

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 11-22-05

Submitted by: Chair of the Assembly at
the Request of Assemblymember
Sullivan
Prepared by: Planning Department
For reading: October 18, 2005

Anchorage, Alaska
No. AO 2005-161 *As Amended*

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
REZONING OF APPROXIMATELY 43,439 SQUARE FEET FROM R-3 SL (MULTIPLE-
FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS) TO B-3 SL (GENERAL
BUSINESS WITH SPECIAL LIMITATIONS) FOR TRACT 2, BOETTCHER SUBDIVISION;
GENERALLY LOCATED SOUTH OF SPENARD ROAD AND WEST OF NORTHWOOD
DRIVE.

(Spenard Community Council) (Planning and Zoning Commission Case 2005-062)

THE ANCHORAGE ASSEMBLY ORDAINS:

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

Tract 2, Boettcher Subdivision, containing approximately 43,439 square feet, as shown on
Exhibit A.

Section 2. This zoning map amendment is subject to the following special limitations:

- a. A landscape plan shall be submitted for review and approval by the Planning
Department.
- b. Any further redevelopment shall be subject to ~~an Administrative~~ **a Public**
Hearing Site Plan Review which shall comply with the *Spenard Commercial*
District Development Strategy Plan.
- c. **Temporary buildings are prohibited.**
- d. **Landscaping and buffering improvements must be concluded by January 1,**
2008.

Section 3. Prior to B-3 SL zoning becoming effective, Tracts 1 and 2, Boettcher Subdivision
shall be replatted into a single lot.

Section 3.4. This ordinance shall become effective within 10 days after the Director of the
Planning Department has received the written consent of the owners of the property within the
area described in Section 1 above to the special limitations contained herein. The rezone

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

6
7 PASSED AND APPROVED by the Anchorage Assembly this 22nd day of
8 November, 2005.

9
10
11 ATTEST:

