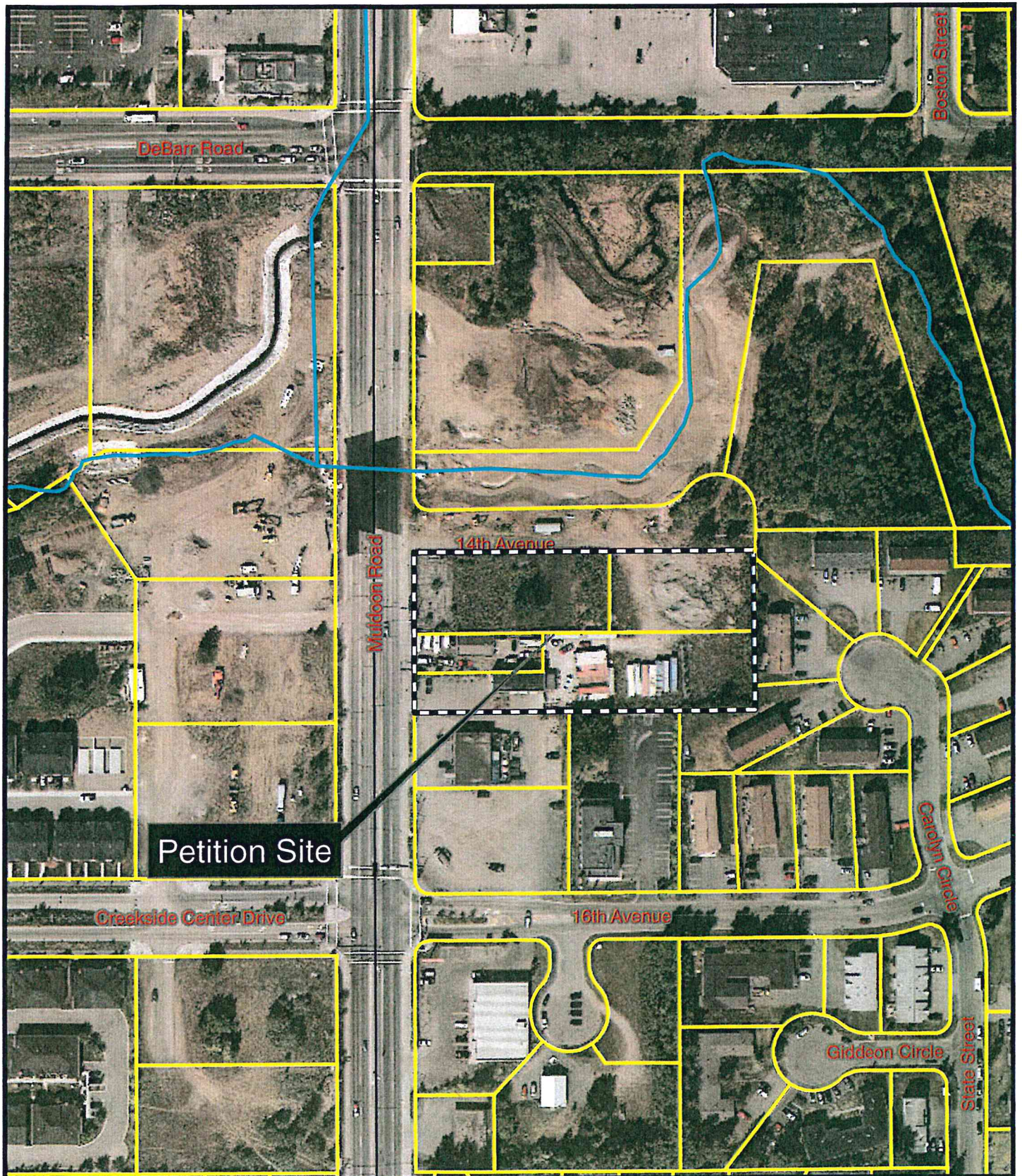
15
16 _____
17 Municipal Clerk
18

19
20 (Case 2018-0089; Parcel ID Nos. 006-403-01, -02, -03, and -49)

