

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 9-10-02
IMMEDIATE RECONSIDERATION
FAILED 9-10-02

Submitted by:
Prepared by:
For reading

Chair of the Assembly at
the Request of the Mayor
Planning Department
July 23, 2002

Anchorage, Alaska
AO 2002- 115

R-0
AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF
APPROXIMATELY 0.86 ACRES FROM R-5 TO ~~B-3 SL~~ FOR LOTS 3, 4, 5 AND
6, ARLON SUBDIVISION, GENERALLY LOCATED BETWEEN ARLON AND
GOLOVIN STREETS, ON THE NORTH SIDE OF ABBOTT ROAD.

(Abbott Community Council) (Planning and Zoning Commission Case 2002-041)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described
property as ~~B-3 SL (general commercial with special limitations)~~ zone:

R-0
Lots 3, 4, 5 and 6, Arlon Subdivision as shown on Exhibit "A" (Planning and
Zoning Commission Case 2002-041).

Section 2. The zoning map amendment described in Section 1 above shall be
subject to the following effective clause:

*Zoning shall become effective upon recordation of a replat to a single parcel and construction of
Arlon Street to urban one-half street standards peripheral to the subdivision.*

Section 3. The zoning map amendment described in Section 1 above shall be
subject to the following special limitations regarding the uses of the property:

1. All development or redevelopment on this site shall be subject to an
administrative site plan review, which shall comply with the following items
to the greatest extent possible:
 - a. Building orientation - Buildings to front onto Abbott Road.
 - b. Building entries and windows - One primary building entrance shall
be located on the Abbott Road frontage, or at the corner of Abbott
Road and an adjacent side street. For buildings separated into
individual units/stalls, each unit's separate primary entrance should
face Abbott Road. Between 30% to 60% of the total ground floor
wall surface facing any public right-of-way should be glazed with
clear glass windows. Upper stories should have 25% to 50% glazed
wall surfaces.

- 1 c. Parking – Onsite parking should be placed to the rear (north) of the
2 building. Parking should only be accessed from the side streets, and
3 should be required to connect through to both adjacent side streets.
- 4 d. Building height – The building walls facing Abbott Road should
5 measure at least 18 feet from finished grade to the top of the wall.
- 6 e. Buildings should be built continuously along the frontage of Abbott
7 Road, with no more than a 30-foot gap between buildings fronting
8 this road.
- 9 f. Pedestrian accesses should be provided from the walkway along
10 Abbott Road/front of building through to the parking area in the rear
11 of the building.
- 12 g. Where the foregoing conditions conflict with the site in plan in
13 Exhibit F, the site plan in Exhibit “F” will control.
- 14 h. The facility shall be designed to serve mixed uses providing consumer
15 oriented services in a retail and office setting.
- 16 i. The facility shall include a second level office area, not exceeding 35
17 feet in height.
- 18 j. Parking should be accessed from the side streets, Golovin and Arlon
19 should connect internally to the adjacent side street entries.
- 20 k. Pedestrian access shall be provided from the adjacent public rights-of-
21 way.
- 22 2. Signs: Pole signs are prohibited. Free standing site signage shall consist of
23 architectural monument signs.
- 24 3. Prohibited Uses:
25 *Any use involving sale, dispensing, or service of alcoholic*
~~Drive-in services, such as drive-in banks~~
26 ~~Liquor stores.~~
27 ~~Gasoline service station and auto repair maintenance.~~
28 ~~Car washes.~~
29 ~~Vehicle rentals or sales.~~
30 ~~On-site dry cleaning.~~
31 ~~Bars or taverns.~~

~~Video or amusement arcades or pool halls.~~

~~Adult style entertainment.~~

~~Transmission towers.~~

~~Mini storage.~~

~~Taxidermists, meat or game processing and lockers.~~

~~Pawn shops.~~

~~Hotel lodging or other residential uses.~~

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 Codes 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 6. The Director of the Planning Department shall change the zoning map accordingly.

Section 7. This ordinance shall become effective within ten (10) days after the Director of the Planning Department has received 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 that no special limitations are contained herein, this ordinance is effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this

10th day of September 2002.

Dick
Chair

ATTEST:

