

Date: 7-16-02

Submitted by: Assemblymember Tesche

Prepared by: Department of Assembly

For reading: March 19, 2002

Anchorage, Alaska

AO 2002-60

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING ANCHORAGE MUNICIPAL CODE 21.15.134 TO PROVIDE FOR PLATTING OF COMMERCIAL TRACTS THAT INCLUDE LARGE RETAIL ESTABLISHMENTS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: Anchorage Municipal Code section 21.15.134.A is amended to read as follows:

A. *Authorization, permitted districts; platting authority.* A commercial tract may be created and divided into fragment lots in order to facilitate construction of commercial developments requiring multiple phases of construction. Designation of commercial tracts shall be allowed only in R-O, B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I or MI zoning districts. The planning and zoning commission shall be the platting authority for a commercial tract whose site plan includes a large retail establishment. The platting board shall be the platting authority for all other commercial tracts.

Section 2: Anchorage Municipal Code section 21.15.134.B.3 is amended to read as follows:

3. *Action by platting authority[BOARD].*
 - a. The platting authority shall act upon the application for approval of a commercial tract whose site plan includes a large retail establishment as part of the public hearing site plan review for the large retail establishment under section 21.50.320.
 - b. Except as provided in B.3.a of this section, t[T]he platting authority[BOARD] shall act upon the application for commercial tract approval within 30 days following receipt of that application. If the platting authority[BOARD] does not reject the commercial tract application within the 30-day period, the consent of the platting authority[BOARD] to approval of the commercial tract as submitted shall be deemed to have been granted. this section shall not be construed to prevent the platting authority[BOARD] from approving with or without modification an application for commercial tract approval before expiration of the 30-day time period.

Section 3: Anchorage Municipal Code section 21.15.134.B.4 is amended to read as follows:

4. *Recording of site plan.* [UPON EXPIRATION OF THE 30-DAY TIME PERIOD SET FORTH IN SUBSECTION B.3 OF THIS SECTION, OR] U[u]pon approval [BY THE PLATTING BOARD] of a [THE] commercial tract

under subsection B.3 of this section, the platting officer shall, after notice to the petitioner, record the commercial tract site plan as approved[BY THE BOARD], together with any declarations, covenants and restrictions, with the district recorder.

Section 4: Anchorage Municipal Code section 21.15.134.B.6 is amended to read as follows:

6. Alteration of boundaries. The boundaries of an approved commercial tract whose site plan includes a large commercial establishment may be amended or altered only upon application to and prior approval by the platting authority in accordance with section 21.50.320. The boundaries of any other[AN] approved commercial tract may be amended or altered only upon application to and prior approval by the platting authority[BOARD] in accordance with sections 21.15.100 through 21.15.125.

Section 5: Anchorage Municipal Code section 21.15.134.B.7 is amended to read as follows:


7. Amendment of site plan. Any amendment or alteration of an approved commercial tract site plan shall be made only upon approval of the platting authority[BOARD] as provided in this section.

Section 6: Anchorage Municipal Code section 21.50.320.R is enacted to read as follows:

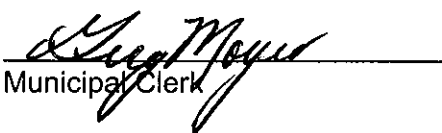
- R. If a large retail establishment is located on a commercial tract, the site plan for the large retail establishment shall include, and govern the improvement of, the entire commercial tract.

Section 7: This ordinance shall become effective immediately upon its passage and approval by the Assembly, but shall apply only to applications for approval of commercial tracts that are submitted and determined to be complete by the municipality on or after its effective date.

PASSED AND APPROVED by the Anchorage Assembly this 16th day of July, 2002.


Chair

ATTEST:

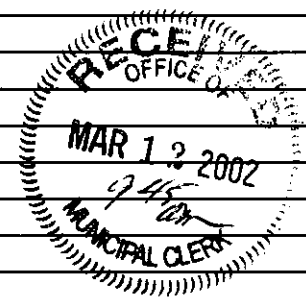

Municipal Clerk

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

At 2002-60

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED	
	An Ordinance Amending Anchorage Municipal Code 21.15.134 to Provide for Platting of Commercial Tracts That Include Large Retail Establishments	11-Mar-02 Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME	DIRECTOR'S NAME	
	Assembly	Greg Moyer	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
	Municipal Manager		
	Cultural & Recreational Services		
	Employee Relations		
	Finance, Chief Fiscal Officer		
	Fire		
	Health & Human Services		
	Office of Management and Budget		
	Management Information Services		
	Police		
	Planning, Development & Public Works		
	Development Services		
	Facility Management		
	Planning		
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
	Municipal Attorney		
	Municipal Clerk		
	Other		
5	Special Instructions/Comments		
	<i>G.F. Introductory</i>		
6	ASSEMBLY HEARING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED
	3/19/02		





MUNICIPALITY OF ANCHORAGE INFORMATION MEMORANDUM

AIM No. 53-2002

Meeting Date: May 21, 2002

From: Mayor

Subject: AO 2002-60: An Ordinance Amending AMC 21.15.134 to Provide for Platting of Commercial Tracts that Include Large Retail Establishments

1 Assemblymember Tesche introduced the above-referenced ordinance March 19, 2002 for an
2 Assembly public hearing on May 21, 2002. The case went before the Planning and Zoning
3 Commission on May 6, 2002. The Planning and Zoning Commission postponed action to the May
4 20, 2002 Planning and Zoning Commission meeting so the Planning Department's design consultant
5 could evaluate the proposed ordinance in relation to the ongoing process to create design standards
6 for commercial development.

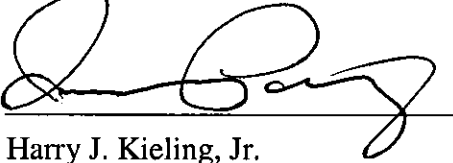
7
8 The Planning and Zoning Commission resolution and final minutes were not available for inclusion
9 with this AIM due to the short turnaround time between the Planning and Zoning Commission and
10 the Municipal Assembly public hearing dates. Draft minutes are included with this AIM.