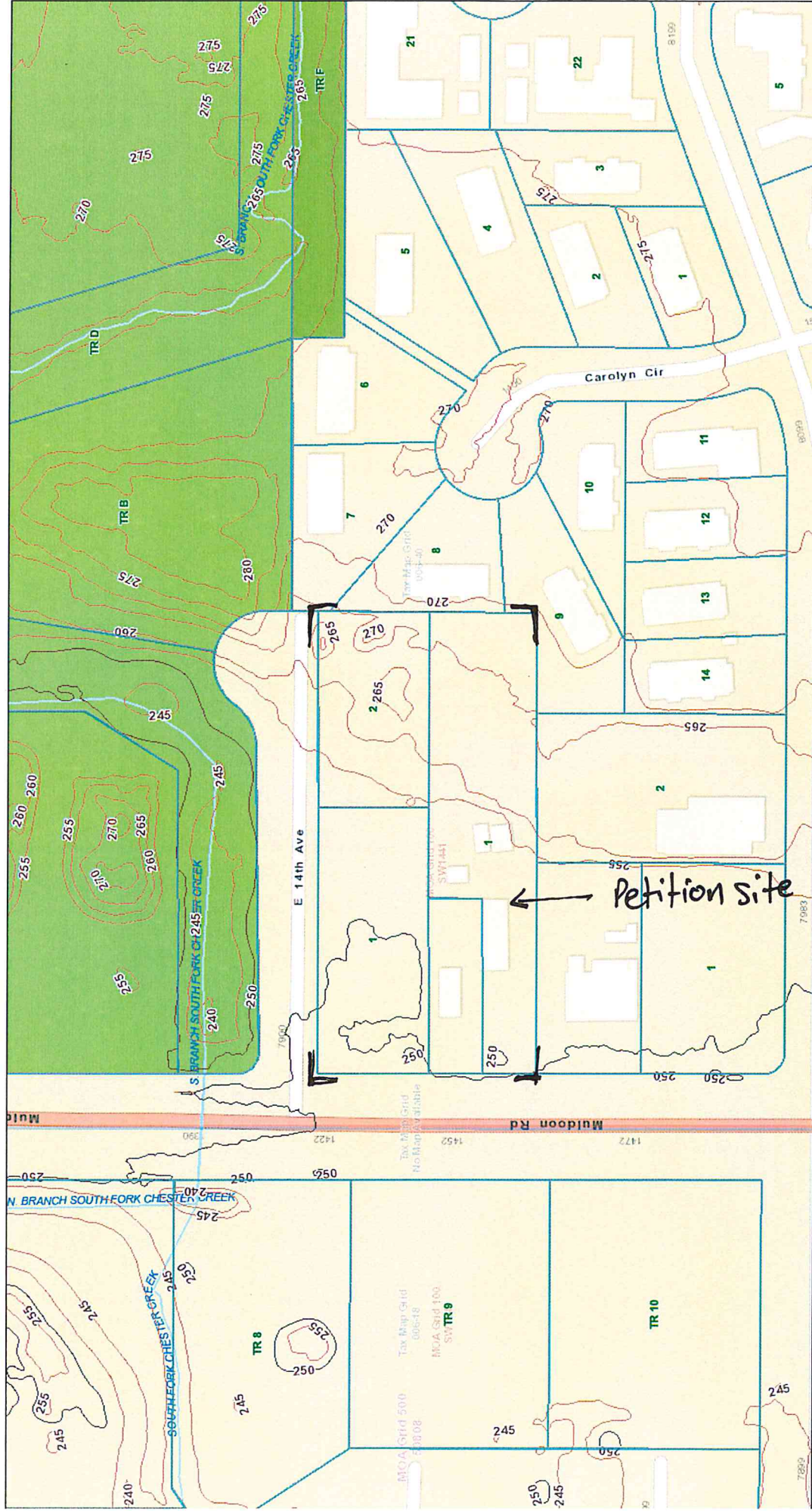
2018-0089 EXHIBIT A



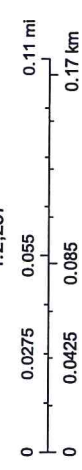
2018-0089



Baltazar Tire Shop



August 7, 2018

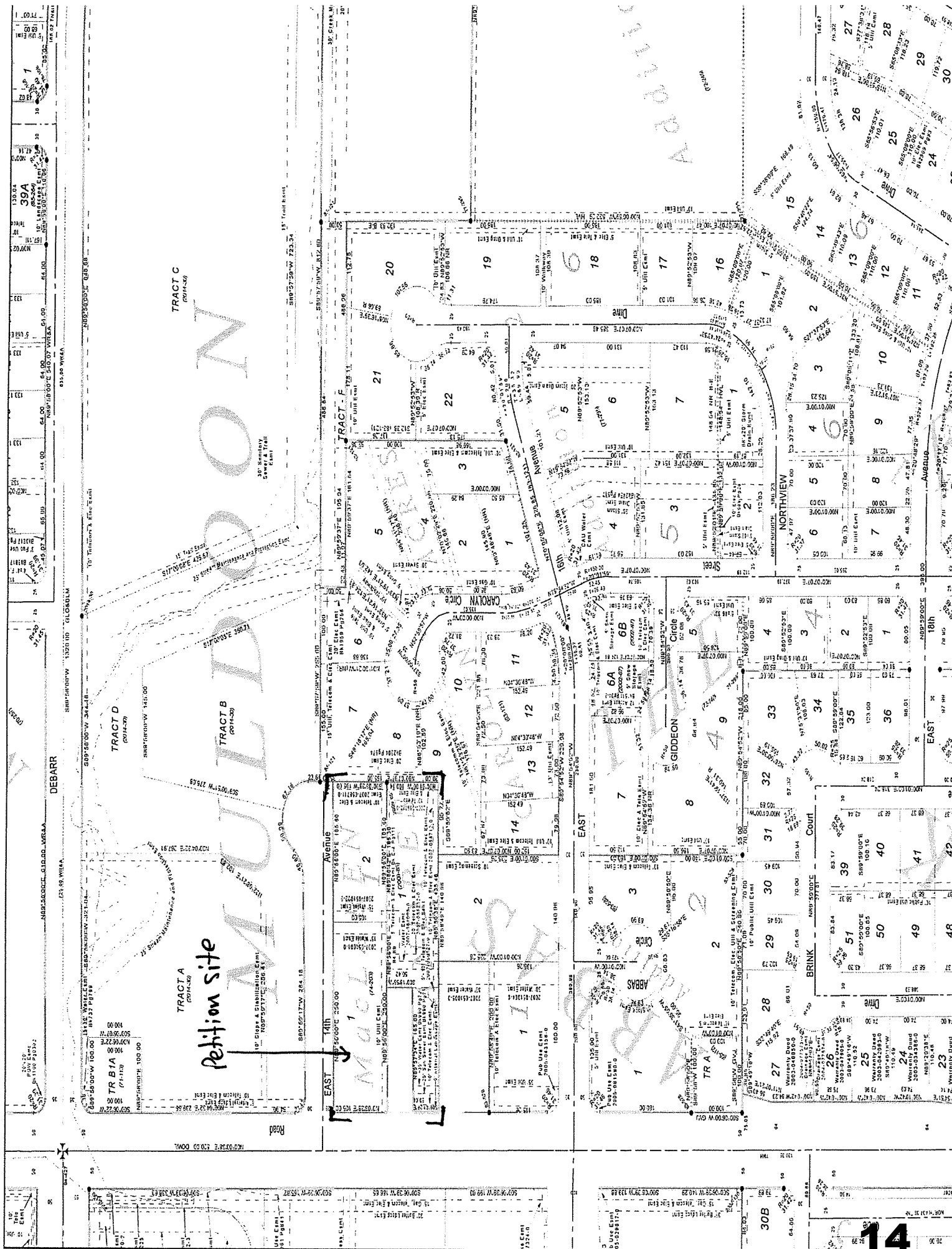


- Legend:**
- Property Info:**
 - Lot: 1
 - Property Info: 2
 - Tax Map Grid: 3
 - 100 Scale Grid: 4
 - 500 Scale Grid: 5
 - Contours: 6
- Streams:**
 - contours_50ft: 7
 - contours_5ft: 8
 - contours_100ft: 9
 - contours_100ft: 10
- Other:**
 - Park Land: 11
 - Not Classified: 12
 - Open Channel: 13
 - Continuity: 14

MOA, USGS, Merrick, Jamie Young
 Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



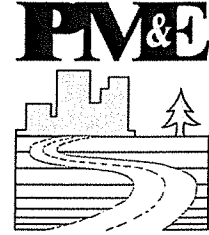
Imagery ©2018 Google, Map data ©2018 Google 50 ft



Departmental and Public Comments



Municipality of Anchorage
Project Management and Engineering
MEMORANDUM



DATE: August 13, 2018

RECEIVED

TO: Dave Whitfield

AUG 13 2018

FROM: Steven Ellis

PLANNING DEPARTMENT

SUBJECT: Comments from Watershed Management Services

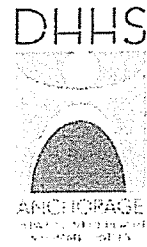
Watershed Management Services (WMS) has the following comments for the September 10, 2018, Planning and Zoning Commission meeting.

2018-0089, Request to Rezone from B-3 SL an R-2m to B-3 SL. WMS has no comment.



MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services



RECEIVED

Date: August 10, 2018

AUG 13 2018

To: Planning Department, Current Planning Division

PLANNING DEPARTMENT

Thru: *DN* DeeAnn Fetko, Deputy Director

From: *SG* Shelley Griffith, Environmental Health Services Program Manager

Subject: Comments Regarding CUP 2018-0089, Arias Baltazar, Request for Rezone from B-3 SL (General Business District with Special Limitations) and R-2M (Mixed Residential District) to B-3 SL (General Business District with Special Limitations).

No Comment.

MUNICIPALITY OF ANCHORAGE



Development Services Department

Private Development Section

Mayor Ethan Berkowitz

MEMORANDUM

Comments to Planning and Zoning Commission Applications/Petitions

DATE: August 10, 2018

RECEIVED

TO: Dave Whitfield, Planning Section Supervisor

AUG 09 2018

FROM: Brandon Telford, Plan Review Engineer

PLANNING DEPARTMENT

SUBJECT: Comments for Planning and Zoning Commission
Public Hearing date: September 10, 2018

Case 2018-0087 – Request for Rezone from CE-R-7 (Medium Density Single-Family Residential) District and CE-PLI SL (Public Lands and Institutions) District with Special Limitations to CE-R-1A (Single-Family Residential) District.

Department Recommendations:

The Private Development Section has no objection to the Request for Rezone.

Case 2018-0089 – Request for Rezone from B-3 SL (General Business District with Special Limitations) and R-2M (Mixed Residential District) to B-3 SL (General Business District with Special Limitations).

Department Recommendations:

The Private Development Section has no objection to the Request for Rezone.

MEMORANDUM

DATE: August 7, 2018
TO: Dave Whitfield, Planning Manager, Planning Section, Planning Division
FROM: Paul Hatcher, Engineering Technician III, Planning Section, AWWU
RE: Zoning Case Comments
Hearing date: September 10, 2018
Agency Comments due: August 13, 2018

RECEIVED

AUG 08 2018

PLANNING DEPARTMENT

AWWU has reviewed the materials and has the following comments.

2018-0087 ROSEBERRY PARK ESTATES BRAENDEL HOMESTEAD TRACT, Request for Rezone from CE-R-7 (Medium Density Single-Family Residential) District and CE-PLI-SL (Public Lands and Institutions) District with Special Limitations to CE-R-1A (Single-Family Residential) District, Grid NW0154

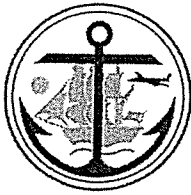
1. AWWU water and sanitary sewer are available to this parcel.
2. AWWU has no objection to this rezone request.

2018-0089 MACLAREN BLK 1 LT 1 & 2, ANDRES LT 1, T13N R3W SEC 24 NW4NE4 E165'W215'S50'N675' AKA PARCEL 3B, Request to Rezone from B-3 SL (General Business District with Special Limitations) and R-2M (Mixed Residential District) to B-3 SL (General Business District with Special Limitations), Grid SW1441

1. AWWU water and sanitary sewer are available to these parcels.
2. AWWU has no objection to this rezone request.

If you have any questions pertaining to public water or sewer, please call 564-2721 or send an e-mail to paul.hatcher@awwu.biz





MEMORANDUM

RECEIVED

DATE: August 8, 2018

AUG 08 2018

TO: Current Planning Division Supervisor,
Planning Department

PLANNING DEPARTMENT

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

FROM: Randy Ribble, Assistant Traffic Engineer

SUBJECT: 2018-0089 Request to rezone from B3-SL and R-2M to B3 SL
1431 and 1435 Muldoon Road

Traffic Department has no objection to rezoning of these impacted parcels.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

DIVISION of PROGRAM DEVELOPMENT
Anchorage Field Office

4111 Aviation Avenue
P.O. Box 196900
Anchorage, Alaska 99519-6900
Main Phone: (907)269-0520
Fax: (907)269-0521
Web site: dot.state.ak.us

August 2, 2018

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

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:

- 2018-0087: 18525 Talarik Drive
- 2018-0089: 1431 & 1435 Muldoon 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
Morris Beckwith, Right of Way Agent II, 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

From: Kristi Wood [<mailto:bikemoredriveless@hotmail.com>]
Sent: Thursday, June 28, 2018 6:47 AM
To: HartHH@ci.anchorage.ak.us; McLaughlin, Francis D.
<McLaughlinFD@ci.anchorage.ak.us>; Davis, Tom G. <DavisTG@muni.org>;
Tobish, Thede G. <TobishTG@ci.anchorage.ak.us>
Subject: Baltazar Resolution

Hello Hal, Francis, Tom, and Thede,

My name is Kristi Wood and I am on the Northeast Community Council board. I wanted to let you know that in May, the NECC passed a resolution regarding the recent request to rezone the parcels in the area of Baltazar's Tire Shop in Muldoon. The resolution is below.