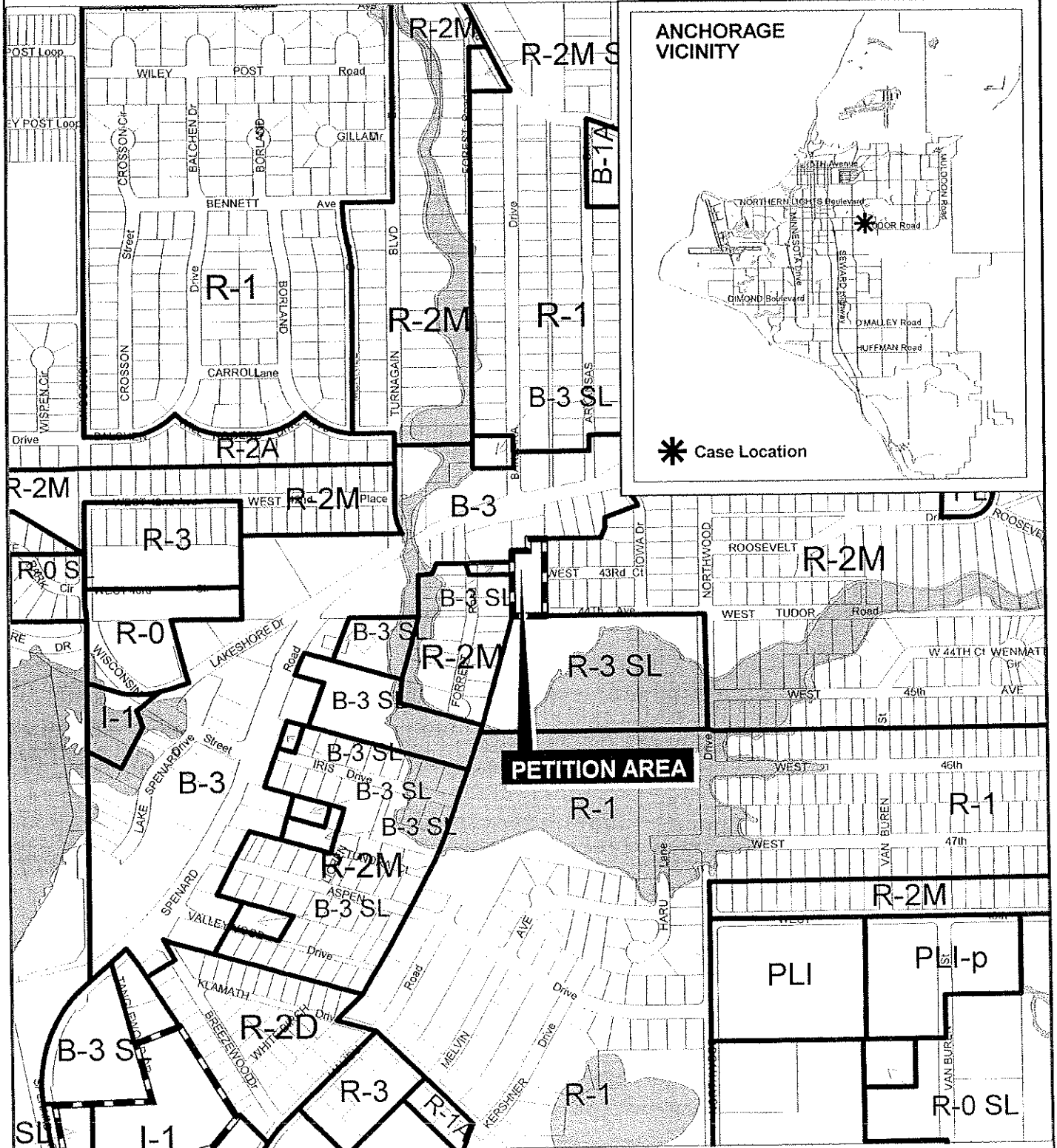
Anna L Fairclough
Chair

Bonita S. Gruenke
Municipal Clerk

(Planning Case Number 2005-062)
(Tax ID #010-196-45)

REZONE 2005-062

EXHIBIT A



Municipality of Anchorage
Planning Department

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

Date: April 12, 2005

03

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005- 161

Title: Planning and Zoning Commission, Case 2005-062; a rezoning from R-3 SL (Multi Family Residential District) to B-3 SL (General Business District) for Tract 2, Boettcher Subdivision.

Sponsor:

Preparing Agency:

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezone should have no significant impact on the public sector.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning should have no significant economic impact on the private sector except that the value of the property would likely be increased.

Prepared by: Jerry T. Weaver Jr.

Telephone: 343-7939

Validated by OMB: _____

Date: _____

Approved by: _____
(Director, Preparing Agency)

Date: _____

Concurred by: _____
(Director, Impacted Agency)

Date: _____

Approved by: _____
(Municipal Manager)

Date: _____

MUNICIPALITY OF ANCHORAGE

REZONINGS OR ORDINANCES AMENDMENTS

§960

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY

(I) (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A PUBLIC HEARING ON CASE NO. 2005-062 WHICH RECEIVED AN UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON JUNE 6, 2005 FOR THE FOLLOWING REASONS: PLEASE SEE ATTACHED.

RECEIVED

SEP 22 2005

Municipality of Anchorage
Zoning Division

M.O.A.
2005 SEP 19 PM 1:02
CLERKS OFFICE

SIGNED: [Signature]

ADDRESS: 2010 W. 46TH AVE

PHONE: 907-351-7513

FEE: Paid by Check: # 1187 Cash _____
Receipt # 259770

RECEIVED BY: [Signature]

DATE RECEIVED: 9-19-05

* Rezoning (Petitioner or anyone objecting to decision)

* Ordinance Amendments - changes to Title 21 regarding text (petitioner or anyone objecting to decision).

lounsbury & associates, inc.

ESTABLISHED 1940

September 6, 2005

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

Regarding: Tract 2, Boettcher Subdivision

Dear Municipal Clerk,

Lounsbury & Associates, representing Mr. Ersin Aygun, submitted a request for a Zoning Map Amendment on Tract 2, Boettcher Subdivision from R-3SL to B-3SL to the Planning & Zoning Commission. The Commission denied the request in a 4-2 vote. This letter is our request to introduce this Zoning Map Amendment for public hearing and action by the Assembly.