11
12 Planning staff does not support the ordinance as proposed because simply transferring approving
13 authority does not provide for continuity of development anymore than the existing ordinance.
14 Additionally, Planning staff points out the following deficiencies in the present ordinance:

- 15
16 1. Procedurally, the Assembly introduced the ordinance title incorrectly: it only cites amending
17 AMC 21.15.134 when the body also proposes an amendment to AMC 21.50.30 (Section 6).
18
- 19 2. Utilizing the commercial tract ordinance as the mechanism to gain site plan review by the
20 Planning and Zoning Commission will accomplish little without the required design standards
21 for site plans. The commercial tract ordinance is a platting function, not a site plan review
22 function and the proposed ordinance does not have any new standards to regulate design of the
23 fragment lots. The proper place to regulate design is within the proposed revisions being
24 drafted to replace the Large Retail Ordinance.
25
- 26 3. This ordinance lacks specific design standards for review of the fragment lots.
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- 28 4. It is not procedurally possible to bring a site plan review to the Planning and Zoning
29 Commission in 30 days.
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Concurrence:



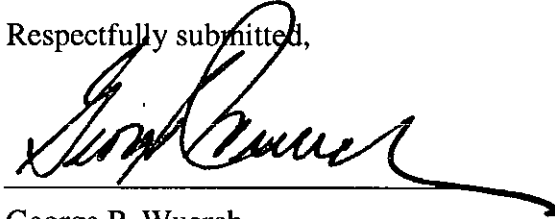
Harry J. Kieling, Jr.
Municipal Manager

Concurrence:



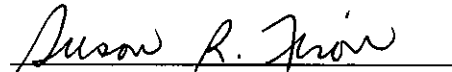
Craig E. Campbell, Executive Director
Office of Planning, Development and
Public Works

Respectfully submitted,



George P. Wuerch
Mayor

Prepared by:




Susan R. Fison, Director
Planning Department


MUNICIPALITY OF ANCHORAGE
DEPARTMENT OF PLANNING
MEMORANDUM

E.1.a.

DATE: May 6, 2002

TO: Planning and Zoning Commission

THRU:  Susan R. Fison, Director,
Department of Planning

FROM: Mary Autor, Senior Planner 

CASE: 2002-092: An Ordinance Amending AMC 21.15.134 to Provide
for Platting of Commercial Tracts that Include Large Retail
Establishments

At the March 19, 2002 Assembly meeting, Assemblyman Tesche introduced A0 20020-60 *An Ordinance Amending AMC 21.15.134 to Provide for Platting of Commercial Tracts that Include Large Retail Establishments*, and set it for public hearing on May 21, 2002.

The proposed ordinance seeks to amend the *Approval of plans for commercial tracts* ordinance by having the Planning and Zoning Commission designated as the platting authority for a commercial tract whose site plan includes a large retail establishment, and the Platting Board for all other commercial tracts.

Reviewing Agencies Comments: most reviewing agencies had no comments or objections. Transportation Planning supports reviewing an integrated circulation, parking and pedestrian connections within an entire development. Physical Planning comments are incorporated below.

Community Comments. None of the community councils provided comments.

Discussion:

The subject draft ordinance is similar to one prepared by the Planning and Zoning Commission and submitted to staff at its February 4, 2002 meeting. The Commission's proposed ordinance was generated because AMC 21.50.320 *Public hearing site plan review - Large retail establishment* and AMC 21.15.134 *Approval of plans for commercial tracts* have differing approving authorities.

0001

The respective ordinances designate the Planning and Zoning Commission as the reviewing body for the site plan review, and the Platting Board as the reviewing body for the commercial tract.

AMC 21.50.320 *Public hearing site plan review – Large retail establishment* was adopted by the Assembly as a temporary regulation until a more comprehensive ordinance affecting all retail development is prepared by the Planning Department. The department has hired a consultant who is in the process of drafting such an ordinance.

When the Commission reviewed the first large retail establishment site plan review¹ under the newly adopted AMC 21.50.320², the proposed site consisted of the principal fragment lot plus four outlying fragment lots owned and controlled by the petitioner. These would be created by a commercial tract plat. The out-lots or fragment lots are intended for compatible but unknown retail uses. And because they are unknown, there could be no way of knowing the shape or size of the building footprint until such time as they are purchased or leased. The Commission expressed the need for a comprehensive look at the entire development and not only the large retail establishment. Even though Title 21 didn't require it, the Commission had the option, but did not act on it, to impose a condition of approval to require site plan review and approved prior to issuance of a building permit for development on each fragment lot.

The intent of the Commercial Tract ordinance, AMC 21.15.134 is to facilitate the phasing of large commercial development projects without needing to replat for purposes of refinancing and financing of projects. Renegotiating mortgage loans for each phase risks increasing a change in the interest rate each time and makes future development an unknown economic venture. The platting authority is the platting board under the existing ordinance. Submittal requirements include the proposed declarations, covenants and restrictions that are binding on property designated as a commercial tract, and a site plan showing building footprints, parking areas, landscaping, driveway access to the property, site drainage and all fragment lots contained in the commercial tract.

Commercial tracts can be created for any type of land use listed in the zoning districts in accordance with AMC 21.15.134 A, such as the Dimond Center shopping centers, Alaska Regional Hospital, the proposed 5th Avenue Tower (mixed-use downtown); Alaska Seafood Plant; parking garage and office use. On a campus development, like a hospital, if each lot was fee simple, then required parking would have to be provided entirely on site. With a commercial

¹ Carrs Safeway at East 88th Avenue and Abbott Road, Case 2001-128, approved October 8, 2001.
² AO 2001-80 aa, May 8, 2001.

tract there are no platted lots, therefore parking areas can be shared anywhere on the site.

Physical Planning noted that the Municipality has contracted with LMN Architects of Seattle to develop an ordinance that will establish design and development standards for retail development projects. The retail development standards are intended to be comprehensive in scope. The standards will address large retail establishments, adjacent commercial tracts, and smaller independent commercial retail projects throughout Anchorage and Chugiak-Eagle River. The retail development standards will be incorporated into the *Title 21 Land Use Code*, and will supercede the interim Large Retail Establishment Site Plan Review (*AMC 21.50.320 Public hearing site plan review-Large retail establishment*). Moreover, Anchorage 2020 calls for development of other ordinances, such as overlay districts, and development of town center plans, neighborhood plans, etc. Modification of the existing Commercial Tract ordinance at this time would be premature.