Baltazar Resolution

The Northeast Community Council resolves to support the rezone request under the following two conditions;

1. The property is brought up to current B3 standards before the rezone is complete; and
2. There be special limitations placed on the property to prohibit the amount of vehicles parked outside and overnight parking.

Yes: 11

No: 5

Abstain: 4

Thank You,
Kristi

Baltazar Resolution

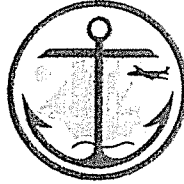
The Northeast Community Council resolves to support the rezone request under the following two conditions; 1. The property is brought up to current B3 standards before the rezone is complete; and 2. There be special limitations placed on the property to prohibit the amount of vehicles parked outside and overnight parking.

Yes: 11

No: 5

Abstain: 4

Affidavit of Posting and Historical Information



AFFIDAVIT OF POSTING

CASE NUMBER: 2018-89

I, Baffara Aris 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 _____ . The notice was posted on July 25 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 02 day of August, 2018.

Signature B. Adams

LEGAL DESCRIPTION

Tract or Lot: _____

Block:

Subdivision: _____

Andres Subdivision, Lot 1
maclaren Subdivision, Lots 1 & 2
Parcel 3B

RECEIVED 25
AUG 02 2018
PLANNING DEPARTMENT



Application for Zoning Map Amendment

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

PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first):	Arias Baltazar	Name (last name first):	W Group
Mailing Address:	2411 Brittany Circle	Mailing Address:	1010 Fairwood Drive
	Anchorage, Alaska 99507		Anchorage, Ak 99518
Contact Phone – Day:	907 332-3893 Evening:	Contact Phone – Day:	907 947-0383 Evening:
Fax:		Fax:	
E-mail:	baltazartires@hotmail.com	E-mail:	Wgroup@gci.net

*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):	006-403-01, 006-403-02, 006-403-03, 006-403-49	
Site Street Address:	1435 Muldoon Road	
Current legal description: (use additional sheet if necessary)	Lots 1 and 2 Maclaren Subdivision, Lot 1 Andres Subdivision, and a parcel known as parcel 3B, located within T13N, R 3W, Sec 24, NW ¼ NE ¼ E 165 feet, West 215 feet, South 50 feet, North 675 feet consisting of 2.04 +/- acres.	
Existing Zoning:	B-3 SL and R-2M	Acreeage: 2.04 +/- acres
		Grid #: SW 1441
Proposed Zoning:	B-3 SL	
Existing use:	Automotive "Minor Service and Repair Minor"	Proposed use (if any): All allowed B-3 uses except some major vehicle repair

I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I petition to rezone it 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 rezoning. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff, the Planning and Zoning Commission, or the Assembly for administrative reasons.

B. Arias
Hanson D + P Family Trust

6-29-2018

Signature ☒ Owner ☐ Representative
(Representatives must provide written proof of authorization)

Date

Baltazar Arias
DONALD HANSON-TRUSTEE

Print Name

Accepted by:	Poster & Affidavit:	Fee:	Case Number:	Requested Meeting Date:
FM	2+affidavit	\$9,495.50	2018-0089	9-10-18

COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☒ Urban ☐ Rural

Anchorage 2020 Major Elements - site is within or abuts:

☐ Major employment center ☐ Redevelopment/mixed use area ☒ Town center☐ Neighborhood commercial center ☐ Industrial reserve☐ Transit-supportive development corridor ☐ District/area plan area: _____

Chugiak-Eagle River Land Use Classification:

<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Parks/open space	<input type="checkbox"/> Public lands/institutions	<input type="checkbox"/> Town center
<input type="checkbox"/> Transportation/community facility	<input type="checkbox"/> Alpine/slope affected	<input type="checkbox"/> Special study area	<input type="checkbox"/> Development reserve	
<input type="checkbox"/> Residential at _____ dwelling units per acre	<input type="checkbox"/> Environmentally sensitive area			

Girdwood- Turnagain Arm Land Use Classification

<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Parks/open space	<input type="checkbox"/> Public lands/institutions	<input type="checkbox"/> Resort
<input type="checkbox"/> Transportation/community facility	<input type="checkbox"/> Alpine/slope affected	<input type="checkbox"/> Special study area	<input type="checkbox"/> Reserve	
<input type="checkbox"/> Residential at _____ dwelling units per acre	<input type="checkbox"/> Mixed use	<input type="checkbox"/> Rural homestead		

ENVIRONMENTAL INFORMATION (All or portion of site affected)

Wetland Classification:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> "C"	<input type="checkbox"/> "B"	<input type="checkbox"/> "A"
Avalanche Zone:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Blue Zone	<input type="checkbox"/> Red Zone	
Floodplain:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> 100 year	<input type="checkbox"/> 500 year	
Seismic Zone (Harding/Lawson):	<input type="checkbox"/> "1"	<input type="checkbox"/> "2"	<input checked="" type="checkbox"/> "3"	<input type="checkbox"/> "4" <input type="checkbox"/> "5"

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion of site)

☐ Rezoning - Case Number: _____

☐ Preliminary Plat ☐ Final Plat - Case Number(s): _____

☐ Conditional Use - Case Number(s): _____

☐ Zoning variance - Case Number(s): _____

☐ Land Use Enforcement Action for _____

☒ Building or Land Use Permit for C17-1486 Shop Building

☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

SUBMITTAL REQUIREMENTS

1 copy required: ☐ Signed application (original)
☐ Ownership and beneficial interest form

35 copies required: ☐ Signed application (copies)
☐ Signatures of other petitioners (if any)
☐ Map of area to be rezoned
☐ Map of area surrounding proposed rezoning, including zoning and existing uses
☐ Narrative statement explaining:
 ☐ need and justification for the rezoning
 ☐ the proposed land use and development
 ☐ the probable timeframe for development
 ☐ an analysis of how the proposal meets the rezoning criteria on page 3 of this application
☐ Summary of community meeting(s)
☐ Proposed special limitations, if any

(Additional information may be required.)

APPLICATION CHECKLIST

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zoning district. (For exceptions, see AMC 21.03.160B.)
2. In the case of multiple owners, the petitioning property owners must provide documentation showing ownership of at least 51% of property to be rezoned.

ZONING MAP AMENDMENT STANDARDS (AMC 21.03.160)

A rezoning request may only be approved if it meets the approval criteria stated in AMC 21.03.160E. Please explain how the proposal meets the required criteria:

1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare.
2. The rezone complies with and conforms to the comprehensive plan, including the comprehensive plan map(s). (If the proposed rezone does not conform to the comprehensive plan, it may be considered along with a comprehensive plan amendment.)
3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title.
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.
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.
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.
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.
8. The rezone does not extent or exacerbate a land use pattern that is inconsistent with the comprehensive plan.
9. The rezoning does not result in a split-zoned lot.

W GROUP

Urban Planning and Governmental Affairs

July 16, 2018

Mr. Dave Whitfield
Municipality of Anchorage
Planning Department
4700 Elmore Road
Anchorage, Alaska 99504

Dear Mr. Whitfield,

The W Group has been retained by Arias Baltazar and Donald Hanson to represent them in the rezoning request for the following property:

Lots 1 and 2 Maclaren Subdivision, Lot 1 Andres Subdivision, and a parcel known as parcel 3B, located within T13N, R 3W, Sec 24, NW ¼ NE ¼ E 165 feet, West 215 feet, South 50 feet, North 675 feet consisting of 2.04 +/- acres

The request is approval of a zoning map amendment to rezone four parcels of land from General Business (B-3) District with Special Limitations and Mixed Residential (R-2M) District to General Business (B-3) District with Special Limitations.

Donald Hanson Donald Hanson 7-16-18

Arias Baltazar B. ARIAS 07/16/18

With regards,

Jerry T. Weaver Jr.

W GROUP
WGroup@gci.net
907 947-0382

INTRODUCTION

The request is approval of a zoning map amendment to rezone four parcels of land from General Business (B-3) District with Special Limitations and Mixed Residential (R-2M) District to General Business (B-3) District with Special Limitations. The parcels consist of approximately 2.04 +/- acres of commercial uses and undeveloped land located in northeast Anchorage, south of East 14th Avenue and east of Muldoon Road. Three parcels are owned by Arias Baltazar and one owned by Hanson D&P Family Trust. Approval of this request will allow the property owners to expand their business and create properly zoned area sufficient in size for an efficient business operation and to eliminate the present spit-lot zoned condition as encouraged by the *Anchorage 2020 Comprehensive Plan*. The rezone is in conformity with the *East Anchorage District Plan's* (EADP) Land Use Map adopted December 2, 2014 and the *Anchorage 2040 Land Use Plan* adopted September 26, 2017 which designates this parcel as Town Center.