Tract 2 is located just to the east of Gwennie's Restaurant and to the south of Mr. Aygun's car rental business currently operating on Tract 1. (See attached location map) Tract 2 is land-locked with its only access through Tract 1. Mr. Aygun is seeking this rezone to combine the property into one economic unit, expand his business and improve the property. He is proposing to build a rental sales office and fully developed parking structure meeting all requirements of Municipal code.

Its association with the former Vagabond Trailer Court located on Tract 3 to the south clouds the title of Tract 2. There were previous attempts by others to develop all of this property as a single unit and the property was rezoned under case, AO 84-148(S). The development failed to go forward and the property has been sold to different parties under the existing legal boundaries.

The key issue requiring the rezone was originally one of access. There was a special limitation on the previous rezone that required the reservation of an access to Spenard Road through Tract 2 for the benefit of Tract 3. At that time all three parcels were under common ownership. There are many reasons to support the elimination of this condition but perhaps the most important reason is that it is simply not needed. MOA Traffic had no objection to removing the vehicular access requirement from Tract 2, which is supported by a Traffic Impact Analysis taking into account the programmed upgrades to Northwood Drive. The access is also in a location that cannot be constructed to current standards due to grade and geometric restrictions at Spenard Road. It is also important to note that the access restriction does not exist on Tract 1, which would require condemnation proceedings to acquire.

The Commission was not sensitive to the petitioner's good faith application because they did not disclose their concerns during the public hearing or ask any questions, which would have allowed the petitioner the opportunity to address their concerns. We believe the Commission erred in its findings related to the controlling document for the redevelopment of these lots.

The Spenard Commercial District Development Strategy (SCDDS) has carefully guided the redevelopment along this section of Spenard Road for over 20 years. It clearly defines that this property was a candidate for rezoning to commercial use. Staff's findings support that the

06



723 West 6th Avenue Anchorage, Alaska 99501 T: 907-272-5451 F: 907-272-9065
3161 E. Palmer-Wasilla Highway, Suite 2 Wasilla, Alaska 99654 T: 907-357-9129 F: 907-357-9140

WWW.LOUNSBURYINC.COM



SCDDS should be the controlling document. The Commission also failed to recognize that the rezone to B-3 does not preclude future residential development when in fact it actually allows high-density residential use.

It is virtually impossible to address future land use ordinances in the context of the Anchorage 2020 Plan at this time because there is no accompanying area-wide Land Use Map. However, this proposal does not preclude future residential development near a proposed transit supportive corridor.

The Community Council's primary objections stem from the issue of access and the future development of Tract 3. There is no doubt that someday Tract 3 will be developed and that the primary access will be to Northwood Drive. Mr. Aygun has absolutely no control over development on Tract 3. All of the Council's concerns are addressed through the proposed special limitations and the current building permit process with the exception of the access issue. Mr. Aygun has approximately 20 letters of support from residents and business owners in the area.

Mr. Aygun has offered to include a special limitation for site plan review and another that would prevent temporary buildings. He has conceptual parking area and landscaping plans prepared that meet the requirements of municipal code. Any construction will require full Building Department review and conformance with all applicable code. Municipal Staff offered a condition on the rezone to alter the landscaping along an adjoining residential area to provide fencing in lieu of landscaping. Mr. Aygun has already provided fencing on his property and the adjoining owners have already built a site-obscuring fence. He has agreed to plant all of the required landscaping as well – which provides both methods of screening.

We look forward to the opportunity to discuss it in more detail at public hearing before the Assembly.

Sincerely,
Lounsbury & Associates, Inc.

Kenneth W. Ayers
Kenneth W. Ayers, P.L.S.
Principal

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-031

A RESOLUTION DENYING A REZONING FROM R-3 SL (MULTI-FAMILY RESIDENTIAL) WITH SPECIAL LIMITATIONS TO B-3 SL (GENERAL COMMERCIAL) WITH SPECIAL LIMITATIONS FOR BOETTCHER SUBDIVISION, TRACT 2; GENERALLY LOCATED SOUTH OF SPENARD ROAD AND WEST OF NORTHWOOD DRIVE.