The planning process for retail development standards began in February 2002, with a public meeting, work sessions, and stakeholder interviews. The planning and design team intends to present a draft outline for the retail development standards at an Assembly work session on Tuesday, May 14, 2002. This work-in-progress will also be presented at a work session before the Planning and Zoning Commission the same week, and will be made available for public review at a Public Open House on Tuesday, May 14, from 3:00 p.m. – 9:00 p.m., at the University Center mall.

After receiving community input in May, the planning team will develop draft retail development standards, intended for public review in June. Assembly introduction is tentatively scheduled for later in 2002, depending on the length of the public review process.

The retail development standards ordinance will establish standards and guidelines for site plan and architectural design of small and large retail developments, developed on commercial tracts. We expect the draft will also address a process or method of review of phased commercial tract development where development on the out-lots will be commercial or retail. Considerations include building placement and design, storefront appearance, pedestrian access and public spaces, landscaping and parking lot standards, compatibility with surrounding neighborhoods, northern city climate conditions, and cost effectiveness in design. The ordinance will also provide recommendations for a design review process to accompany the design standards, including recommended administrative and public review procedures. For projects requiring public review, a dedicated design review board is recommended.

Site and building design standards for commercial development are a key implementation strategy of *Anchorage 2020*. The retail design standards are intended to address the community's desire to improve the appearance and function of new development. The existing *Large Retail Establishment public site plan review* provisions in *Title 21* are only an interim measure, pending the development of the more comprehensive standards for all types of commercial retail, including commercial tracts. The project to establish more comprehensive standards for site plan review will result in a set of draft standards for public review in mid-summer. A final draft ordinance is tentatively scheduled for introduction at the Assembly in later 2002.

Apart from the fact that the Department finds the proposed ordinance premature and untimely. The following deficiencies are noted:

1. Procedurally, the Assembly introduced the ordinance title incorrectly: it only cites amending AMC 21.15.134 when the body also proposes an amendment to AMC 21.50.30 (Section 6).
2. Utilizing the commercial tract ordinance as the mechanism to gain site plan review by the Planning and Zoning Commission will accomplish little without the required design standards for site plans. The commercial tract ordinance is a platting function, not a site plan review function and the proposed ordinance does not have any new standards to regulate design of the fragment lots. The proper place to regulate design is within the proposed revisions being drafted to replace the Large Retail Ordinance.
3. This ordinance lacks specific design standards for review of the fragment lots.
4. It is not procedurally possible to bring a site plan review to the Planning and Zoning Commission in 30-days.

For the reasons above, the Planning Department recommends postponement of the proposed ordinance AO 2002-60 until the adoption of the commercial retail development standards.

21.15.134 Approval of plans for commercial tracts.

- A. *Authorization; permitted districts.* A commercial tract may be created and divided into fragment lots in order to facilitate construction of commercial developments requiring multiple phases of construction. Designation of commercial tracts shall be allowed only in R-O, B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I or MI zoning districts.
- B. *Procedure; changes to boundaries or site plan.*
1. *Filing of application.* An application for approval of a commercial tract shall be made to the platting board and shall be signed by the owners of the property involved.
 2. *Contents of application.* The application shall contain the following:
 - a. The name of the property owner.
 - b. The address of the property owner.
 - c. The legal description of the property to be designated as a commercial tract.
 - d. Fifteen copies of a proposed commercial tract site plan drawn to scale showing building footprints, parking areas, landscaping, driveway access to the property, site drainage and any fragment lots to be contained within the commercial tract.
 - e. Proposed declarations, covenants and restrictions to be binding on property designated as a commercial tract.
 3. *Action by platting board.* The platting board shall act upon the application for commercial tract approval within 30 days following receipt of that application. If the board does not reject the commercial tract application within the 30-day period, the consent of the platting board to approval of the commercial tract as submitted shall be deemed to have been granted. This section shall not be construed to prevent the platting board from approving with or without modification an application for commercial tract approval before expiration of the 30-day time period.
 4. *Recording of site plan.* Upon expiration of the 30-day time period set forth in subsection B.3 of this section, or upon approval by the platting board of the commercial tract, the platting officer shall, after notice to the petitioner, record the commercial tract site plan as approved by the board, together with any declarations, covenants and restrictions, with the district recorder.
 5. *Conformance with site plan.* It shall be unlawful for any person to construct, erect or maintain any structure, building, fence or improvement, including landscaping, parking and other facilities, on property designated as a commercial tract, unless such improvements are constructed or reconstructed in a manner consistent with the approved commercial tract site plan.
 6. *Alteration of boundaries.* The boundaries of an approved commercial tract may be amended or altered only upon application to and prior approval by the platting

board in accordance with sections 21.15.100 through 21.15.125.

7. *Amendment of site plan.* Any amendment or alteration of an approved commercial tract site plan shall be made only upon approval of the platting board as provided in this section.
- C. *Division of tract.* The owner of a commercial tract may divide the tract into fragment lots provided that such division is not inconsistent with the approved commercial tract site plan and recorded declarations, covenants and restrictions applicable to the commercial tract. Any property description used to divide an area of the commercial tract into a fragment lot shall not be considered a lot or tract under the terms of this title or title 23, but shall be otherwise a lawful lot or tract. Any fragment lot created under this section shall contain the minimum area, width and depth otherwise required for lots in the zoning district in which the fragment lot is located.

(AO No. 82-16; AO No. 91-34; AO No. 91-90(S))

21.50.320 Public hearing site plan review--Large retail establishment.

- 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, provided the applicant demonstrates that any traffic and visual impacts on adjacent residential and commercial areas are sufficiently minimized.
- 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.
- D. *Drainage.* A site drainage and grading plan shall be submitted and approved as required by this Code along with the site plan.
- 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 residentially-zoned areas.
- 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.
- 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 materials 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.
- 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 shall be prohibited. Use of landscaped areas 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.
- 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.

- 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 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 and to provide a buffer for pedestrians from vehicular traffic.
- 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.
- 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.
- 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.
- N. *Outdoor lighting.* A photometric and outdoor lighting plan to mitigate negative impacts on adjacent uses shall be submitted for approval.
- 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.
- 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 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.

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.
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.
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.
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.
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.

- Q. The planning and zoning commission shall schedule a meeting to act on an application within 90 days after receipt of a "complete" application.

(AO No. 2001-80, § 11, 5-8-01)

Editor's note: The intent of AO No. 2001-80 as amended is to provide guidelines that will be applied uniformly to all applicants to the extent possible. See AO No. 2001-80, § 11. Subsection M. made effective June 19, 2001, by AO No. 2001-111.