BACKGROUND

Baltazar Tire has been operating as a successful business at this location since 2000. The original building on the property was used as a video rental store that was transformed into the tire shop. In 2007, the original video store building was demolished and a new commercial garage structure was built with a three bays and an office area. The business employed six people, two permanent positions and four temporary positions. In 2012, Mr. Baltazar bought the old Triple X adult store and Pet Store properties adjacent to the tire shop and used the building for storage until it was removed allowing construction of the new commercial garage building presently under construction. Presently, the current business has seven full time employees and ten temporary positions. Mr. Baltazar has been improving his properties in an incremental fashion as time and money permitted. The property has transitioned into a successful automotive repair facility. Presently, the auto repair services provided include: changing tires, alignments, brakes, windshield replacement, and car detailing.

COMMUNITY MEETINGS

Mr. Baltazar and Jerry Weaver Jr., attended the Northeast Community Council's (NECC) regularly scheduled meeting on May 17, 2018 held at the Muldoon Community Center Youth Center at 1005 Ermine Street and presented the proposed rezone to the council and community. There were over four hundred mailed notices for the public meeting rezone presentation which were mailed April 20, 2018, meeting the 21 days required notice of the code. The community council meeting was well-attended with approximately over fifty people in attendance.

The NECC was presented the proposed request to rezone the parcel from R-2M and B-3 SL Districts to the B-3 District with Special Limitations. It was explained that the intent of the rezone was to allow the existing business to continue and expand its existing operations within the parameters of the B-3 District and the allowed uses of the recently updated Title 21 and the provisions of the *Anchorage Bowl 2020 Comprehensive Plan*, the *East Anchorage District Plan* and the *Anchorage 2040 Land Use Plan*.

The NECC approved the proposed rezone subject to two conditions:

1. That the current business uses conform the existing zoning until rezoned.
2. That there be no overnight parking on the property with the rezone.

There was considerable support from community residents but some did raise concerns about access onto Muldoon Road, landscape buffering, town center relationship, existing commercial activity, parking and the current construction of the new building.

Landscape buffering was discussed and the proposed ordinance was presented that indicated Mr. Baltazar's desire to continue to be a good neighbor by providing appropriate code required landscape buffering adjacent to the residentially zoned property to the east with an L-2 Landscape buffer along with an L-1 Landscape buffer along Muldoon Road as part of the rezoning.

ZONING MAP AMENDMENT STANDARDS (AMC 21.03.160)

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

Baltazar Tire is one of the few small automotive businesses providing local residents in northeast Anchorage the ability to have a convenient local business in meeting their automotive needs and an overall benefit to the community. The rezone will allow for more efficient utilization of the land and enhance the business operations that will create a safer business environment for both the public and the employees. Rezoning and development of this parcel will provide for the highest and best use of the property consistent with the surrounding area, while allowing for tax revenues to be generated for the Municipality of Anchorage, a benefit to the general welfare of the entire community.

- 2. The rezone complies with and conforms to the comprehensive plan, including the comprehensive plan map(s). (If the proposed rezone does not conform to the comprehensive plan, it may be considered along with a comprehensive plan amendment.)**

ANCHORAGE BOWL COMPREHENSIVE PLAN

The goal of the *Anchorage Bowl Comprehensive Plan* (Anchorage 2020), the *Anchorage 2040 Land Use Plan* and the *East Anchorage District Plan* is to provide direction for preferred long-term growth and development in the community. Per Chapter 5, Plan Implementation, the rezone is supported by the following policies:

- Policy #4 - The Zoning Map shall ultimately be amended to be consistent with the adopted Neighborhood and District Plan maps.** The Assembly approved the *East Anchorage District Plan* (EADP) as an element of *Anchorage 2020 Comprehensive Plan* on December 2, 2014.

6/25/2018

The proposed B-3-District with Special Limitations zone is consistent with the designation of Town Center.

- **Policy #5 – Rezones and variances shall be compatible in scale with adjacent uses and consistent with the goals and policies of Anchorage 2020.** The Assembly approved the *East Anchorage District Plan* (EADP) as an element of *Anchorage 2020 Comprehensive Plan* on December 2, 2014 with a designation of Town Center for this property as well as the subsequent adoption of the *Anchorage 2040 Land Use Plan* on September 26, 2017. The proposed B-3-District with Special Limitations zone is consistent with the Town Center designation.
- **Policy #6 - Areas designated for specific uses on the Zoning Map shall be protected from encroachment by incompatible land uses.** The properties to the north, south and west are zoned B-3 SL, and R-2M to the east. The property has access from Muldoon Road and East 14th Avenue. Muldoon Road is classified as a Class III Major Arterial as per the *Official Streets and Highways Plan* allowing over 20,000 trips per day. East 14th Avenue is local dead-end street that provides access to the Park property to the north and to two of the lots in this rezone request. The Mixed Residential (R-2M) District property to the east does not access either of the two above streets and has internal access via East 16th Avenue and Carolyn Circle. Therefore, no additional commercial traffic will be utilizing neighborhood streets to the east. The separation is beneficial to both land uses because there will be no mixing of residential and commercial traffic.

Rezoning the subject parcels general business with the code required L-2 landscape buffer to the east and an L-1 landscape buffer to the west allows for the landscape buffers to visually and aesthetically mitigate impacts between the two zoning districts. This rezone provides substantial landscape mitigation/enhancement with a fifteen foot landscape buffer

to the east and a ten foot buffer adjacent to Muldoon Road as required by the new code and does not create any new negative impacts or incompatible land uses.

- **Policy #7 -Avoid incompatible uses adjoining one another.** The proposed B-3 District with special Limitations zone does not create new uses that are incompatible with the adjoining B-3 SL zone or the R-2M zone.
- **Policy #14 - Conservation of residential lands for housing is a high community priority.** New residential development at densities less than identified in the Neighborhood or District Plans is discouraged. No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan. The EADP approved and adopted on December 2, 2014, as an element of the *Anchorage 2020 Comprehensive Plan*, provides a more detailed set of goals identified by the East Anchorage residents. The EADP District Land Use Map designates this parcel as Town Center and the rezone is in conformity with this designation.

While conserving residential land for housing is a high priority, the conservation of general business land is also a recognized concern in the Anchorage Bowl. The last Municipal Commercial Land Assessment study from January 2012 recognized the need for additional commercial land in the future.

EAST ANCHORAGE DISTRICT PLAN

The policies of Anchorage 2020 are meant to provide direction to public officials and the general public until strategies such as Neighborhood and District Plans are implemented. The parcel is within the region covered by the EADP. The EADP description of Town Center clearly supports the rezone request: “*Predominate land use consists of a core that is a mix of community-serving retail, mixed use commercial, office and residential, public services, and*

public/civic facilities, surrounded by medium-high density residential development. Necessary to their design is an efficient pedestrian-access network connecting the core uses, residential neighborhoods, and transit facilities. Town Centers lend themselves to being located at major intersections, with high visibility, and access to major roadways and transit lines. This designation is implemented by the B-1A, B-3, and R-3 zones.”

There are two strategies in the Strategies and Policies Guide that apply to the proposed rezone.

Under the EADP Land Use and Zoning Strategies, Strategy 1.1 calls for maintaining and strengthening existing neighborhoods by creating places where residents want to stay and new residents are attracted to live. The desired outcomes of the strategy are that new development is compatible with the surrounding neighborhoods and that zoning and development demonstrate consistency with the EADP. The proposed rezone conforms to the strategy by conforming to the following policy actions:

- **Policy action 1.1.4: Rezoning requests and other discretionary actions for neighborhood-serving office, retail, or other non-residential uses should be approved in neighborhood centers or town centers-primarily on significant roadways or at key intersections-as guided by the District Land Use Map.** The area is located in the Town Center as identified in the EADP. Rezoning the parcels to B-3 is in conformity with the approved EADP Land Use Map.
- **Policy action 1.1.14: Review zoning requests for consistency with the Comprehensive Plan and the District Land Use Map so that private development can do the following: maintain a healthy balance of jobs and households, protect and stabilize existing neighborhoods... and protect employment centers.** The parcel is designated in the EADP District Land Use Map as Town Center. The rezone will allow for the growth of an existing business, increasing the overall economic benefit to the community. This rezone

maintains separation the mixed uses, protecting both the surrounding residential neighborhoods in the area and the existing businesses on Muldoon Road.

Strategy 3.1 calls for encouraging the growth of local and regional businesses. The strategy identifies the district as being in a central position within the region to provide jobs for people of all ages as it is one of the most diverse districts in Anchorage. This is supported by the following policy action.

- **Policy action 3.1.3: Provide outreach to existing local businesses to learn more about their opportunities and issues, and work with them to address the issues and help them pursue opportunities.** Baltazar Tire is a small business that has been in business since 2000. The business currently provides full-time employment for 7 people. Rezoning this parcel provides an opportunity for the business to expand its operations, better serve the community, and continue to be an economic benefit to the community.