(Case 2005-062, Tax I.D. No. 010-196-45)

WHEREAS, a request has been received from Ersin Aygun to rezone from R-3 SL (Multi-Family Residential) to B-3 SL (General Commercial) with Special Limitations for Boettcher Subdivision, Tract 2; generally located south of Spenard Road and west of Northwood Drive, and

WHEREAS, notices were published, posted and 81 public hearing notices were mailed and a public hearing was held on June 6, 2005.

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 a 43,439 square foot lot located one lot south of Spenard Road from R-3 SL to match the B-3 SL zoning of the adjoining 16,913 square foot lot to the north that has access to Spenard Road. Both lots are owned by the petitioner. The proposed use is for joint development of the two lots for a car sales lot which is a permitted use in the B-3 but not the R-3 District. The special limitations offered are (a) a landscape plan and (b) any further redevelopment of the site is subject to an administrative site plan review in compliance with the Spenard Commercial District Development Strategy plan.
2. The subject property is one lot south of the Spenard Road. Spenard Road is a Transit Supportive Development Corridor as shown on the Anchorage 2020 Plan and is also governed by the Spenard Commercial District Development Strategy plan, an adopted element of the comprehensive plan.
3. The subject property is a land locked parcel with no direct street access except for an access route required by the existing special limitations in the AO 84-148(S) zoning for ingress/egress to Spenard Road and Northwood Street via Tract 1 to the north and Tract 3 to the south respectively.
4. At the time R-3 SL zoning was adopted in 1991, Tracts 1, 2, and 3 were under the same ownership. The 1991 ordinance assumed the three parcels would remain under common ownership, be replatted and be developed under a common site plan. In 2002, Tracts 1 and 2 were purchased by the petitioner.
5. A 1991 traffic impact analysis (TIA) was required by the Traffic Department, which found that as Northwood Drive was planned to be upgraded they did not find that a dual access requirement was necessary anymore for Tract 3.

Traffic had no objection to removing the vehicular access requirement from Tract 2, but did not include a copy of the 1991 TIA findings. Department staff that handled the 2002 rezone request had spoke with Traffic who said access from Lots 1 and 2 should be directly to Spenard Road, not through 43rd Court, and that Tract 3 should access Northwood. Responding to a question as to whether the TIA pre-dated the International Airport Road improvements, staff replied that the 2002 review looked at various access scenarios. The improvements on International Airport Road spurred the improvements on Northwood and the drainage improvements on 43rd Court.

6. Robert Auth, Chair of the Spenard Community Council, testified that the Council discussed the subject rezoning at its May meeting and was overwhelmingly against the rezoning and favor development of the three lots under the existing special limitations contained in AO 91-84. The Council thought the 1991 strategy to develop the three parcels was appropriate, and supported denial of Case 2003-12, which was a request to eliminate the special limitation which required access to Spenard Road without a specific development plan.
7. The Spenard plan shows the transition area for commercial rezoning only goes to West 43rd Court while the subject parcel extends to 44th Avenue, but also provides evaluation methods for rezoning proposals that expand beyond the identified transition area. The circumstances under which rezone requests are to be evaluated (ref page D-4 of the Plan) states that "existing trailer court properties" (Tracts 1, 2, 3 site of the former Vagabond Trailer Court) "on the south side of Spenard Road should be redeveloped as multi-family housing, except where frontage on Spenard Road allows commercial development to occur. A change in grade across the site facing Spenard Road creates a natural boundary between commercial and residential land uses." Lots 1 and 2 have the same approximate topography (to W. 44th Avenue) and sit above grade (8'-15') of Lot 3 which is at the same elevation as Fish Creek.
8. The Community Council believes no rezone is necessary since off-street parking is allowed in the R-3 as a conditional use. They view a car sales lot and building as a temporary use and an eyesore and were concerned that the proposal did not have a definite plan for permanent development. Temporary buildings need only a temporary electrical hook-up with no requirement to extend utilities or mitigate off-site drainage. Additionally they are concerned about site drainage, and impact to the neighborhood residential uses.
9. Public testimony protested the public hearing noting there was not proper notice on the property. The poster was 50-feet from the road, inaccessible and not readable. Concern was expressed that other properties along Spenard were rezoned with specific plans for development that has not actually occurred. They would like to see buffer landscaping on the site where it adjoins eight residential lots in addition to a fence. The property owner has already installed a chain link fence.
10. In rebuttal, the petitioner stated he would agree to a special limitation prohibiting temporary buildings. The site cannot be paved and a building