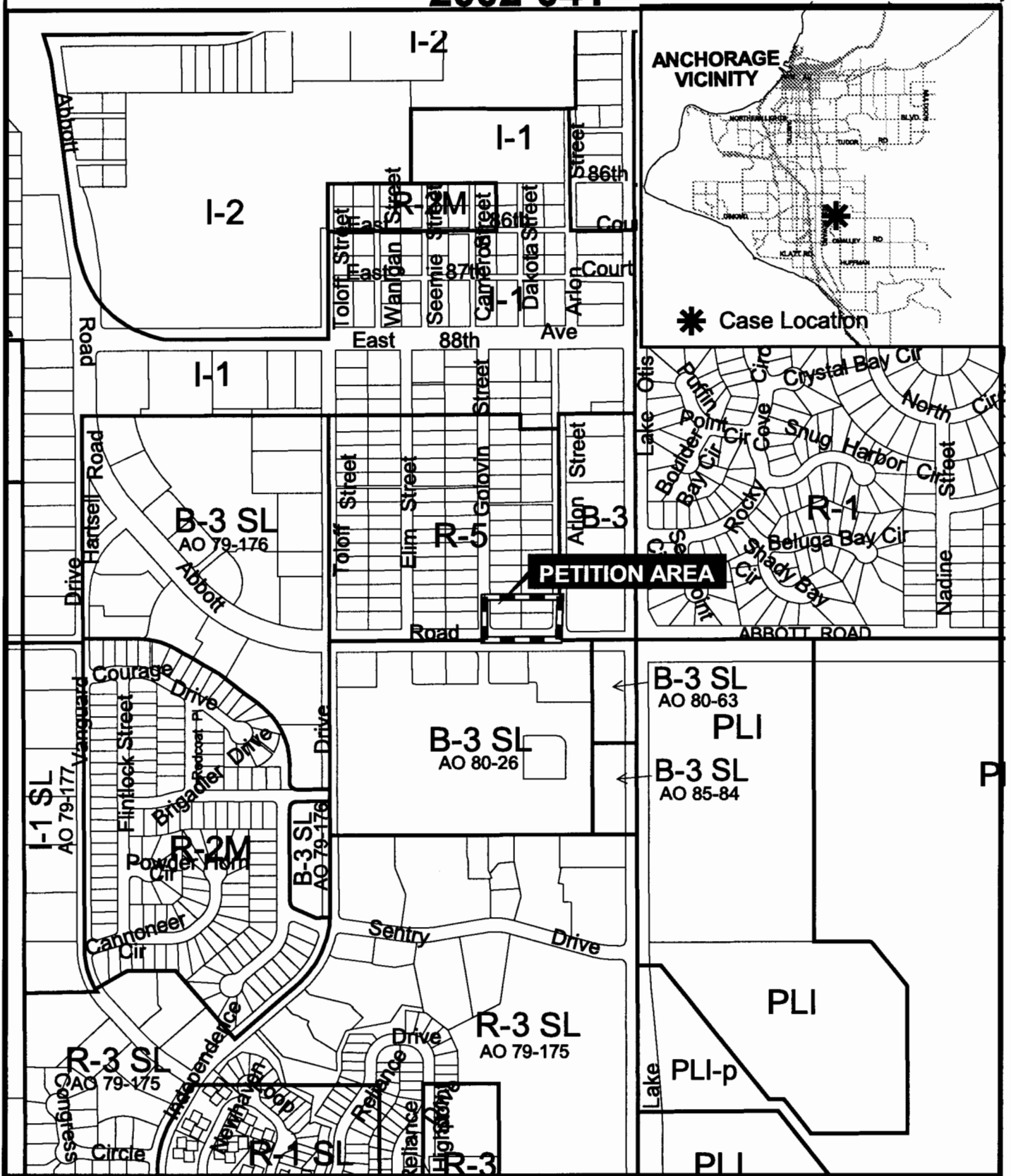
Municipal Clerk

Section 5. Notwithstanding the foregoing, nothing stated herein shall prevent an amendment by the Assembly to the allowable uses, increasing the type of allowed uses by the application of an overlay zone, or applying an areawide rezoning to the property specified in Sec. 1

In addition to all other permitted principal uses in the R-O Zoning District, a business offering solely onsite: a. copying, b. internet access, c. computer word processing, or d. related services, is a permitted principal use.

EXHIBIT - A

2002-041



Municipality of Anchorage
Planning Department



Date: JANUARY 29 2002

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



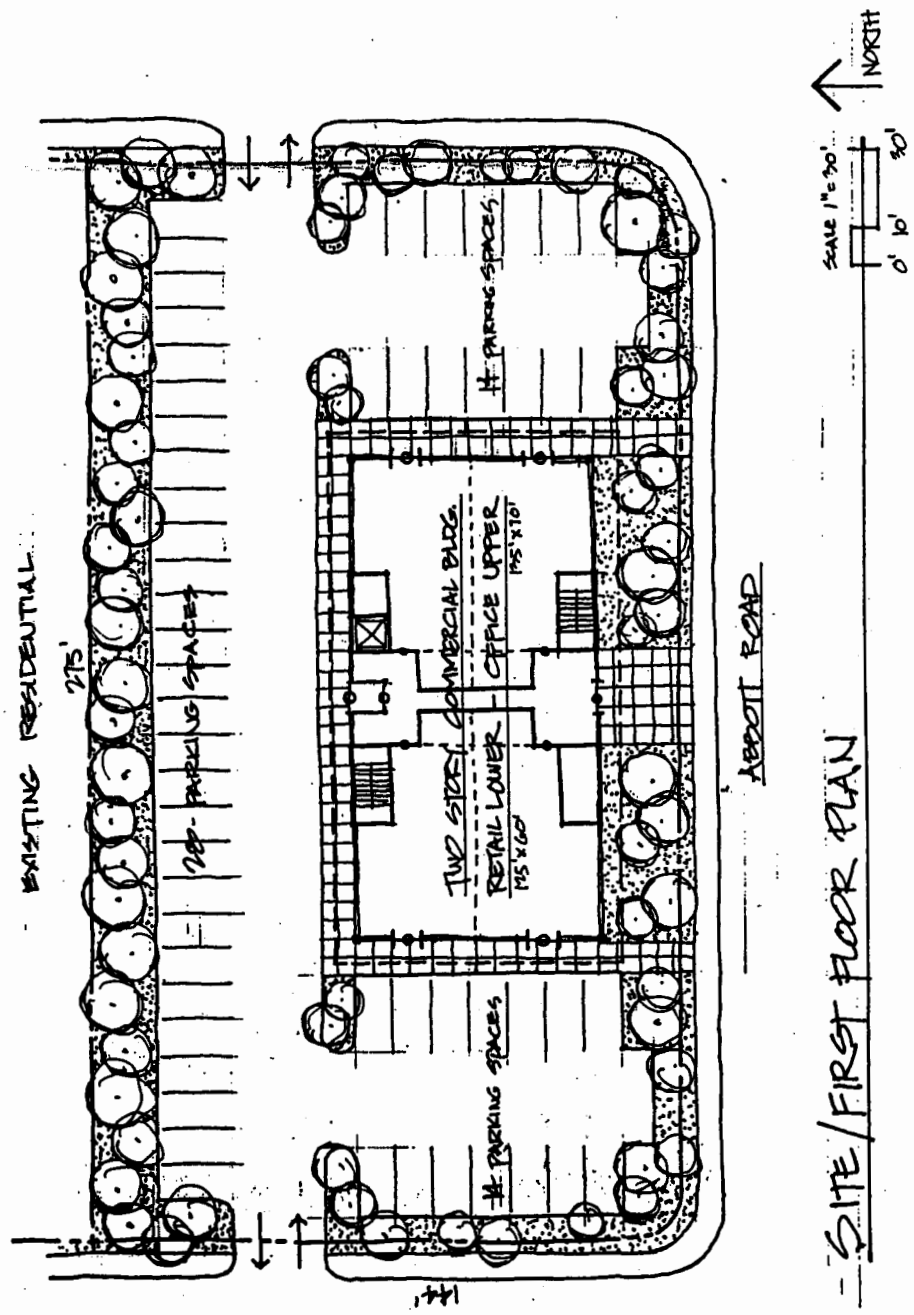
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DATE	10/1/01
BY	ARCH
REVISION	
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DATE	
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REVISION	

LIBERTY VILLAGE
COMMERCIAL/OFFICE MIXED USE DEVELOPMENT
DEVELOPMENT MANAGER, INC.
BENNY C INVESTMENTS, INC.