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

The intent of rezoning the parcel to B-3 SL is to allow for general commercial development on these parcels. This would bring the zoning map in line with desired land use as shown on the District Land Use Map in the EADP. Anchorage 2020 relies on neighborhood and district plans, such as the EADP and the *Anchorage 2040 Land Use Plan*, to provide detail for specific goals and desires of different regions of Anchorage.

The purpose of Title 21 is to implement the comprehensive plan and the adopted elements of the plan. Rezoning this parcel to B-3 SL is consistent with all of these plans.

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

intensities.

The property to the north is the Muldoon Town Park and zoned B-3 SL. The properties to the west, west of Muldoon Road, are developing in a mixed-use land use pattern and are zoned B-3 SL. The property to the south is developed with an American Legion facility and zoned B-3 SL. The property to the east is zoned R-2M and developed with multifamily structures. The area is being developed compatibly in accordance with the established zoning districts and this rezone will continue that development.

- 5. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and water 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.**

The parcel is fully served by sanitary sewer, public water, storm drainage and adequate commercial electrical service. The area is in the Anchorage Fire Department and the Anchorage Police Department service area. The proposed rezone would not impact the local school or transit systems.

The *Official Streets and Highways Plan* (OSHP) classifies Muldoon Road as a Class III Major Arterial allowing over 20,000 trips per day. East 14th Avenue is local dead-end street that provides access to the Park property to the north and to two of the lots in this rezone request. The platted right-of-way (ROW) for East 14th Avenue continues along the northern properties and is not constructed. The ROW will be maintained, but no upgrades are necessary today but may be upgraded in the future when area further develops.

- 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.**

Rezoning this property will not have any adverse impacts upon the natural environment. There are

no wetlands or protected habitats in the area. The site presently does not have any substantial vegetation except for some vegetation adjacent to Muldoon Road and minimal trees on the east boundary. Storm water will be addressed in permitting consistent with both Municipal and State specifications. Baltazar Tire follows environmental procedures to properly dispose of vehicle fluids, eliminating the risk of pollution from the site. Daily operations will not result in significant new impacts to air quality standards.

- 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.**

The rezone will not result in significantly adverse impacts to the surrounding neighborhoods or business. The rezone will effectively buffer the commercial from the residential area with an appropriate landscape buffer (L-2) as part of the special limitations of the zone. Muldoon Road will also be buffered as provided for in Title 21, (Table 21.07-1 Landscape Specifications) with landscaping (L-1). These landscape buffers will help ameliorate the visual impact to the adjacent residents and provide for an aesthetically enhanced section of Muldoon Road adjacent to his property. The site is fenced and secured against trespass and for safety and security.

- 8. The rezone does not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan.**

As presented, the proposed rezone is consistent with the District Land Use Map in the EADP and the *Anchorage 2040 Land Use Plan*. The EADP and the *Anchorage 2040 Land Use Plan* are adopted element of Anchorage 2020 that provides the comprehensive plan with specific direction for the property.

- 9. The rezoning does not result in a split-zoned lot.**

The rezone removes the existing split zoned lot condition.

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: _____

Anchorage, Alaska
AO 2018-_____

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 2.04 ACRES FROM B-3 SL (GENERAL BUSINESS) DISTRICT WITH SPECIAL LIMITATIONS) AND R-2M (MIXED RESIDENTIAL DISTRICT) TO B-3 SL (GENERAL BUSINESS) DISTRICT WITH SPECIAL LIMITATIONS) FOR LOTS 1 AND 2, MACLAREN SUBDIVISION, LOT 1 ANDRES SUBDIVISION AND A PARCEL KNOWN AS PARCEL 3B, LOCATED WITHIN T13N R3W SEC 24 NW1/4 NE1/4 E165 FEET WEST 215 FEET SOUTH 50 FEET, NORTH 675 FEET; GENERALLY LOCATED EAST OF THE MULDOON ROAD AND SOUTH OF EAST14th AVENUE.

(Northeast Community Council; Planning and Zoning Commission Case 2018-)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described property as B-3 (General Business) District with special limitations:

Lots 1 and 2, Maclaren Subdivision, Lot 1 Andres Subdivision, and a parcel known as parcel 3B, located within T13N, R 3W, Sec 24, NW ¼ NE ¼ E 165 feet, West 215 feet, South 50 feet, North 675 feet consisting of 2.04 +/- acres, generally located east of Muldoon Road and south East 14th Avenue, as shown on Exhibit "A" attached.

Section 2. The zoning map amendment described in Section 1 above shall be subject to the following special limitations regarding the uses of the property:

- a. There shall be a permanent L-2 landscape buffer along the east boundary of Lot 1 Maclaren and Lot 1 Andres Subdivisions which abut residentially zoned land and a permanent L-1 landscape buffer along Muldoon Road.
- b. The following uses shall be prohibited:
 1. Major Engine, transmission, differential repair or replacement, body, fender, upholstery work and painting.

Section 3. This ordinance shall become effective 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. The rezone approval contained herein shall automatically expire, and be null and void, if the written consent is not received within 120 days after the date on which this ordinance is passed and approved. In the event no special limitations are contained herein, this ordinance is effective immediately upon passage and approval. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____ 2018.

ATTEST:

Chair

Municipal Clerk

(Case 2018-; Tax I.D. No. 006-403-01, 006-403-02, 006-403-03, 006-403-49)

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 4-9-02

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Planning Department
For reading: November 13, 2001

Anchorage, Alaska
AO 2001- 182

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
REZONING OF APPROXIMATELY 9.54 ACRES FROM B-3 SL (GENERAL BUSINESS
DISTRICT WITH SPECIAL LIMITATIONS) TO B-3 SL (GENERAL BUSINESS DISTRICT
WITH SPECIAL LIMITATIONS) FOR A PORTION OF SECTION 24, T13N, R3W, S.M.,
AK, GENERALLY LOCATED SOUTH OF DEBARR ROAD AND ON THE EAST SIDE OF
MULDOON ROAD, FOR THE PURPOSE OF ALLOWING TIRE REPAIR, WHEEL
ALIGNMENT AND BRAKE SERVICE AS PERMITTED USES.

- 027

(Northeast Community Council) (Planning and Zoning Commission Case 2001-~~018~~)

WHEREAS AO 84-120 zoned the subject parcel to B-3 SL and prohibited automobile repair,
services and garages, not to include body shops; and

WHEREAS the petitioner applied to amend the special limitations to allow tire repair, wheel
alignment and brake service as permitted uses,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described property as
~~B-3~~ *General Business District*
~~R-O SL (Residential Office with Special Limitations)~~ zone:

A 9.54 acre portion of Section 21, T13N, R3W, S.M., AK, as shown on exhibit A
attached (Planning and Zoning Commission Case 2001-027).

Section 2. The zoning map amendment described in Section 1 above shall be subject to the
following special limitations regarding the uses of the property:

a. The following uses shall be prohibited:

1. Funeral services including crematories.
2. Off-street parking lots, garages.
3. Gasoline service stations.
4. Aircraft and marine parts and equipment stores.
5. Antique and secondhand stores including auctions, pawn shops.
6. Farm equipment and garden supply stores.

7. Automobile repair, services, garages, body shops but not to include tire repair, wheel alignment and brake service.
8. Motor vehicle dealers, new and used.
9. Mobile home display lots, new and used.
10. Aircraft and boat display lots, new and used.
11. Motorcycle, snow machine display lots, new and used.
12. Automobile, truck and trailer rental agencies.
13. Lumber yards and builder supply stores.
14. Fuel dealers.
15. Bus terminals, air passenger terminals, with sufficient street area for maneuvering and waiting automobiles.

16. Pole mounted signs.
17. Outdoor storage.

Section 3. The zoning map amendment is subject to the following special limitations establishing design standards for the property.

- a. Maximum height of structures: 3 stories or 35 feet in height.
- b. There shall be no additional access points permitted onto the petition site from Muldoon Road.
- c. Resolving curb cuts and access with State of Alaska, Department of Transportation.

Section 4. The special limitations set forth in this ordinance prevail over any inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided for otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by the Special Limitations set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to Special Limitations.

Section 5. The zoning map amendment shall not be effective unless the petitioner submits a complete site plan within 3 years of this approval. The site plan shall be reviewed by the Planning and Zoning Commission at a non public hearing. The review shall address, but shall not be limited to, landscaping to current standards, access, storage and disposal of tires and fluids, architecture, parking and signage.

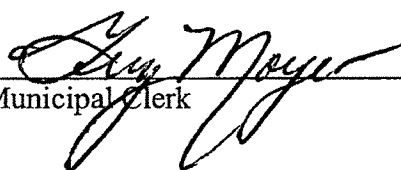
Section 6. This ordinance shall become effective within 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the

1 area described in Section 1 above to the special limitations contained herein. The rezone
2 approval contained herein shall automatically expire and be null and void if the written consent
3 is not received within 120 days after the date on which this ordinance is passed and approved. In
4 the event no special limitations are contained herein, this ordinance is effective immediately
5 upon passage and approval. The Director of the Planning Department shall change the zoning
6 map accordingly.

7
8 PASSED AND APPROVED by the Anchorage Assembly this 9th day of
9 April, 2002.