permit would not be issued without a review of all the issues including storm drainage. He further stated that property will not go forward as a single contiguous development of his two lots with the third lot, Lot 3, partly because it is not under single ownership. It is not feasible to build an access to Spenard Road because it cannot be geometrically aligned with Barbara Street to the north. Two public hearing signs were posted on the site and one on Tract 1 was torn down, the other has been continuously posted for 21-days. Staff confirmed that an affidavit of posting has been received along with photographs, and the subject property has been legally posted and met the requirement of AMC 21.15.005 F.

11. Addressing the Commission's question whether the Anchorage 2020 or the Spenard Road Transit Supportive Development Corridor Plan prevailed in this review, staff answered that although Anchorage 2020 is the more recently adopted plan (2001), it is general in nature, and includes a visionary concept policy map (page 50) but not an updated Land Use Map. Policy statement #2 states "land use and generalized residential intensity maps shall be developed with each neighborhood or district plan incorporating elements of the Land Use Policy Map and shall guide land use decisions." Although the Spenard Plan was adopted by the Assembly in 1987, it prevails because it is a specific neighborhood plan with regard to guiding land use decisions such as rezonings along the Spenard Road Corridor (not included or addressed by Anchorage 2020). It includes a specific land use map identifying transitional lots that could be zoned commercial plus guidelines to guide public decisions in this transitional area (note: not included or addressed by Anchorage 2020). The Land Use Strategy Map and Figure D-1 of the Spenard Plan sets forth guidelines regarding such commercial expansion: "the area outline may be exceeded in some cases if individual circumstances warrant it and other conditions to limit impacts are satisfied." It states that proposals are to be considered on a case by case basis and their own merits. In this case, and in accordance with D-4 land use strategy specific to this property "that it be redeveloped as multi-family housing except where frontage on Spenard Road allows commercial development to occur." It further states "a change in grade across the site facing Spenard Road creates a natural boundary between commercial and residential land uses." The subject lot is at similar grade as the lot facing Spenard Road, but not at grade with Tract 3 to the south. The B-3 district allows residential use at minimum 12 dwelling units per acre.
12. Commission findings opposing the rezoning include that condition 2 calling for a sight obscuring 8-foot fence is premature without knowing what will be the use of the property; the rezoning does not conform to Anchorage 2020 which has a policy #9 to preserve residential density along transit supported corridors; that the petitioner should be encouraged to pursue a conditional use for a parking lot use in conjunction with his car sales business; insufficient information to make a determination regarding the impact of storm drainage on adjacent sites; that the 1991 TIA may not have considered the fact that Northwood discharges into International Airport Road which is a one-way road. Therefore the access easement from this parcel, Tract 2, to Spenard Road may be necessary for future traffic circulation from Tract 3.
13. A motion to approve the subject rezoning subject to conditions 1 through 4, amending condition 1 to require a public hearing site plan review rather than

an administrative site plan review failed: 2 yeas and 4 nays. Motion failed.

- B. The Commission recommends the rezoning be DENIED by the Anchorage Assembly for Boettcher Subdivision, Tract 2; generally located south of Spenard Road, and west of Northwood Drive.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 6th day of June, 2005.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this _____ day of _____ 2005. If the Planning and Zoning Commission recommends that the Assembly disapprove a zoning map amendment, that action is final unless within 20 days of the Commission's written resolution recommending disapproval, the applicant may file a written statement with the municipal clerk requesting that an ordinance amending the zoning map in accordance with the application be submitted to the Assembly.