BARNES • ARCHITECTURE INC.
7011 Brook Blvd, Suite 101, Houston, Texas 77057 (281) 290-0101



MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2002- 115 Title: The rezoning of approximately 0.86 acres from R-5 to B-3 SL for Lots 3, 4, 5 and 6, Arlon Subdivision.

Sponsor: Steve Agni

Preparing Agency: Planning Department

Others Affected

CHANGES IN EXPENDITURES AND REVENUES

(Thousands of Dollars)

	FY00	FY01	FY02	FY03	FY04
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Services					
5000 Capital Outlay					
TOTAL DIRECT COSTS					
6000 IGCs					
FUNCTION COST:					
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp.					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezoning should have no significant economic impact on the public sector. There are existing adequate public facilities and services in this area for this site, and for the commercial/office use. All necessary utilities are currently available peripheral to this site. The traffic travelling to and from the site will come from Abbott Road, but will access the site from existing roads abutting the east and west sides of the site. These roads are constructed to the appropriate Municipal standards to handle the estimated level of traffic. Any necessary on-site improvements will be the responsibility of the developer.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning will have no significant economic impact on the private sector. The B-3 SL zoned area will make this property more functional by allowing a mixed commercial/office use with design standards and limitations on commercial uses to allow the site to fit with the future Abbott Town Center Plan, as recommended in the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*. The property will develop with associated design standards to ensure that the development style will mitigate the appearance and functionality with the residentially zoned areas to the north. Necessary utility infrastructure is already available to the site, and any on-site improvements will be the responsibility of the developer.

Prepared by: Jerry Weaver Jr., Planning Supervisor

Telephone: 343-4215

Validated by OMB:

Cheryl Frasca

Date:

7/11/02

Approved By:

James R. Ferri
Director, Preparing Agency

Date:

5/29/02



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 500-2002

Meeting Date: July 23, 2002

From: Mayor

Subject: AO 2002-115

Planning and Zoning Commission
Recommendation on a Rezoning of
Approximately 0.86 acres From R-5 to B-3 SL
for Arlon Subdivision, Lots 3, 4, 5 and 6.

1 On May 6, 2002, the Planning and Zoning Commission approved the rezoning of
2 approximately 0.86 acres from R-5 (Rural Residential) to B-3 SL (General Commercial
3 with Special Limitations) for Arlon Subdivision, Lots 3, 4, 5 and 6.

4
5 This site is located within the Abbott Town Center area, and less than one-quarter mile
6 from the Lake Otis Transit Supportive Development Corridor as shown on the
7 *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

8
9 The Abbott Town Center Plan is currently under contract, and community meetings
10 have been underway on this project, with charrettes having occurred in April of this year.
11 A draft plan is expected shortly after that time.

12
13 The petitioner and the Department discussed the rezoning request, and the issues
14 surrounding the Town Center Plan with the consultants for the Abbott Town Center,
15 LCA Architects. The consultants do not recommend B-3 zoning for this site. However,
16 they do find that an R-O SL (Residential – Office with Special Limitations) zoning is
17 the most appropriate zoning for this site. The special limitations would include specific
18 design standards to achieve the goals of this Town Center concept, which is currently in
19 a draft form.

20
21 The petition site is one of the integral areas of the Abbott Town Center. The
22 Department and the Abbott Town Center consultants recommended that a mix in both
23 office uses and high density residential would be appropriate for the periphery of the
24 core area of the Town Center (core area is on the inside curve of Abbott Road). The
25 Department and consultants recommend against retail specifically, as allowed in the B-3
26 district. It is important to a town center to focus and limit retail into the existing sites
27 that cannot be changed as with Fred Meyer shopping center/grocery store to the south,
28 or into the core pedestrian retail center. If retail is spread throughout the peripheral
29 area, it dilutes the retail concentration.

30
31 The Commission found that while there is a planning process on-going for the Town
32 Center, implementation is at least partly dependent on the initiative of the private sector.
33 The Commission findings further noted that the planning process needed to be

1 completed in order to resolve the conflicts between this proposal and *Anchorage 2020*
2 *Anchorage Bowl Comprehensive Plan*, and felt it was best for the Commission to vote
3 on the motion that night given that the petitioner requested a decision at that meeting.

4
5 The Commission noted it was very skeptical that there is the ability through consultants
6 to make the kind of basic economic determinations for an R-O SL zoning that will
7 result in the development of properties. The Commission further noted concern with
8 imposing a set of unproven standards.

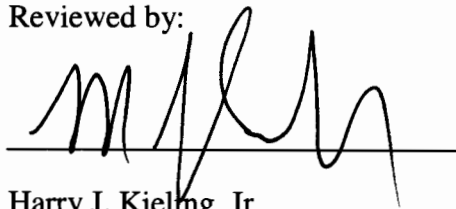
9
10 In their findings, the Commission noted that the petitioner's proposal in Exhibit "F"
11 with retail on the bottom floor and commercial above it, and the siting of the building
12 adjacent to Abbott Road with parking in the rear, complies with the intent of the Town
13 Center Plan, at least insofar as has been presented to this point.