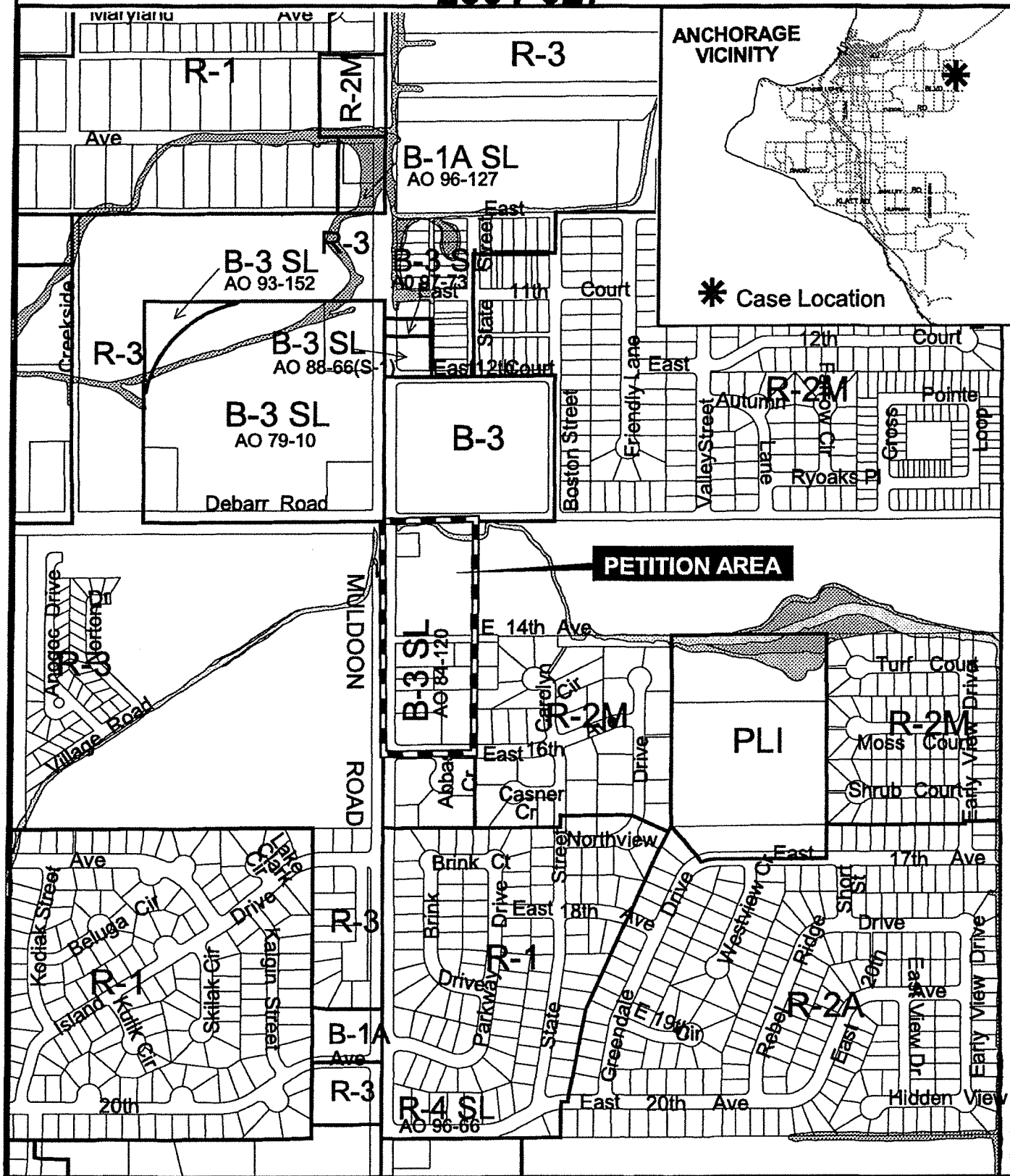
10 ATTEST:


Chair





Municipal Clerk

(2001-027)
(006-401-01 & 2, 006-403-01 through 06, 42 and 43)

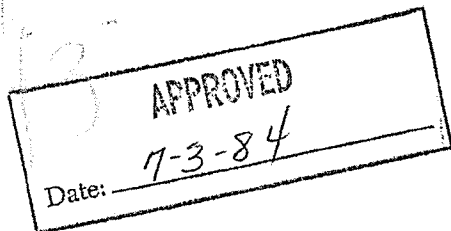
2001-027



Date: SEPTEMBER 12, 2001

 100 Year Floodplain
 500 Year Floodplain
 Floodway





Submitted by: Chairman of the Assembly
at the request
of the Mayor
Prepared by: Department of
Community Planning
For Reading: May 29, 1984

ANCHORAGE, ALASKA
AO NO. 84-120 84-120

AN ORDINANCE AMENDING THE ZONING MAP PROVIDING FOR THE REZONING FROM B-1 (LOCAL AND NEIGHBORHOOD BUSINESS DISTRICT) TO B-3 (GENERAL AND STRIP COMMERCIAL DISTRICT) WITH SPECIAL LIMITATIONS FOR PROPERTY COMMENCING AT THE SE CORNER OF DEBARR AND MULDOON ROAD, EXTENDING 370 FEET EAST ALONG DEBARR, THEN 1320 FEET SOUTH, THEN 370 FEET WEST, AND THEN 1320 FEET NORTH ALONG MULDOON ROAD TO A POINT OF ORIGIN AS DEPICTED IN EXHIBIT A ATTACHED. A PARCEL OF LAND WITHIN THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 24, TOWNSHIP 13 NORTH, RANGE 3 WEST, SEWARD MERIDIAN: FROM THE QUARTER CORNER COMMON TO SECTIONS 13 AND 24, TOWNSHIP 13 NORTH, RANGE 3 WEST, OF THE SEWARD MERIDIAN, ALASKA, THENCE SOUTH ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 24, A DISTANCE OF 725 FEET TO A POINT HEREINAFTER DESIGNATED IN THIS PARTIAL DESCRIPTION AS CORNER NO. 1, THE POINT OF BEGINNING; THENCE EAST A DISTANCE OF 250 FEET TO A POINT HEREINAFTER DESIGNATED AS CORNER NO. 2, THENCE SOUTH A DISTANCE OF 100 FEET TO A POINT HEREINAFTER DESIGNATED AS CORNER NO. 3, THENCE WEST A DISTANCE OF 250 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 24, HEREINAFTER DESIGNATED AS CORNER NO. 4, THENCE NORTH A DISTANCE OF 100 FEET TO CORNER NO. 1, THE POINT OF BEGINNING, ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, EXCEPTING THEREFROM THE WEST 50 FEET THEREOF. (NORTHEAST COMMUNITY COUNCIL)

THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. That the zoning map be amended by designating the following described property as a B-3 (General and Strip Commercial District) with special limitation zone:

A parcel of land within the Northwest one-quarter of the Northeast one-quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 24, Township 13 North, Range 3 West, Seward Meridian: From the Quarter Corner common to Sections 13 and 24, Township 13 North, Range 3 West, of the Seward meridian, Alaska, thence South on the North-South Centerline of said Section 24, a distance of 725 feet to a point hereinafter designated in this partial description as Corner No. 1, the point of beginning; thence East a distance of 250 feet to a point hereinafter designated as Corner No. 2, thence South a distance of 100 feet to a point hereinafter designated as Corner No. 3, thence West a distance of 250 feet to a point on the North-South Centerline of said Section 24, hereinafter designated as Corner No. 4, thence North a distance of 100 feet to Corner No. 1, the point of beginning, Anchorage Recording District, Third Judicial District, State of Alaska, Excepting therefrom the West 50 feet thereof.

Am 760-84

SECTION 2. This zoning map amendment is subject to the following special limitations regarding the uses of the property.

A. The following uses shall be prohibited:

- a. Funeral services including crematoria.
- b. Off-street parking lots, garages.
- c. Gasoline service stations.
- d. Aircraft and marine parts and equipment stores.
- e. Antique and secondhand stores including auctions, pawn shops.
- f. Farm equipment and garden supply stores.
- g. Automobile repair, services and garages not to include body shops.
- h. Motor vehicle dealers, new and used.
- i. Automobile display lots, new and used.
- j. Mobile home display lots, new and used.
- k. Aircraft and boat display lots, new and used.
- l. Motorcycle, snow machine display lots, new and used.
- m. Automobile, truck and trailer rental agencies.
- n. Lumber yards and builder supply stores.
- o. Fuel dealers.
- p. Bus terminals, air passenger terminals, with sufficient street area for maneuvering and waiting automobiles.

SECTION 3. The zoning map amendment is subject to the following special limitations establishing design standards for the property.

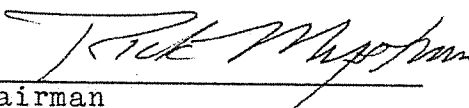
1. Maximum height of structure: 3 stories or 35 feet in height.
2. Resolving curb cuts and access with State of Alaska, Department of Transportation.