DEPARTMENTAL COMMENTS

Reviewing Agency Comment Summary Case No.: 2002-092

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
Air Pollution Control		X	
Agriculture			
Business and Economic Development			
Community Development	X	X	
Department of Social Services		X	
Department of Transportation			
Department of Health			
Department of Education			
Department of Public Works		X	
Department of Planning	X		
Department of Social Services			
Department of Health			
Department of Education			
Department of Public Works			
Department of Planning	X		

Municipality of Anchorage

Mary

MEMORANDUM

DATE: April 24, 2002

TO: Jerry T. Weaver, Manager
Zoning and Platting Division

THRU: Tom P. Nelson, Manager
Physical Planning Division

FROM: Tom Davis, Associate Planner
Physical Planning Division

SUBJECT: DRAFT Comments Re: AO 2002-60, Proposed Ordinance to Provide for Platting of Commercial Tracts that include Large Retail Establishments

Physical Planning Division has the following DRAFT comments:

Proposed Ordinance to Provide for Platting of Commercial Tracts that include Large Retail Establishments

The Municipality has contracted with LMN Architects of Seattle to develop an ordinance that will establish design and development standards for retail development projects. The retail development standards are intended to be comprehensive in scope. The standards will address large retail establishments, adjacent commercial tracts, and smaller independent commercial retail projects throughout Anchorage and Chugiak-Eagle River. The retail development standards will be incorporated into the *Title 21 Land Use Code*, and will supercede the interim Large Retail Establishment Site Plan Review (*AMC 21.50.320 Public hearing site plan review--Large retail establishment*). Planning staff recommends postponement of proposed ordinance which provides for platting of commercial tracts, until the adoption of the retail development standards.

The planning process for retail development standards began in February 2002, with a public meeting, work sessions, and stakeholder interviews. The planning and design team intends to present a draft outline for the retail development standards at an Assembly work session on Tuesday, May 14. This work-in-progress will also be presented at a work session before the Planning and Zoning Commission the same week, and will made available for public review at a Public Open House on Tuesday, May 14, from 3:00 p.m. – 9:00 p.m., at the University Center mall.

After receiving community input in May, the planning team will develop draft retail development standards, intended for public review in June. Assembly introduction is tentatively scheduled for later in 2002, depending on the length of the public review process.

The retail development standards ordinance will establish standards and guidelines for site plan and architectural design of small and large retail developments, including commercial tracts. Considerations include building placement and design, storefront appearance, pedestrian access and public spaces, landscaping and parking lot standards, compatibility with surrounding neighborhoods, northern city climate conditions, and cost effectiveness in design. The ordinance will also provide recommendations for a design review process to accompany the design standards, including recommended administrative and public review procedures. For projects requiring public review, a dedicated design review board is recommended.

Site and building design standards for commercial development are a key implementation strategy of *Anchorage 2020*. The retail design standards are intended to address the community's desire to improve the appearance and function of new development. The existing *Large Retail Establishment public site plan review* provisions in *Title 21* are only an interim measure, pending the development of the more comprehensive standards for all types of commercial retail, including commercial tracts. The project to establish more comprehensive standards for site plan review will result in a set of draft standards for public review in mid-summer. A final draft ordinance is tentatively scheduled for introduction at the Assembly in later 2002.

For the reasons above, Physical Planning Division recommends postponement of the proposed ordinance AO 2002-60 until the adoption of the commercial retail development standards.

Transportation Planning Division recommends denial of the ordinance amendment allowing off-street parking spaces or structures in the R-5 zoning district. The R-5 zoning district most closely resembles a single family zoning district such as R-1. The minimum lot requirements for the R-5 zoning district is 7,000 square feet for a single family dwelling, 13,000 SF for two-family dwelling units, 19,000 SF for three-family dwelling units, 26,000 SF for four family dwelling units and 30,000 SF for five dwelling units plus 5,000 SF for every additional unit above 5 units. With the exception of large

lots over 30,000 SF, only one dwelling unit per 6,000 SF is allowed in the R-5 zoning district. This is the same density as the R-1 zoning district. The R-2A, R-2D, and R-2M zoning districts all allow higher densities than the R-5 zoning district and do not allow off-street parking spaces as a conditional use.

The primary users of this provision are expected to be commercial developers who are seeking to expand their retail parking lots into residential areas. This may be appropriate in high traffic generating multifamily residential areas but it is not desirable in lower density residential areas where there is an expectation of lower traffic volumes. Allowing off-street parking in low-density residential zones such as the R-5 zoning district creates unnecessary conflicts between commercial traffic and residential traffic which are very difficult to adequately mitigate.

This amendment will also create some inconsistencies in the zone code. At the present time off-street parking spaces are not allowed as a conditional use in the R-1, R-2A, R-2D, R-2M, or the R-5 zoning districts. Transportation planning is concerned that allowing off-street parking in the R-5 zoning district will justify similar amendments to allow off-street parking in other low-density residential zoning districts.

Case No. 2002-088

Access to the petition site appears to be from Santa Maria Drive which is designated as a collector in the Official Streets and Highways Plan.

Greenhouses are by nature a seasonal business and the amount of traffic generated by these uses vary widely during the year. As a result, it is sometimes difficult to estimate the amount of parking needed at peak activity. If the amount of parking provided on-site is insufficient to meet demand, then the spill over parking will be forced onto the adjacent street (Santa Maria Drive). This could be a potential source of complaint from the residential neighborhood located to the north and east of the petition site.

Case No. 2002-092

Transportation Planning recommends approval of this ordinance. Smaller outlying commercial lots are often developed in conjunction with big box stores. The review of circulation plans for big box stores would be easier if the full development plans for the parcel was known. This would help to ensure that the circulation, parking and pedestrian connections were integrated within the entire development.

Case No. 2002-093

Transportation Planning does not object to this ordinance amendment. The requirement for junk yards to be located on Class II minor arterials does not seem to be justified based on the amount of truck traffic generated by such facilities. Moreover, other industrial

uses that are allowed (by-right) in the I-2 zoning district may generate as much or more truck traffic as a junk

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

RECEIVED

APR 08 2002

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: April 8, 2002
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician
SUBJECT: Planning & Zoning Commission Public hearing May 6, 2002
AGENCY COMMENTS DUE April 8, 2002

AWWU has reviewed the case material and has the following comment.