Tom Nelson
Secretary

Don Poulton
Chair

(Case 2005-062)
(Tax ID No. 010-196-45)

ma

NOTES:
LAWN AREAS SHALL RECEIVE 4" TOPSOIL & M.C.A. SCHEDULE A SEED-5lb/1000sf
8-32-16 FERTILIZER-7lb/1000sf
HYDROMULCH-35lb/1000sf

ALL PLANTS TO CONFORM TO ANSI Z60.1-1996
UNLESS OTHERWISE NOTED. REFER TO M.A.S.S. FOR SPECIFICATIONS.

DUE TO SMALL OFFICE SIZE, REFUSE COLLECTION WILL BE BY OWNER.

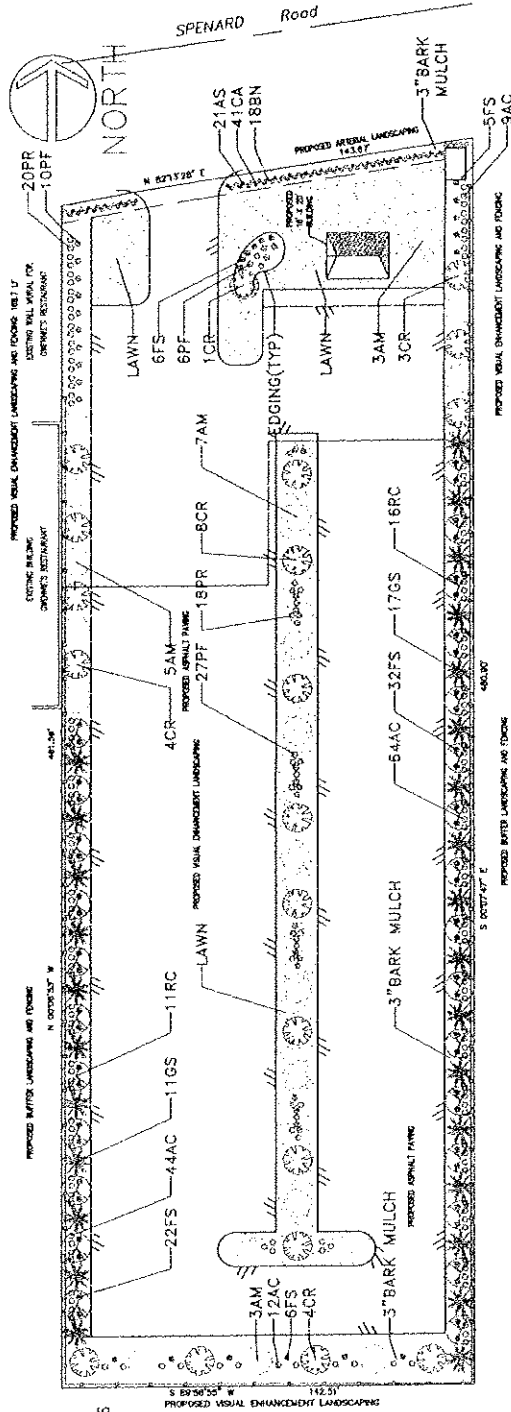
EDGING TO BE COMMERCIAL GRADE VINYL

PLANTING NOTES:

REMOVE BURLAP & WIRE FROM TOP 1/3 OF ROOTBALL. CUT VERTICAL WIRES ON BASKETS AFTER PLACING IN PIT TO ALLOW MATURE ROOT GROWTH.

EMBED 2x2s UNTIL SECURE. DO NOT PIERCE ROOTBALL. INSTALL PLUMB, CUT TOPS SQUARELY SPACE EVENLY & CONSISTANT W/ OTHER STAKED TREES.

CONNECT TREES TO WOOD STAKES W/10 GA. WIRE OR EQ. CHOOSE ONE COLLAR TYPE FOR THE ENTIRE PROJECT-ACCEPTABLE CHOICES INCLUDE PLASTIC TUBING, ARBOR TAPE, OR CLEAN GARDEN HOSE. TENSION ON WIRE TO BE SNUG, BUT NOT TIGHT.