14
15 The Commission further noted that residential development would not be likely to occur
16 on the frontage along Abbott Road, and that it was not appropriate to leave this property
17 zoned R-5, and noted that two of the parcels are vacant at this time.

18
19 The Commission's conclusion is that, in the absence of an approved Town Center plan,
20 this rezoning would reduce residential development, which is contrary to *Anchorage*
21 *2020*, but there are numerous other goals and objectives in the *Anchorage 2020*
22 *Anchorage Bowl Comprehensive Plan* which would guide new development in Town
23 Center areas.

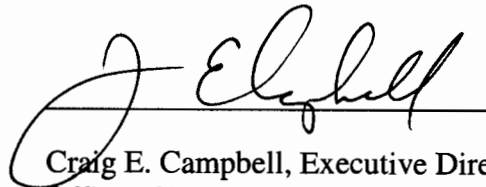
24
25 Approval of this ordinance is recommended.

26
27 Reviewed by:



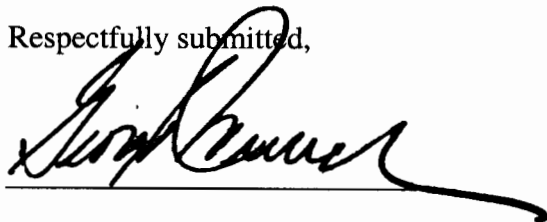
Harry J. Kieling, Jr.
Municipal Manager

Reviewed by:



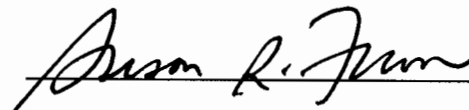
Craig E. Campbell, Executive Director
Office of Planning, Development, and
Public Works

Respectfully submitted,



George P. Wuerch
Mayor

Prepared by:



Susan R. Fison, Director
Planning Department

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-030

A RESOLUTION APPROVING A REZONING OF APPROXIMATELY 0.86 ACRES OF LAND FROM R-5 (RURAL RESIDENTIAL) TO B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS), FOR ARLON SUBDIVISION, LOTS 3, 4, 5 AND 6, GENERALLY LOCATED BETWEEN GOLOVIN AND ARLON STREETS, NORTH OF ABBOTT ROAD.

(Case 2002-041, Tax I.D. No. 014-291-80; -81; -82; -83)

WHEREAS, a request has been received from Seven C Investments, Inc., petitioner, and Steve Agni, representative, to rezone approximately 0.86 acres of land from R-5 (Rural Residential) to B-3 SL (General Business with Special Limitations) Arlon Subdivision, Lots 3, 4, 5, and 6, generally located between Golovin and Arlon Streets, north of Abbott Road, and

WHEREAS, notices were published, posted and 254 public hearing notices were mailed and a public hearing was held on May 6, 2002.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:

1. This is a request to rezone the site from R-5 to B-3 SL. The special limitations offered are to limit building location, height and lot coverage to approximately that of the proposed retail structure, and to limit commercial use types (see special limitation discussion further below). The petitioner proposes to develop the site with a 10,125 SF single-story retail structure to contain several small shops that provide services to local residents on a daily or weekly basis. Typical shops, as proposed by the petitioner, include coffee shop, delicatessen, florist, travel, dry cleaning and laundry, hairdresser, health and personal care, and other convenience food or beverage shops.
2. The petition property consists of 4 undeveloped lots under single ownership. The site is level and contains natural vegetation. The petition site has access to full utilities, including public sewer, electrical, and natural gas. The aggregate gross area of the combined petition lots is 37,630 square feet. Individually Lot 3 has 9,451 SF; Lot 4 has 9,364 SF; Lot 5 has 9,364 SF; Lot 6 has 9,451 SF.
3. Lots 3 and 4 are oriented to and have access from Golovin Street; Lots 5 and 6 are oriented to and have access from Arlon Street. Both Lots 4 and 5 are double frontage lots, with frontage to Abbott Road across the

street from the proposed Fred Meyer Store. The Official Streets and Highways Plan classifies Abbott Road as a Class III Major Arterial. Golovin and Arlon are residential streets.

4. The petition site is located at the southeast corner of two R-5 zoned subdivision's (Morehand and Arlon) that are classified as Commercial/Industrial in the Comprehensive Plan. North of the R-5 is I-1 property that fronts onto East 88th Avenue. To the east of the site is a strip mall zoned B-3, containing a McDonalds Restaurant, a Chevron Gas Station and other retail stores. To the west of the R-5 is the Independence Park Shopping Village Subdivision, zoned B-3 SL and is only partially developed as commercial retail. To the south of the site is the recently constructed Fred Meyer grocery/retail store, which includes a gasoline pump station.
5. This site is located within the Abbott Town Center area, and less than one-quarter mile from the Lake Otis Transit Supportive Development Corridor as shown on the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.
6. The Abbott Town Center plan is currently under contract, and community meetings have been underway on this project, with charettes, which occurred in April of 2002. A draft plan is expected shortly after that time.
7. The petitioner and the Department discussed the rezoning request, and the issues surrounding the Town Center plan with the consultants for the Abbott Town Center, LCA Architects. The consultants do not recommend B-3 zoning for this site. However, they do find that an R-O SL (Residential - Office with Special Limitations) zoning is the most appropriate zoning for this site. The special limitations would include specific design standards to achieve the goals of this Town Center concept, which is currently in a draft form.
8. The petition site is one of the integral areas of the Abbott Town Center. It is recommended that a mix in both office uses and high density residential would be appropriate for the periphery of the core area of the Town Center (core area is on the inside curve of Abbott Road). The Department and the Abbott Town Center consultants recommend against retail specifically, as allowed in the B-3 district. It is critical to a town center to focus and limit retail into the existing sites that cannot be changed as with Fred Meyer shopping center/grocery store to the south, or into the core pedestrian retail center. If retail is spread throughout the peripheral area, it dilutes the retail concentration.