02-092

A request to amend Title 21

AWWU has no objection to the amendments to the Anchorage Municipal Code Title 21.15.134 to provide for platting of commercial tracts that include large retail establishments.

If you have any questions, please call me at 343-8009 or the AWWU Planning Section at 564-2739.

0015

STATE OF ALASKA

RECEIVED

APR 09 2002

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(TDD 269-0473)
(907) 269-0520 (FAX 269-0521)

April 3, 2002

RE: MOA Zone Requests

Mr. Jerry Weaver, Platting Officer
Department of Development & Planning
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Department of Transportation and Public Facilities (ADOT&PF) has reviewed the following zoning case and has no comment.

2002-073 Variance: Great Dane Park Subdivision, Lot 1
2002-085 Conditional Use Permit: Tudor Business Park, Lot 2A
2002-087 Amending Title 21: Off street parking
2002-092 Amend Code: Platting of commercial tracts include large retail establishments
2002-093 Amend Title 21: conditional use standards-junkyards
2002-094 Variance: Highland Terrance Subdivision, Lot 5
2002-095 Variance: Huntwood Subdivision, Block 2, Lot 4
2002-096 Variance: McWilliams (Nels Klevin) Subdivision, Block 16, Lots 4 & 5
2002-097 Variance: Barnett Subdivision, Lots 19 & 20
2002-098 Variance: The Foothills Subdivision, Block 7 Lot 20
2002-099 Conditional use: to permit a liquor store Robert Pippel Subd, Lot 2

Comments:

2002-083 Rezoning: Aurora Park Subdivision, Tract A: The Department has no objection to the rezoning, however, access to the Old Seward Highway will have to be addressed during the platting process.

2002-084 Conditional Use Permit: Campbell Green Subdivision TR 24 & 26-30: The Department request that the developer be strongly encouraged create options in this subdivision design for current and future road connections. The south end of Fairweather Loop could be design so that it could eventually be connected to 72nd Avenue. In the past we have ask that Fairweather be connected to Guinevere Court or into Merlin. The current subdivision design requires someone from the new subdivision to access the Old Seward Highway, a minor arterial with a 17,500 average daily traffic count, to visit someone on Merlin. As Anchorage grows, traffic in this Midtown area will grow. AMATS Long Range Transportation Plan and the Transportation Improvement Program include grade separated interchanges for 68th and 76th Avenues and the New Seward Highway. Traffic could greatly increase on the Old Seward Highway with these improvements. Connecting streets, as well as, collector streets are a vital factor in any functioning transportation facility.

Case #: 2002-092

Type: Ordinance amendment (commercial tracts for large retail establishments)

PROJECT MANAGEMENT AND ENGINEERING

Recommendations: Project Management and Engineering has no adverse comment regarding this case.

(Reviewer: Gregory Soule)

FLOODPLAIN

N/A

(Reviewer: Jack Puff)

LAND USE ENFORCEMENT

Land Use Enforcement has no adverse comment regarding this case.

(Reviewer: Don Dolenc)

RIGHT-OF-WAY

We have no comment at this time.

(Reviewer: Lynn McGee)

ADDRESSING

I have no comments on this case.

(Reviewer: Kristiann Rützler)

BUILDING SAFETY PLAN REVIEW AND INSPECTION

I have no comments on this case.

(Reviewer: James Gray, P.E.)

NPDES STORM WATER REVIEW

Storm Water Treatment Plan Review has no adverse comments regarding this case.

(Reviewer: Gregory Soule)

Department position: Development Services has no adverse comments regarding this case.



**MUNICIPAL LIGHT & POWER
ENGINEERING
MEMORANDUM**

RECEIVED

APR 05 2002

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

DATE: April 3, 2002
TO: Eileen Pierce, Planning Department
FROM: Kim Irwin, Acting Assistant to the Chief Engineer
SUBJECT: Case 2002-092

ML&P has reviewed the following case and has no comments.

Case #

Description

2002-092

**Amending AMC 21.15.134, platting of commercial tracts that include
Large retail establishments**



Sec P. W. Jensen,
Mayor

Municipality of Anchorage

Department of Health and Human Services

Division of Environmental Services

Air Quality Program

P.O. Box 196650 Anchorage, Alaska 99519-6650

<http://www.ci.anchorage.ak.us>



RECEIVED

APR 12 2002

COMMUNITY PLANNING
AND DEVELOPMENT

DATE: 4/12/02
TO: Jerry Weaver, Platting & Zoning, fax 4220
THROUGH: Steve Morris, P.E., Program Manager
FROM: Larry Taylor, QEP, Environmental Engineer
SUBJECT: Comments

RECEIVED
APR 15 2002
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

CASE NO. 2002-100:	No Objection
CASE NO. 2002-101:	No Objection
CASE NO. 2002-104:	No Objection
CASE NO. <u>2002-092</u> :	No Objection
CASE NO. 2002-083:	No Objection
CASE NO. 2002-084:	No Objection
CASE NO. 2002-088:	No Objection
CASE NO. 2002-087:	No Objection
CASE NO. 2002-085:	No Objection



MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services
Environmental Services Division

LURA J. MORGAN PhD, REHS
Division Manager

825 "L" Street

Mail: P.O. Box 196650

Anchorage, Alaska 99519-6650

Telephone (907) 343-4065

Fax (907) 343-4786

Email: MorganLJ@ci.anchorage.ak.us

4-12

Jerry,

Case materials have been reviewed by

Larry Taylor and were apparently pending before our

agreement that all materials will be sent to me. Thank

You for your help in assisting us in our efforts to

coordinate comments.

His comments are

due today - am

forwarding in

Larry's absence

0020 Thank

APPLICATION

Submitted by: Assemblymember Tesche
Prepared by: Department of Assembly
For reading: March 19, 2002

Anchorage, Alaska
AO 2002-60

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING ANCHORAGE
MUNICIPAL CODE 21.15.134 TO PROVIDE FOR PLATTING OF COMMERCIAL TRACTS THAT
INCLUDE LARGE RETAIL ESTABLISHMENTS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: Anchorage Municipal Code section 21.15.134.A is amended to read as follows:

A. *Authorization, permitted districts; platting authority.* A commercial tract may be created and divided into fragment lots in order to facilitate construction of commercial developments requiring multiple phases of construction. Designation of commercial tracts shall be allowed only in R-O, B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I or MI zoning districts. The planning and zoning commission shall be the platting authority for a commercial tract whose site plan includes a large retail establishment. The platting board shall be the platting authority for all other commercial tracts.