SECTION 4. The special limitations set forth in this ordinance prevail over any inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided for otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by the Special Limitations set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to Special Limitations.

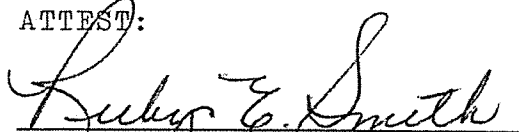
SECTION 5. The Director of Community Planning shall change the zoning map accordingly.

SECTION 6. This ordinance shall be effective 10 days after passage and approval.

PASSED AND APPROVED by the Anchorage Assembly, this
3rd day of July, 1984.


Chairman

ATTEST:


Municipal Clerk

rs10/bao8

(82-116-2)

Application

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review
For uses allowed in the A, TA, and TR districts, see section 21.04.050.
All other uses not shown are prohibited.

Use Category	RESIDENTIAL														COMMERCIAL					INDUST.		OTHER					Definitions and Use- and Use- Specific Standards				
	Use Type	R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-3A	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR		PR	PLI	W	
Vehicles and Equipment	Liquor store ²																P	P	P		C	P	C							21.05.050H.9. 21.05.020A.	
	Pawnshop ²																		P			P								21.05.050H.10.	
	Aircraft and marine vessel sales																		P		P	P	P	P						21.05.050I.1.	
	Parking lot or structure (50+ spaces)						C	C	C	C	C						C	C	P	C	P	P	P	P			C	C	S	21.05.050I.2. or I.3.	
	Parking lot or structure (less than 50 spaces)						C	C	C	C	C						P	P	P	P	P	P	P	P			P	P	P	21.05.050I.2. or I.3.	
	Vehicle parts and supplies ²																		P				P							21.05.050I.4.	
	Vehicle-large, sales and rental ²																		P			P	P							21.05.050I.5.	
	Vehicle-small, sales and rental ²																		P		C	P	P	P						21.05.050I.6.	
	Vehicle service and repair, major																		P				P	P							21.05.050I.7.
	Vehicle service and repair, minor																	C	C	P			P	P							21.05.050I.8.
Visitor Accommodations	Camper park						C		C										C			C						C			21.05.050J.1.
	Extended-stay lodgings							C	C	S								P	S			S								21.05.050J.2.	
	Hostel					C	S	S	S	S									P	S		S								21.05.050J.3.	

b. **Use-Specific Standards**

- i. This use may include the uses "vehicle service and repair, major" and "vehicle service and repair, minor", and repair of the vehicle inventory with a gross vehicular weight rating over 12,000 lbs, in accordance with subsection b.ii. below, is also allowed.
- ii. At any given time, no more than five percent of the vehicle inventory on the lot, not including Class A and C recreational vehicles, shall have a gross vehicular weight rating (GVWR) of more than 12,000 lbs.

6. **Vehicle-Small, Sales and Rental**

a. **Definition**

An establishment engaged in the display, sale, leasing, or rental of small motor vehicles, personal watercraft (jet skis), and/or associated equipment. Vehicles include, but are not limited to: motorcycles, snowmobiles, and all-terrain vehicles (ATVs).

b. **Use-Specific Standard**

This use may include the uses "vehicle service and repair, major" and "vehicle service and repair, minor".

7. **Vehicle Service and Repair, Major**

a. **Definition**

An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, boats less than 30 feet in length and/or less than 12,000 lbs., or snowmobiles. Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs. Services include all activities listed in "vehicle service and repair, minor", as well as engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

b. **Use-Specific Standards**

- i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.
- ii. Noise generating equipment shall meet the noise control standards of AMC section 15.70.

8. **Vehicle Service and Repair, Minor**

a. **Definition**

An establishment engaged in light maintenance activities such as engine tune-ups; oil change and lubrication; carburetor cleaning; muffler replacement; brake repair; car washing; tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs.

b. **Use-Specific Standards for Carwash Bays and Vehicle Repair Bays**

- i. Vehicle wash or service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.
- ii. Noise generating equipment shall meet the noise control standards of AMC section 15.70.

- **Call to Order, Pledge of Allegiance – 7:00 pm**
- **President's Introductions**
- **Agenda Approval**
- **Treasurer's Report**
- **Executive Board Report**
- **School Board Reports (limit of 3 minutes):**
- **Legislative Reports (limit of 3 minutes each):**
Senators: Giessel, Wielechowski
Representatives: LeDoux, Pruitt, Spohnholz
- **Assembly Report (limit of 3 minutes each):**
Assembly Members: Demboski, Dunbar, Dyson, Petersen,
- **Special Assistant to the Mayor (limit of 3 minutes each):**
George Martinez
- **JBER Community Planning**
Jon Scudder
- **Federation of Community Councils Report**
Bob Reupke
- **Community Concerns/Community Activities Reports: Open to the public (20 min)**
- **Business: Expected Start: 8:00 pm**
 1. Northeast Community Council Election Results: Ms. Selina Metoyer presenting (5 min)
 2. Rezone Request – Baltazar Tire Shop: Mr. Jerry Weaver presenting (15 min)
 3. Spirit of Muldoon Picnic: Mr. Kevin Smestad presenting (10 min)
 4. CIP Committee Presenting 2019 List: Mr. Kevin Smestad presenting (15 min)
 5. Stone Walls on Muldoon/Iron Fencing on Boundary: Mr. Rick Irwin and Mr. Stu Grenier presenting (15 min)
 6. Municipal Planning and Zoning: Mr. Tom Davis presenting (10 min)
 7. Liquor Licenses – Last day to protest is May 20, 2018: Mr. Stu Grenier presenting (5 min)
 - a. Oriental Gardens Renewal: License Number 5352
- **Minutes Approval – August 2017, September 2017, October 2017, November 2017**
- **Committee Reports: (21 min – 3 minutes each committee) – Please see Committee List on next page**
- **Expected Adjournment – NLT 10:00 pm**

Other Important Notes and Announcements:

1. Presentations and subjects are timed. **Brevity is important.** Please wait to be recognized by the Chair.
2. Please sign in when attending meeting. If possible, choose to be notified by e-mail. Send an e-mail to info@communitycouncils.org or pattymac23@rocketmail.com
3. The NECC has a webpage maintained by the Federation of Community Councils. Minutes for the meetings, agendas, other NECC documents, and NECC contact information are online at <http://communitycouncils.org/servlet/content/23.html>
4. The NECC has a Facebook page with updates and events for the Northeast Community Council area. Go online at <https://www.facebook.com/Northeast.Community.Council.Ancorage.AK/>
5. NECC is a non-profit organization and receives no funding from the State or Municipality. *Donations from the Community are gratefully accepted.*

President: Selina Metoyer, 830-0815, (5/2018-5/2021)
selinaily@hotmail.com

Vice President: Kevin Smestad, 952-0597, (5/2017-5/2020)
kevinsmestad@outlook.com

Treasurer: Stu Grenier, 337-5127, (5/2017-5/2020)
stugrenier@gmail.com

Secretary: Carla McConnell, 301-4416, (5/2017-5/2020)
(Acting) pattymac23@rocketmail.com

Parliamentarian: David Ulmer, 337-7495, (5/2016-5/2019)
deu@acsalaskan.net

Board Members: Rick Irwin, 744-4394, (5/2016-5/2019)
rirwinak@gmail.com
John Laux, 227-8859, (5/2016-5/2019)
john.laux@gmail.com
Kristi Wood, 278-2453, (5/2018-5/2021)
bikemoredriveless@hotmail.com
John Ziv, N/A, (5/2018-5/2021)
jmz@alaska.net

NECC Standing Committees:

There will be a sign-up sheet at the General NECC Meeting to get involved with a committee or contact the committee chair.

- **Alcohol Committee -**

Purpose: Review alcohol license applications, renewals, and related issues including homeless camps, and restricting alcohol sales (red Stripe law). Chair Stu Grenier (stugrenier@gmail.com).

Stu Grenier Dave Ulmer Jean Pollard John Ziv Betsy Chivers Selina Metoyer Carla McConnell

- **Bylaws Committee**

Purpose: Develop a suitable set of bylaws for the NECC. Chair Carla McConnell (pattymac23@rocketmail.com)

Carla McConnell Rick Irwin Selina Metoyer Glenn Clary Lorne Bretz

- **C.I.P Committee (Updated 8/2016)**

Purpose: Identify and evaluate projects to develop prioritized capital improvement projects lists for the State and for the MOA for the NECC. Projects are available for review and comment at munibudget.org/council/northeast. Chair Kevin Smestad (kevinsmestad@outlook.com).

Kevin Smestad Glenn Clary Stu Grenier Lisa Vaught Jerrienne Lowther Rick Irwin
Carla McConnell Dave Ulmer Genevieve Holubik Ainslie Phillips

- **Parks Committee (Updated 6/2016)**

Purpose: To access community park conditions and address concerns of the community related to park assets. Chair Kristi Wood (bikemoredriveless@hotmail.com).