9. The petitioner provided a revised site plan with limitations.
10. The Commission finds that while there is a plan for the Town Center, implementation is at least an initiative of the private sector. The Commission's planning process needed to be completed in order to resolve conflicts between this proposal and Anchorage's plan. It is best for the Commission to vote on the motion, and the Commission decided to move forward this evening with this plan.
11. The Commission noted it was very skeptical that the petitioner, through consultants to make the kind of basic plan for an R-O SL zoning that will result in the development of the Town Center. The Commission further noted concern with inconsistent standards.
12. The Commission finds that, after reviewing the petitioner and Staff, and information contained in the petition, property fronting on Abbott Road would not develop as part of the Town Center plan.
13. The Commission voted 0 in favor and 5 against to recommend rezoning the petition site from R-5 to R-O SL recommended by the Department.
14. The Commission moved to approve a rezoning of the petition site subject to the special limitations offered by Staff and the petitioner's narrative.
15. The Commission finds that the petitioner's proposal for retail on the bottom floor and commercial above on the building adjacent to Abbott Road with parking on the side, with the intent of the Town Center plan, at least has been seen to this point.
16. The Commission finds that residential development to occur on the frontage along Abbott Road, and that developers are key to the community's economic development.
17. The Commission finds that it was not appropriate to zone R-5, and noted that two of the parcels are currently zoned R-5.
18. The Commission finds that, in the absence of a rezoning, residential development would be reduced, which is contrary to the 2020 Plan, but there are numerous other instructions in the 2020 Plan that direct new development in Town Center.

19. The Commission clarified that the conditions on this recommendation are contained on pages 19 and 20 of the Staff packet, deleting 3.a only. This recommendation also includes the 4-page narrative and the description provided by the petitioner entitled "Application to Rezone Lots 4, 5, 6, 7, Arlon Subdivision, Memorandum in Support of Revised Zoning Application." The Commission further clarified that the special limitation 5.e provided by the petitioner would also include liquor stores.
 20. The Commission further clarified that the motion included the site plan in petitioner's Exhibit F and that the Staff's proposed special limitations, excluding 3.a, would be applicable to a B-3 rezoning. It was further clarified through an approved motion to add the wording in item B.1.g. that "where the foregoing conditions conflict with the site plan in Exhibit F, the site plan in Exhibit F will control."
 21. The Commission noted that in review of the B-3 section of the code, it is generalized in terms of permitted uses, and finds that the petitioner's Exhibit A eliminates a list of businesses and limits the use of the site to be consistent with the type of development described in the petitioner's presentation.
 22. The Commission recommends approval of the rezoning from R-5 to B-3 SL with a 5-0 vote.
- B. The Commission recommends the above rezoning be APPROVED by the Anchorage Assembly subject to the following conditions:
1. Effective clause.
 - a. Zoning shall become effective upon recordation of a replat to a single parcel.
 2. Special Limitations:
 - a. All development or redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the following items to the greatest extent possible:
 - i. Building orientation - Buildings to front onto Abbott Road.
 - ii. Building entries and windows - One primary building entrance shall be located on the Abbott Road frontage, or at

the corner of Abbott Road and an adjacent side street. For buildings separated into individual units/stalls, each unit's separate primary entrance should face Abbott Road. Between 30% to 60% of the total ground floor wall surface facing any public right-of-way should be glazed with clear glass windows. Upper stories should have 25% to 50% glazed wall surfaces.

- iii. Parking – Onsite parking should be placed to the rear (north) of the building. Parking should only be accessed from the side streets, and should be required to connect through to both adjacent side streets.
 - iv. Building height – The building walls facing Abbott Road should measure at least 18 feet from finished grade to the top of wall.
 - v. Buildings should be built continuously along the frontage of Abbott Road, with no more than a 30-foot gap between buildings fronting this road.
 - vi. Pedestrian accesses should be provided from walkway along Abbott Road/front of building through to the parking area in the rear of the building.
 - vii. Where the foregoing conditions conflict with the site in plan in Exhibit F, the site plan in Exhibit F will control.
 - viii. The facility shall be designed to serve mixed uses providing consumer oriented services in a retail and office setting.
 - ix. The facility shall include a second level office area, not exceeding 35 feet in height.
 - x. Parking should be accessed from the side streets, Golovin and Arlon should connect internally to the adjacent side street entries.
 - xi. Pedestrian access shall be provided from the adjacent public rights-of-way.
- b. Signs: Pole signs are prohibited. Free standing site signage shall consist of architectural monument signs.
 - c. Prohibited Uses:

Drive-in services, such as drive-in banks.

Liquor stores.

Gasoline service station and auto repair maintenance.

Car wash.

Vehicle rental or sales.

On-site dry cleaning.

Bars or taverns.

Video or amusement arcades or pool halls.

Adult style entertainment.

Transmission towers.

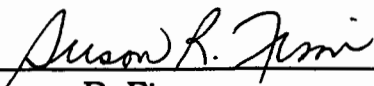
Mini storage.

Taxidermist, meat or game processing and locker.

Pawn shops.

Hotel lodging or other residential use.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission
on the 6th day of May, 2002.



Susan R. Fison
Secretary



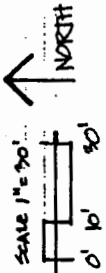
Daphne Brown
Chair

(2002-041)
(Tax ID No. 014-291-80; -81; -82; -83)

ac

A1

BARNES • ARCHITECTURE INC.
7211 Brent Blvd. #101 Ashburn, VA 20147 (703) 278-0981



- SITE / FIRST FLOOR PLAN

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

PASSED

2. **2002-041** Development Managers Steven M. Agni. A request to rezone approximately 0.87 acres from R-5 (Rural Residential) to B-3SL (General Business with Special Limitations). Arlon Subdivision, Lots 3,4,5,6. Located at 9131, 9141 Golovin Street and 9130, 9140 Arlon Street.

The petitioner's representative was out of the room.