Section 2: Anchorage Municipal Code section 21.15.134.B.3 is amended to read as follows:

3. *Action by platting authority[BOARD].*

- a. The platting authority shall act upon the application for approval of a commercial tract whose site plan includes a large retail establishment as part of the public hearing site plan review for the large retail establishment under section 21.50.320.
- b. Except as provided in B.3.a of this section, t[T]he platting authority[BOARD] shall act upon the application for commercial tract approval within 30 days following receipt of that application. If the platting authority[BOARD] does not reject the commercial tract application within the 30-day period, the consent of the platting authority[BOARD] to approval of the commercial tract as submitted shall be deemed to have been granted. this section shall not be construed to prevent the platting authority[BOARD] from approving with or without modification an application for commercial tract approval before expiration of the 30-day time period.

Section 3: Anchorage Municipal Code section 21.15.134.B.4 is amended to read as follows:

4. *Recording of site plan.* [UPON EXPIRATION OF THE 30-DAY TIME PERIOD SET FORTH IN SUBSECTION B.3 OF THIS SECTION, OR]
U[u]pon approval [BY THE PLATTING BOARD] of a [THE] commercial tract

under subsection B.3 of this section, the platting officer shall, after notice to the petitioner, record the commercial tract site plan as approved[BY THE BOARD], together with any declarations, covenants and restrictions, with the district recorder.

Section 4: Anchorage Municipal Code section 21.15.134.B.6 is amended to read as follows:

6. *Alteration of boundaries.* The boundaries of an approved commercial tract whose site plan includes a large commercial establishment may be amended or altered only upon application to and prior approval by the platting authority in accordance with section 21.50.320. The boundaries of any other[AN] approved commercial tract may be amended or altered only upon application to and prior approval by the platting authority[BOARD] in accordance with sections 21.15.100 through 21.15.125.

Section 5: Anchorage Municipal Code section 21.15.134.B.7 is amended to read as follows:

7. *Amendment of site plan.* Any amendment or alteration of an approved commercial tract site plan shall be made only upon approval of the platting authority[BOARD] as provided in this section.

Section 6: Anchorage Municipal Code section 21.50.320.R is enacted to read as follows:

- R. If a large retail establishment is located on a commercial tract, the site plan for the large retail establishment shall include, and govern the improvement of, the entire commercial tract.

Section 7: This ordinance shall become effective immediately upon its passage and approval by the Assembly, but shall apply only to applications for approval of commercial tracts that are submitted and determined to be complete by the municipality on or after its effective date.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of ____, 2002.

Chair

ATTEST:

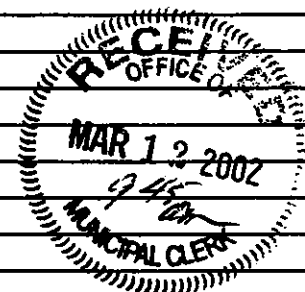
Municipal Clerk

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

As 2002-60

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED	
	An Ordinance Amending Anchorage Municipal Code 21.15.134	11-Mar-02	
	to Provide for Platting of Commercial Tracts That Include Large Retail Establishments	Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Greg Moyer	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
	Municipal Manager		
	Cultural & Recreational Services		
	Employee Relations		
	Finance, Chief Fiscal Officer		
	Fire		
	Health & Human Services		
	Office of Management and Budget		
	Management Information Services		
	Police		
	Planning, Development & Public Works		
	Development Services		
	Facility Management		
	Planning		
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
	Municipal Attorney		
	Municipal Clerk		
	Other		
5	Special Instructions/Comments		
	<i>G.F. Introduction</i>		
6	ASSEMBLY HEARING DATE REQUESTED <i>3/19/02</i>	7	PUBLIC HEARING DATE REQUESTED



HISTORICAL INFORMATION

which several issues were discussed, but nothing of any substance. VICE CHAIR COX suggested that the intersection of 36th Avenue and Old Seward be discussed with AMATS.

- b. **School Site Selection Committee:** No report.
- c. **Citizens Air Quality Committee:** VICE CHAIR COX noted the Committee had not met, but she talked with Mr. Morris regarding airport air quality. Anchorage experienced its first CO exceedance since January 1999 in the Turnagain neighborhood in December 2001.
- d. **Airport Master Plans:** No report.
- e. **Ministorage Ordinance Committee:** MS. AUTOR reported during her Secretary's report that the committee has met and reviewed a proposed substitute ordinance developed by Tim Potter, working in conjunction with the ministorage industry operators. They are proposing items different from the municipally sponsored ordinance. This may be before the Commission in March, after undergoing departmental review.

J. COMMISSIONER COMMENTS

COMMISSIONER KARABELNIKOFF suggested he be removed as a participant on the Ministorage Ordinance Committee.

COMMISSIONER JONES asked the status of the Sign Ordinance. MS. FERGUSON indicated a contractor has been selected. MS. JONES commented regarding air quality that she had a horrible personal experience in the international terminal at the airport, where she sat in gridlock for 25 minutes. She feared that CO exceedances would occur at the Turnagain site in the future if this situation is not addressed.

COMMISSIONER KLINKNER noted that, when the Safeway at 88th/Abbott was heard by the Commission, the fragment lots to be created were outside of the Commission's purview. This item was on the Consent Agenda tonight. He wondered whether there would be support for a code amendment that would provide that, when there is a fragment lot subdivision in connection with a large retail establishment, the Commission be the platting authority for that. This would allow a comprehensive look at the entire development and not only the large retail establishment.

COMMISSIONER KLEIN supported Mr. Klinkner's suggestion. He felt that, contrary to what was said at the hearing on the site plan, it was his

experience when serving on the Platting Board that they do not necessarily know what will be done on fragment lots when they are created. He was also troubled with this request and with what could potentially occur on these fragment lots. He stated he was disturbed by the architectural drawings he had seen of potential development on those lots. MS. AUTOR suggested this discussion could occur with Mr. Hinshaw on Thursday January 10th at which time there will be a discussion of the retail establishment ordinance. MR. KLINKNER offered to suggest language that he believed would "plug" the loophole that currently allows fragment lots to not be included in the site plan review. There was agreement among the Commission to this suggestion. MS. AUTOR asked that Mr. Klinkner work with staff in this regard.