Kristi Wood Dave Ulmer Selina Metoyer Stu Grenier Carla McConnell Nickel LaFleur
Serena Elftman-Mollenkopf Genevieve Holubik Roger Shaw Jerrienne Lowther Kendra Kloster

- **Picnic Committee (Updated 8/2016)**

Purpose: To organize and manage the Spirit of Muldoon Picnic which we have every fall. Chair Kevin Smestad (kevinsmestad@outlook.com).

Kevin Smestad Selina Metoyer Kendra Kloster Jerrienne Lowther Stu Grenier

- **Trails Committee**

Purpose: To Access community trail conditions and develop new trails like the proposed Cheney Lake to Muldoon Town Square Park Trail and the proposed north-south trail along the military-civilian boundary. Chair Dave Ulmer (dulmer@customcpu.com).

Dave Ulmer Stu Grenier

NECC Ad Hoc Committees:

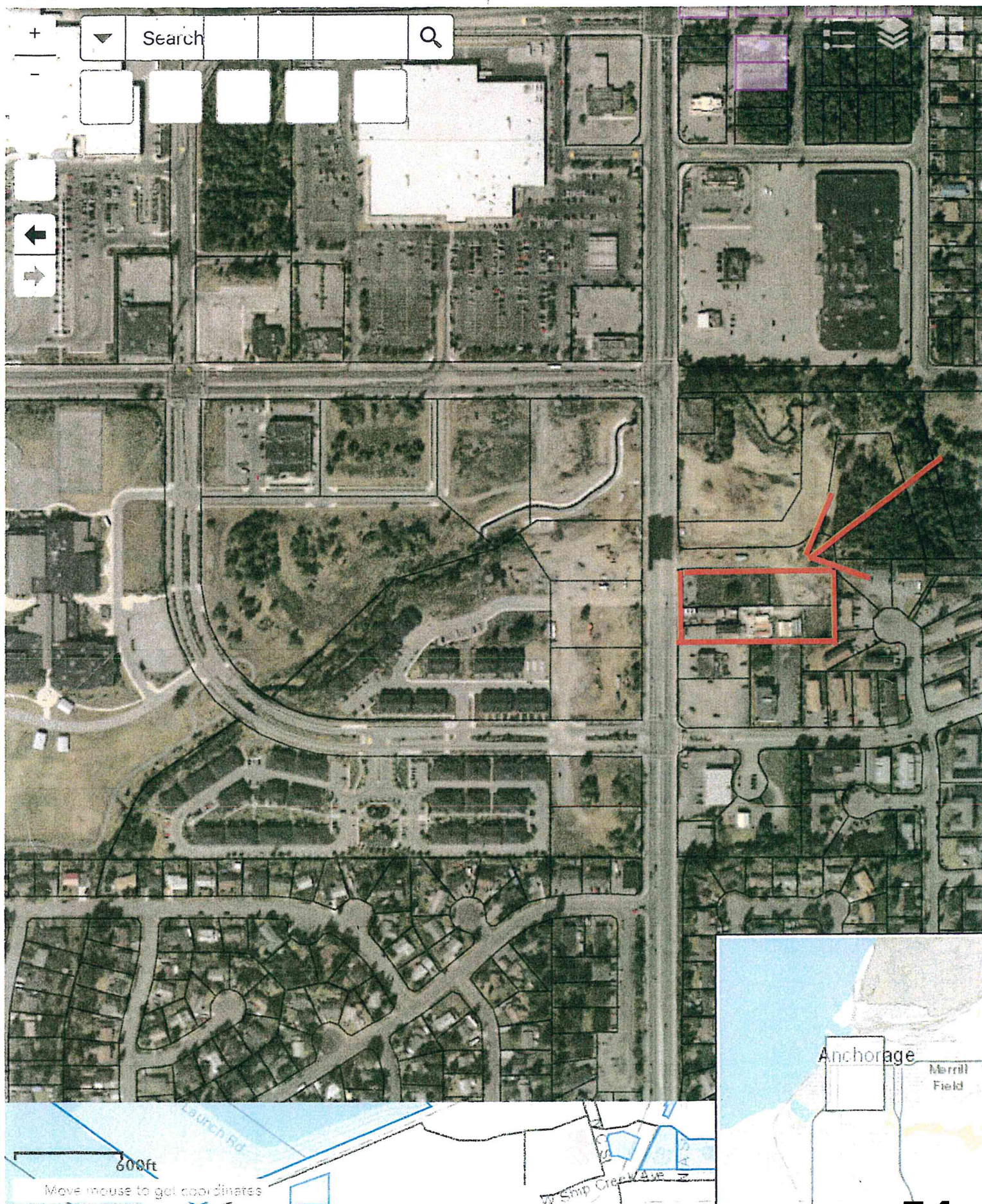
- **Marijuana Committee (Updated 4/2016)**

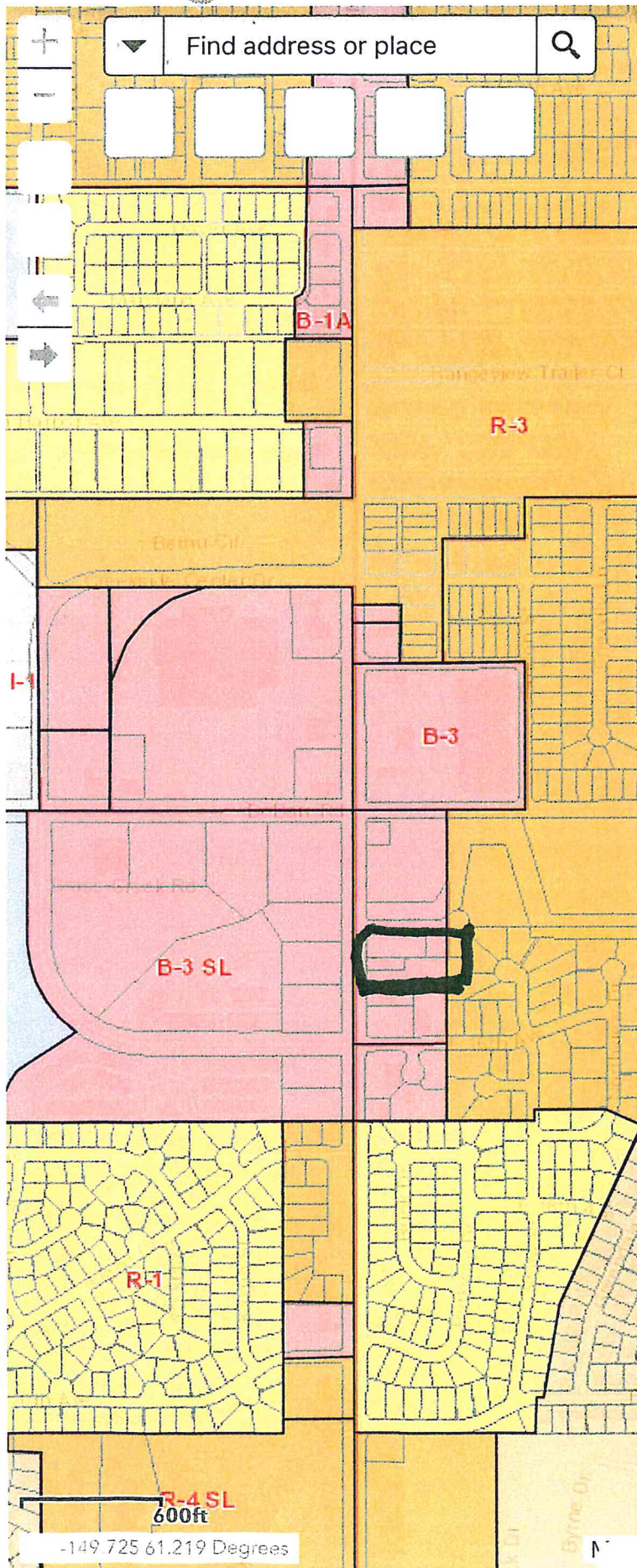
Purpose: Review marijuana license applications, renewals, and related issues. Chair Vacant

Nickel LaFleur Carla McConnell Dave Ulmer Kevin Smestad Selina Metoyer

- **Northeast Community Patrol (Updated 5/2017)**

Purpose: To be the eyes and ears on the street and report suspicious activity and criminal activities. Chair Kevin Smestad (kevinsmestad@outlook.com)





Legend

Zoning

Generalized Zoning Districts

- ☐ Rural Residential
- ☐ Single Family Residential
- ☐ Two Family Residential
- ☐ Multiple Family Residential
- ☐ Girdwood Residential
- ☐ Downtown
- ☐ Commercial
- ☐ Light Industrial
- ☐ Heavy Industrial
- ☐ Girdwood Industrial
- ☐ Resort
- ☐ Turnagain Arm
- ☐ Marine Commercial
- ☐ Marine Industrial
- ☐ Aviation
- ☐ Public Lands and Institutions
- ☐ Parks
- ☐ Planned Community
- ☐ Watershed
- ☐ Antenna Farm
- ☐ Transition
- ☐ Reserve