COMMISSIONER COFFEY moved to reorder the business of the day to hear case 2002-069.

COMMISSIONER PENNEY seconded.

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

PASSED

3. **2002-069** South Central Foundation. A Conditional Use for a quasi-institutional use which would allow for an adult and a youth transitional living facility. Australaska Subdivision, Block 1, Lots 1 & 2. Located at 3900 and 3916 East 9th Avenue.

Staff member MARY AUTOR indicated this request was for two structures, one for adults and another for youth. She indicated the Commission had been provided with a written submittal by Kathleen Plunkett with the Russian Jack Community Council indicating that the Council passed a resolution supporting the petitioner's request. She stated page 004 of the packet contains a site plan involving the two lots at the corner of Bragaw Street and East 9th Avenue. There would be shared parking with a single driveway onto East 9th Avenue. There would be no access to Bragaw Street. Lot 2 is the former location of a conditional use permit held by Dena A. Coy. That permit has since become null and void when the new facility became operational. Staff found that this request meets the conditional use standards for a quasi-institutional I house and recommended approval.

The public hearing was opened.

TOM MEEHAN, representing the petitioner, introduced Robert Heffel with Southcentral Foundation, who was available to answer specific questions regarding the program to be run in the two facilities. He stated it is a pleasure to appear before the Commission with a client who has put forth an outstanding effort to fit into a mixed community. He explained that Southcentral Foundation has had a presence in this neighborhood for over 10 years, beginning with Dena A. Coy, a program that has since been moved. Southcentral Foundation has now developed two projects near Costco as a buffer between that use and the residential uses in the area. He appreciated Staff's willingness to allow Southcentral Foundation to incorporate residents with regard to the upgrade of the facility and improvements in landscaping to bring the facilities up to code. They look forward to building a sense of ownership and involvement in the community for those residents.

KATHLEEN PLUNKETT, representing the Russian Jack Community Council, reiterated the fact that the Council has worked well with Southcentral Foundation for many years and looked forward to many more years of the same.

The public hearing was closed.

COMMISSIONER KLINKNER moved for approval of a conditional use, subject to the 9 conditions recommended by Staff.

COMMISSIONER COFFEY seconded.

COMMISSIONER KLINKNER stated this request meets the standards for a conditional use and it supplies a housing need recognized by Anchorage 2020. The structures are existing and there will be no significant expansion of those structures. The parking situation will be improved and traffic volume will likely be diminished. The residents of these facilities are selected for the programs and a feature of those programs is that these are not individuals referred out of the criminal justice system or individuals that might otherwise pose a public safety issue.

COMMISSIONER COFFEY noted that one objection was contained on page 40 of the packet voicing the concern referenced by Mr. Klinkner, but he believed those fears were misplaced.

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

PASSED

2. 2002-041

Development Managers Steven M. Agni. A request to rezone approximately 0.87 acres from R-5 (Rural Residential) to B-3SL (General Business with

Special Limitations). Arlon Subdivision, Lots 3,4,5,6. Located at 9131, 9141 Golovin Street and 9130, 9140 Arlon Street.

STEVE AGNI, representing the petitioner, indicated he wished to proceed with the hearing this evening.

Staff member ANGELA CHAMBERS stated the petitioners had worked extensively on this project and there had been a previous postponement of this case. The Abbott Town Center planning effort is currently underway in this area. The consultant has recommended a mix of office and high density residential on the periphery of the core area of the town center, which is located at the inside of the curve of Abbott Road. The consultants have reviewed this proposal with the petitioners as well. The Department recommended against retail specifically as allowed in the B-3 district. This recommendation is made because it is critical to a town center to focus and limit retail into the existing sites that cannot be changed, such as the Fred Meyer shopping center to the south of the petition site, or focus it into the core pedestrian retail center. When retail spreads throughout the periphery, it dilutes the concentration of retail and it affects the survivability of the town center. The Department recommended denial of the requested rezoning to B-3SL, but recommended approval of a rezoning to R-O SL. MS. CHAMBERS indicated this recommendation had been discussed with the petitioner.

The public hearing was opened.

STEVE AGNI, representing the petitioner, distributed a handout of one of the exhibits provided with the packet, enlarged to be more legible. He stated Liberty Village is a quality mixed use facility being proposed across from the Fred Meyer shopping center on Abbott Road. He stated this project would immediately commence the new Abbott Road/Lake Otis Town Center development with private capital. He stated that, since the original application was submitted in December, there has been considerable discussion and debate. There has been tremendous consensus arrived through that process. He stated the current R-5 zoning is arcane and is not appropriate to this property. He indicated that, as part of the town center planning process, it was concluded that the Abbott Town Center is a large area spanning from Fred Meyer to the new Carrs proposed at 88th Avenue and Hartzell/Abbott. Many uses will exist between those two anchors. As a part of this town center, the petition site is suited for mixed-use office and light commercial uses allowed under the B-3 zoning. He noted a site plan had been provided depicting the building being proposed. He explained this facility is functional for tenants and customers, as well as the overall community. The parking most convenient to retail tenants flanks the building on the east and west side where there is exposure to Abbott Road. There is pedestrian access from all three abutting rights-of-way. Light and view is preserved onto this property and to adjacent properties. A good landscape buffer has been

provided as well. He indicated the plan has been revised to be functional and attractive. Comparing this plan to the Abbott Town Center plan, he indicated the town center plan is denser. The consultant is forecasting over 20 years that the entire frontage of Abbott Road will develop, which he felt was accurate. He indicated the proposed project is at 25% lot coverage. He felt confident this project would be responsive to the community and to its tenants.