K. ADJOURNMENT

The meeting was adjourned at 7:41 PM

for the Permit Center will come to the Commission on April 1, 2002 as a non-public hearing site plan item. She announced that, on February 8, 2002, the Alaska Bar Association will conduct a parliamentary procedure session. Additionally, an audio conference on signs is scheduled at noon on Wednesday. She understood the Commission's re-organization will be done at the second meeting in March.

3. Committees

- a. **AMATS Committee:** COMMISSIONER KLINKNER stated a meeting was held January 24, 2002, but he was unable to attend.
- b. **School Site Selection Committee:** No report.
- c. **Citizens Air Quality Committee:** No report.
- d. **Airport Master Plans:** No report.
- e. **Ministorage Ordinance Committee:** No report. MS. AUTOR indicated the ordinance would come before the Commission in March.

J. COMMISSIONER COMMENTS

COMMISSIONER KLEIN asked whether it would be appropriate to discuss case 98-115, the information on the Permit Center. CHAIR BROWN explained the Commission requested background material because members recall, although it is not in writing, that when this item previously came before the Commission there was discussion of the need for a master plan. She was uncertain when that discussion had occurred. COMMISSIONER KLEIN commented that, in reading the material and reviewing the minutes of the meetings, he found it interesting that many statements made three months ago were proven out in the minutes.

COMMISSIONER KLINKNER noted he had raised at the last meeting whether it would be desirable to bring forward an amendment to the code so that subdivision of commercial tracts involving large retail establishments would be brought to the Commission. He drafted such an amendment and had provided a copy to Staff. He distributed copies to the Commission and requested members' input. CHAIR BROWN asked whether this amendment could be included in Staff's reworking of the large retail establishment ordinance. MS. AUTOR stated Staff could put this into a draft ordinance.

COMMISSIONER KLINKNER moved that the amendment proposed by Mr. Klinkner to AMC 21.15.34 be included in the reworked large retail establishment ordinance.

COMMISSIONER KARABELNIKOFF seconded.

COMMISSIONER PENNEY suggested that, if the large retail establishment ordinance is on the horizon and it is possible to incorporate this amendment into it, that be done; otherwise, this amendment should be brought forward expeditiously. This was accepted as a friendly amendment.

AYE: Jones, Penney, Brown, Karabelnikoff, Killoran, Klein, Klinkner,
Cox
NAY: None

PASSED

COMMISSIONER PENNEY remarked that the Northway Town Center planning session with the consultant was an interesting experience. The consultants were energized and he felt it would be interesting to see what they offer. COMMISSIONER KILLORAN added that she thought of this planning effort when she heard of a recent fatality of a pedestrian crossing the highway at Bragaw. CHAIR BROWN indicated that she, Ms. Jones, and Mr. Adams also attended the charrettes.

CHAIR BROWN stated there was a recent rezoning north of Campbell Creek that the Commission conditioned with a requirement for a pedestrian connection between the housing to the north and Campbell Creek recreational tract to the south. She understood the Commission's ordinance went through review by the Law Department and they said an ordinance could not include such a condition because it is considered to be a taking. She understood the ordinance is being forwarded to the Assembly without that condition, but with a note that it was a recommendation of the Commission. She commented that, in the past, Commission members would occasionally attend Assembly meetings, although that may not be possible with this Commission due to members' busy schedules.

COMMISSIONER JONES recalled that, in the past when Commissioners attended Assembly meetings, a decision as to a Commissioner's attendance was made based on the items that were scheduled for pending Assembly meetings. She noted this was handled on a volunteer basis. She offered to attend Assembly meetings in the future on a rotational basis.

CHAIR BROWN understood the Planning Department discussed this particular condition with the Law Department as they did not believe that condition constituted a taking, but the opinion of the Law Department was not swayed.

DRAFT

typically contiguous with commercial properties that benefit with the allowance of off street parking and structures on adjacent multi-family zoned properties. The central business district zoning districts allow off street parking structures of 50 units or more. In evaluating this proposed ordinance, Staff located all R-5 properties, which are scattered throughout the community and are typically contiguous to other residential districts. There are only a few areas where they are contiguous with commercial or industrial districts. In that review, Staff thought it might be appropriate to allow off-street parking structures in the R-5 district as a conditional use so long as they were contiguous with a commercially zoned property and were not separated by a street. Staff recommended a substitute (S) version of the ordinance amending the original request to allow "off street parking spaces and structures so long as the property is contiguous and abuts a commercially or industrially zoned property and the properties are not separated by a right-of-way or constructed street."

COMMISSIONER PENNEY asked what prompted the initiation of this ordinance. MR. WEAVER responded that the R-5 zoning district is probably out of character for Anchorage as it grows and matures because the majority of R-5 properties are located in urban areas. He explained the ordinance amendment was precipitated by a property owner that processed a rezoning request from R-5 to I-1 in order to use that property for parking. The Assembly has denied that request twice. Staff did not believe a conditional use of this type should be permitted where a commercial or industrial property is not contiguous.

The public hearing was opened and closed without public comment.

COMMISSIONER KLINKNER moved to recommend to the Assembly approval of the substitute ordinance amendment proposed by Staff.

COMMISSIONER COFFEY seconded.

COMMISSIONER KLINKNER did not support his motion as he felt approving a general ordinance amendment as a means to resolve individual issues presents the risk of unforeseen circumstances arising.

AYE: Coffey

NAY: Klinkner, Penney, Jones, Knepper

DRAFT

FAILED

7. 2002-092

Municipality of Anchorage. An Ordinance of the Municipality of Anchorage amending Anchorage Municipal Code 21.15.134 to provide for platting of

commercial tracts that include large retail establishments.