COMMISSIONER COFFEY cited the comments of Mr. Chambers, which were contained in the Staff packet. MR. AGNI explained Mr. Chambers is a broker who is assisting him in this project. COMMISSIONER COFFEY noted those comments indicate that he did not believe economics had been considered in the Staff's recommendation of R-OSL. MR. AGNI stated he has reviewed this issue and explained that an office use requires more infrastructure and common area to support tenants. Therefore, if the building were office alone, it would not be viable. The petitioner's request is to allow light intensity retail on the ground level of the structure. Uses would be things like travel agencies, sandwich shops, coffee shops, etc. COMMISSIONER COFFEY asked if the R-OSL zoning proposed by Staff was not acceptable to the petitioner. MR. AGNI confirmed this was correct. He stated that this project would contain 6,500 square feet of retail uses, which he did not believe would derail the concept of a town center. COMMISSIONER COFFEY noted that Anchorage 2020 discourages the concept of strip commercial, which he thought the first submittal of this project appeared to be. MR. AGNI did not believe that a two-story mixed-use building with a glass façade is a strip commercial use.

MIKE GRIESBAUM spoke against the petitioner's proposal. He stated there are at least three sites north on Lake Otis and another south on Lake Otis that are zoned B-3, in addition to many B-3 parcels on Abbott Road, including a large commercial building that was built and remains vacant. He stated there is no need for additional commercial space. He felt that rezoning this property goes against the goal of the city of preserving residential property. He stated this is another strip mall, even if it is two stories in height. He felt the project did not fit with the town center plan or with the other developments in the area, which are one-story. He stated there is no shortage of the type of services that would be offered in this mall. He stated there is a shortage of residential property, particularly low-income residential. He believed this property had not been developed residentially by the choice of the petitioner. He stated access to the site would be from the two side streets, which would increase the level of traffic on residential streets. He also felt there would be insufficient parking on the site under the petitioner's proposal. He asked that the Commission consider the public good.

COMMISSIONER COFFEY noted that R-5 zoning is intended to include lands that are developing or will develop for rural residential purposes. He did not think this area was rural. He asked for a reaction to the Staff's recommendation for R-OSL zoning. MR. GRIESBAUM was uncertain how office and residential would be developed together. He suggested that this property be purchased by the city to create a park.

STACY DEAN, representing the Abbott Loop Community Council stated the Council's Zoning and Planning Committee, indicated that both groups voted against this request. She stated that, as a B-3, there could be many uses on the property, including a liquor store, of which there are plenty in this neighborhood. She stated the State Fire Marshal sits on their Board and he has indicated there are many water problems in this neighborhood. Water is supplied through a private utility and there are no functioning fire hydrants. She also felt the traffic, lights, and noise from a B-3 use would affect the area. She stated she lives in an R-5 neighborhood and does not consider herself low-income. She stated the Council voted on this matter before it saw the suggestion for an R-O zoning. She stated that, as an R-5 business owner that resides on R-5 property, she felt it was possible to develop the land under that zoning. She stated she would like to see zoning overlay districts and a more concrete plan for the Town Center before the R-5 neighborhood is changed.

COMMISSIONER COFFEY asked when the Town Center plan might be concluded. MS. DEAN was not certain.

In rebuttal, MR. AGNI stated that R-5 zoning and the lot configuration required under that zoning would potentially allow four single family residences or mobile homes on these lots. He felt the fact that this property has not been developed in 30 years would indicate that the proximity of the lots to the major arterial has been a major deterrence. He stated the current ownership has owned the property for three years, so there has been no "holding" that property from developing residentially. He noted the town center concept calls for higher density residential in many areas. He thought those areas could perhaps be located closer to Campbell Creek or further away from the high traffic arterials. He stated, from a net usage standpoint, no residential would be lost with this rezoning. He emphasized that parking ratios will be subject to Title 21 and dependent on the uses that occupy the ground level of the structure. He felt it was appropriate to look for local capital to participate in the redevelopment process. He stated that smaller capitalizations can address needs that involve services that are not addressed as well by a large retail establishment.

The public hearing was closed.

COMMISSIONER COFFEY asked when the Commission might see an Abbott Town Center plan. MS. CHAMBERS understood the plan was expected in the near future, but was uncertain what date it might come before the Commission. She stated the Department's general recommendation for this area is R-OSL. COMMISSIONER COFFEY explained he understood that rezoning to a reduced density is to be done in conjunction with an approved plan. MS. CHAMBERS stated there is a clear policy in Anchorage 2020 regarding loss of residential land. An R-O zoning has the ability to retain residential use.

COMMISSIONER KLINKNER moved for approval of a rezoning from R-5 to R-OSL subject to Staff conditions A.1.a and B.1 through B.3.b

COMMISSIONER PENNEY seconded.

COMMISSIONER KLINKNER did not support the motion. He indicated he has mixed feelings about the matter and, while he respected the fact there is a planning process, implementation is at least partly dependent on the initiative of the private sector. He felt the planning process needed to be completed in order to resolve the conflicts between this proposal and Anchorage 2020. He felt it was best for the Commission to vote on the motion, given that the petitioner decided to move forward this evening with this request.

COMMISSIONER COFFEY asked if the motion is to rezone to R-OSL.

COMMISSIONER KLINKNER replied in the affirmative. COMMISSIONER COFFEY remarked that he had done development in Anchorage and was very skeptical that there is the ability through consultants to make the kind of basic economic determinations that will result in the development of properties. He was worried with imposing a set of unproven standards. He indicated he had considered whether nothing should be done with this request as it might be seen as premature. He also considered the Staff's suggested R-OSL zoning. After reviewing the materials in the packet, and because he owns property in the area, he concluded that property fronting on Abbott Road would not develop residentially. He considered how to resolve the matter, given the fact the Town Center plan is not completed. He indicated he would be prepared to support a B-3SL rezone, but not an R-O SL rezone. However, he feared there were not a sufficient number of votes to support either tonight.

AYE: None

NAY: Klinkner, Penney, Jones, Coffey, Knepper

FAILED

COMMISSIONER COFFEY moved to approve a rezoning from R-5 to B-3SL subject to the special limitations offered by Staff and those in the petitioner's narrative.

COMMISSIONER PENNEY seconded.