Staff member MARY AUTOR stated this ordinance was introduced by Assemblymember Tesche and it is set for public hearing on May 21, 2002. The ordinance is similar to one prepared by Mr. Klinkner and given to Staff not long ago that was designed to designate the Planning and Zoning Commission to be the platting authority for commercial tracts for large retail establishments that involve fragment lots. She indicated Staff had provided in the packet some background on the intent of the commercial tract ordinance. In particular, the ordinance would facilitate phasing for large commercial development projects without the need to replat for purposes of financing or refinancing a project, thereby not incurring the risk of a change in interest rate that might jeopardize future development. Commercial tracts can be created for any type of land use in the districts in which they are allowed. Examples of commercial tracts are the Dimond Center, the Alaska Regional Hospital, and the 5th Avenue Tower proposed for downtown. She noted that there is a consultant under contract with the Municipality to redevelop an ordinance that would address all retail development. That ordinance is more comprehensive in scope than the existing ordinance, which is an interim ordinance that would be superseded by the new ordinance. The consultant will be in Anchorage in the near future and will hold worksessions with this Commission and the Assembly. He has been asked to incorporate this commercial tract issue into his work. The Department found the proposed ordinance to be premature and untimely. MS. AUTOR believed there were issues in terms of the title of the ordinance amendment as this is a site plan review, not a platting function. Furthermore, she explained it is not possible to bring site plan reviews to the Commission in 30 days, which the ordinance requires. She suggested that the ordinance be postponed and that revision of the commercial retail ordinance be permitted to occur. She remarked that the Commission can choose to place a condition of approval on a large retail establishment case that would require that the petitioner return to the Commission for development of the fragment lots.

Staff member JERRY WEAVER added that there are no standards in the ordinance, only the transfer of authority. He stated the Department is in the process of working with the consultant to develop standards across the board for this type of development.

The public hearing was opened and closed without public comment.

COMMISSIONER PENNEY moved to recommend to the Assembly approval of the ordinance amendment.

COMMISSIONER COFFEY seconded.

COMMISSIONER PENNEY stated he would not support the motion, given the impending arrival of the consultant's rewrite of the retail ordinance, which makes this proposal premature. He further noted that standards are not included in this ordinance amendment.

COMMISSIONER KLINKNER commented that there is not a firm schedule for the rewrite of the comprehensive retail ordinance and there may be a substantial interim period until it is completed when this issue would need to be addressed. He stated with regard to the Staff's suggestion that the Commission could add a condition to review fragment lots at the time it reviews a large retail establishment, that the Commission was told this authority did not clearly exist and it was, therefore, not invoked on the Safeway case. He referred to page 22 of the packet and noted that AMC 21.15.134.B.3.a includes a new paragraph importing the review of these fragment lot developments involving a large retail establishment into the public hearing site plan review for the large retail establishment. It imports all the standards and procedures related to that review into the review of the commercial tract as a whole. He also noted that 21.15.1340.B.3.b includes a 30-day review requirement for reviews that would be handled under this site plan review procedure.

COMMISSIONER COFFEY asked whether a motion to postpone until after the consultant makes the presentation on the retail establishment ordinance would take precedent over the motion on the floor. MS. CHAMBERS indicated this was correct.

COMMISSIONER COFFEY moved to postpone case 2002-092 until after the meeting with the consultant on the retail ordinance.

COMMISSIONER PENNEY seconded.

AYE: Klinkner, Penney, Jones, Coffey, Knepper
NAY: None

PASSED

It was agreed that this matter would be included as an item of Old Business on May 20, 2002.

8. 2002-093

Municipality of Anchorage. An Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by amending Chapter 21.50.090, conditional use standards-junkyards, to eliminate the requirement for the property to abut to a class II collector street.

Municipality of Anchorage
MUNICIPAL CLERKS OFFICE
Agenda Document Control Sheet

AIM 53-2002

1	SUBJECT OF AGENDA DOCUMENT AIM for Ordinance 2002-60: An Ordinance Amending AMC 21.15.134 to Provide for Platting of Commercial Tracts that Include Large Retail Establishments (All Community Councils) (Case 2002-092)	DATE PREPARED 05/14/02 INDICATE DOCUMENTS ATTACHED <input type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input checked="" type="checkbox"/> AIM								
2	DEPARTMENT NAME Planning Department	DIRECTOR'S NAME Susan R. Fison, Director								
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Jerry Weaver Jr.	HIS/HER PHONE NUMBER 343-4215								
4	COORDINATED WITH AND REVIEWED BY	<table style="width: 100%;"> <tr> <th style="width: 50%;">INITIALS</th> <th style="width: 50%;">DATE</th> </tr> </table>	INITIALS	DATE						
INITIALS	DATE									
5	Mayor Heritage Land Bank Merrill Field Airport Municipal Light & Power Port of Anchorage Solid Waste Services Water & Wastewater Utility	<table style="width: 100%;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>								
6	Municipal Manager Cultural & Recreational Services Employee Relations Finance, Chief Fiscal Officer Fire Health & Human Services Office of Management and Budget Management Information Services Police Office of Planning, Development, & Public Works Development Services Facility Management Planning Project Management & Engineering Street Maintenance Traffic Public Transportation Department Purchasing	<table style="width: 100%;"> <tr> <td style="width: 50%; text-align: center; vertical-align: middle;"> <i>[Signature]</i> </td> <td style="width: 50%; text-align: center; vertical-align: middle;"> 5.15.02 </td> </tr> <tr> <td style="width: 50%; text-align: center; vertical-align: middle;"> <i>[Signature]</i> </td> <td style="width: 50%; text-align: center; vertical-align: middle;"> 5-14-02 </td> </tr> <tr> <td style="width: 50%; text-align: center; vertical-align: middle;"> <i>[Signature]</i> </td> <td style="width: 50%; text-align: center; vertical-align: middle;"> 5-14-02 </td> </tr> <tr> <td style="width: 50%; text-align: center; vertical-align: middle;"> <i>[Signature]</i> </td> <td style="width: 50%; text-align: center; vertical-align: middle;"> 5/15/02 </td> </tr> </table>	<i>[Signature]</i>	5.15.02	<i>[Signature]</i>	5-14-02	<i>[Signature]</i>	5-14-02	<i>[Signature]</i>	5/15/02
<i>[Signature]</i>	5.15.02									
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<i>[Signature]</i>	5-14-02									
<i>[Signature]</i>	5/15/02									
7	SPECIAL INSTRUCTIONS/COMMENT Previously introduced for a May 21, 2002 public hearing. <div style="text-align: right; font-style: italic;">14 F.I. New Public Hearings</div>									
8	ASSEMBLY MEETING DATE REQUESTED	PUBLIC HEARING DATE REQUESTED May 21, 2002								

RECEIVED
 MAY 15 PM 3:55
 14 F.I.