COMMISSIONER COFFEY believed the petitioner's proposal in Exhibit F with retail on the bottom floor and commercial above it, and the siting of the building adjacent to Abbott Road with parking in the rear, complies with the intent of the Town Center plan, at least insofar as has been seen to this point. He did not believe residential development would occur on the frontage along Abbott Road. He believed small local developers are key to the community's economy. He did not believe it was appropriate to leave this property zoned R-5. He thought from his review of an aerial photograph that two of the parcels are vacant at this time. He noted that, in the absence of an approved plan, this

rezoning would reduce residential, which is contrary to Anchorage 202, but there are numerous other instructions in the Comprehensive Plan that direct new development in Town Center areas.

COMMISSIONER PENNEY asked if the conditions on this recommendation are contained on pages 19 and 20 of the Staff packet. COMMISSIONER COFFEY replied in the affirmative, indicating he would delete 3.a only. His motion also included the 4-page narrative and the description provided by the petitioner entitled "Application to Rezone Lots 4, 5, 6, 7, Arlon Subdivision, Memorandum in Support of Revised Zoning Application."

COMMISSIONER PENNEY moved to amend petitioner's special limitation 5.e to include "liquor stores."

COMMISSIONER COFFEY seconded.

Amendment

AYE: Klinkner, Penney, Jones, Coffey, Knepper

NAY: None

PASSED

COMMISSIONER KLINKNER commended Mr. Coffey for trying to develop a motion, but he felt care should be taken to ensure there are not contradictions between the Staff and petitioner's special limitations. He understood the motion included the site plan in petitioner's Exhibit F and, if that is the case, he thought perhaps the Staff conditions should be reviewed vis-à-vis that submittal. COMMISSIONER COFFEY indicated he did intend to include Exhibit F. He believed the Staff's proposed special limitations, excluding 3.a, would be applicable to a B-3 rezoning. COMMISSIONER KLINKNER noted that item B.1.c requires parking at the rear, which is not consistent with the site plan. MS. CHAMBERS clarified that the language preceding the list of special limitations in B.1 states "to the greatest extent possible," which is not mandatory language. The intent is to allow the issues listed to be worked out with the petitioner. With regard to the prohibited uses listed in special limitations B.3.a and b, she indicated the Commission should include those uses that it feels should not be allowed on the site. COMMISSIONER KLINKNER moved to amend to add an item B.1.g to state, "where the foregoing conditions conflict with the site in plan in Exhibit F, the site plan in Exhibit F will control."

COMMISSIONER COFFEY seconded.

MS. CHAMBERS noted that the Commission could adopt the site plan, if it so desired and found it acceptable. CHAIR JONES felt the Commission could deal only with the zoning issue.

Amendment

AYE: Klinkner, Penney, Jones, Coffey, Knepper

NAY: None

PASSED

COMMISSIONER COFFEY stated, in his review of the B-3 section of the code, he found it to be generalized in terms of permitted uses. He believed the petitioner's Exhibit A eliminates a list of businesses and limits the use of the site to be consistent with the type of development described in the petitioner's presentation.

Main Motion

AYE: Klinkner, Penney, Jones, Coffey, Knepper

NAY: None

PASSED

4. **2002-085** Borealis Lodging LLC. A conditional use to allow a pole sign for a hotel in the I-1 (Light Industrial) District. Tudor Business Park, Lot 3, Union Square. Located at 4540 A Street.

POSTPONED TO MAY 20, 2002

5. **2002-083** Rodney Udd. A request to rezone approximately 5.24 acres from R-3 (Multiple Family Residential) to B-3 (General Business). Aurora Park Subdivision, Tract A and NW4 NW4 NW4 SW4, Section 17, T12N R3W, S.M., AK. Located at 9911 Old Seward Highway.

POSTPONED TO JULY 2002

6. **2002-087** Municipality of Anchorage. An Ordinance amending Anchorage Municipal Code Title 21 by amending the R-5 (Rural Residential) zoning district subsection 21.40.070.D to allow off street parking spaces and structures as conditional uses.


Staff member JERRY WEAVER explained this ordinance was initiated by Assemblymember Von Gemmingen. It allows off street parking spaces and structures as a conditional use in the R-5 district. The R-3 and R-4 districts currently allow off street parking spaces or structures. These structures are

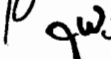
**MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT**


MEMORANDUM

DATE: May 6, 2002

TO: Planning and Zoning Commission

THRU:  Susan R. Fison, Director

THRU:  Jerry T. Weaver, Jr., Zoning and Platting Manager

FROM:  Angela C. Chambers, Senior Planner

SUBJECT: 2002-041: Rezone R-5 to B-3 SL

After meetings with the Department, the petitioner has provided a revised site plan with revised special limitations, which have been provided to the Commission.

The Department, after review of the revised submittals, retains its recommendation of rezoning this site to R-O SL as outlined in the staff analysis. The Department does not recommend approval of rezoning of this site to a B-3 district, even with the revised special limitations presented by the petitioner,

Although the Department does understand the concerns of the applicant in terms of traffic speeds on Abbott Road, snow storage and snow plowing; the design standards, as proposed by the Department, do allow for flexibility. These standards are specifically intended to be design goals in working towards a site plan review process for development in the Abbott Town Center.

The petition site is one of the integral areas of the Abbott Town Center. It is recommended that a mix in both office uses and high density residential would be appropriate for the periphery of the core area of the Town Center (core area is on the inside curve of Abbott Road). The Department and the Abbott Town Center consultants recommend against retail specifically, as allowed in the B-3 district. It is critical to a town center to focus and limit retail into the existing sites that cannot be changed as with Fred Meyer shopping center/grocery store to the south, or into the core pedestrian retail center. If retail is spread throughout the peripheral area, it dilutes the retail concentration.

The Department recommends denial of the requested rezoning to B-3 SL, and recommends approval of rezoning to R-O SL, with special limitations as outlined in the staff analysis.

02 15

CLAIM

M.O.A.