PLANT LEGEND

SYM	KEY	QTY	BOTANICAL/COMMON NAME	SIZE	NOTES
GS	28	Picea pungens/Col Green Spruce	5' min ht	5:3	
RC	27	Malus spp 'Radiant'/Radiant Crabapple	1-1/2" (8' min ht)		
AM	18	Prunus mackii/Amur Chokecherry	1" (8' min ht)		
CR	20	Prunus virginiana/Canada Red Cherry	1" (8' min ht)		
CA	41	Cotoneaster lucidus/Hedge Cotoneaster	18" min ht		
BN	18	Picea abies 'Nidiformis'/Bird's Nest Spruce	12" spd		
AS	21	Picea glauca albertiana 'Conica'/Dwarf Alberta Spruce	18" min ht		
PF	43	Potentilla fruticosa/Potentilla	18" min ht		
AC	129	Ribes alpinum/Alpine Currant	18" min ht		
PR	38	Rosa acicularis/Prickley Rose	18" min ht		
FS	71	Spirea japonica 'Froebel'/Froebel Spirea	18" min ht		

BEFORE YOU DIG
CALL FOR FREE
UNDERGROUND
LOCATION



Locate Call Center of Alaska
Anchorage Area: 278-3321
278-3321
who will notify subscribed utilities only
Other utilities need to be contacted
individually.

EVERGREEN LANDSCAPING
12580 Old Seward Hwy
Anchorage, AK. 99515

Date: June 3, 2005

Drawn: EDG

Checked: RAF

Size: FSQM NO.

DWG NO.

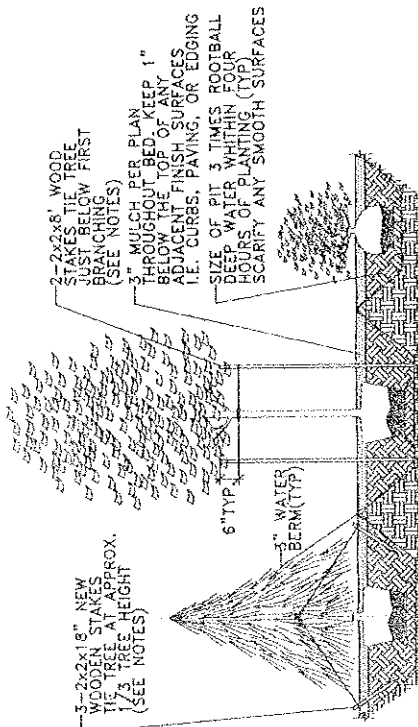
Full Size: 1"=20'-0"

Scale: Half Size: 1"=40'-0"

SHEET 1 OF 1

TYPICAL PLANTING DETAIL

Not To Scale



NOTES:
LAWN AREAS SHALL RECEIVE 4" TOPSOIL & M.O.A. SCHEDULE A SEED-5lb/1000sf
8-32-16 FERTILIZER-7lb/1000sf
HYDROMULCH-35lb/1000sf

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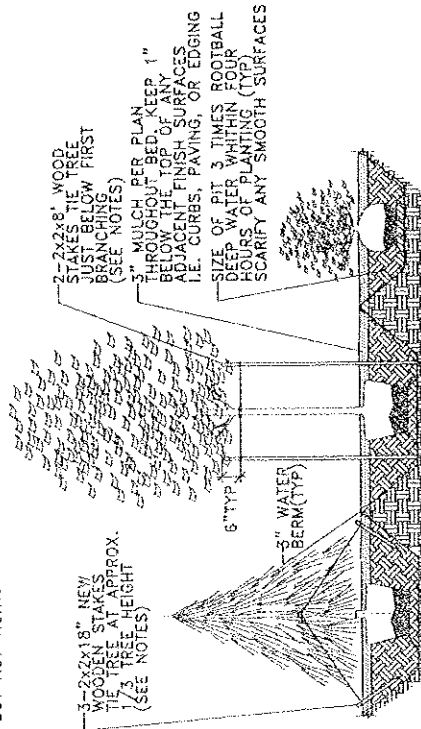
DUE TO SMALL OFFICE SIZE, REFUSE COLLECTION WILL BE BY OWNER.

EDGING TO BE COMMERCIAL GRADE VINYL

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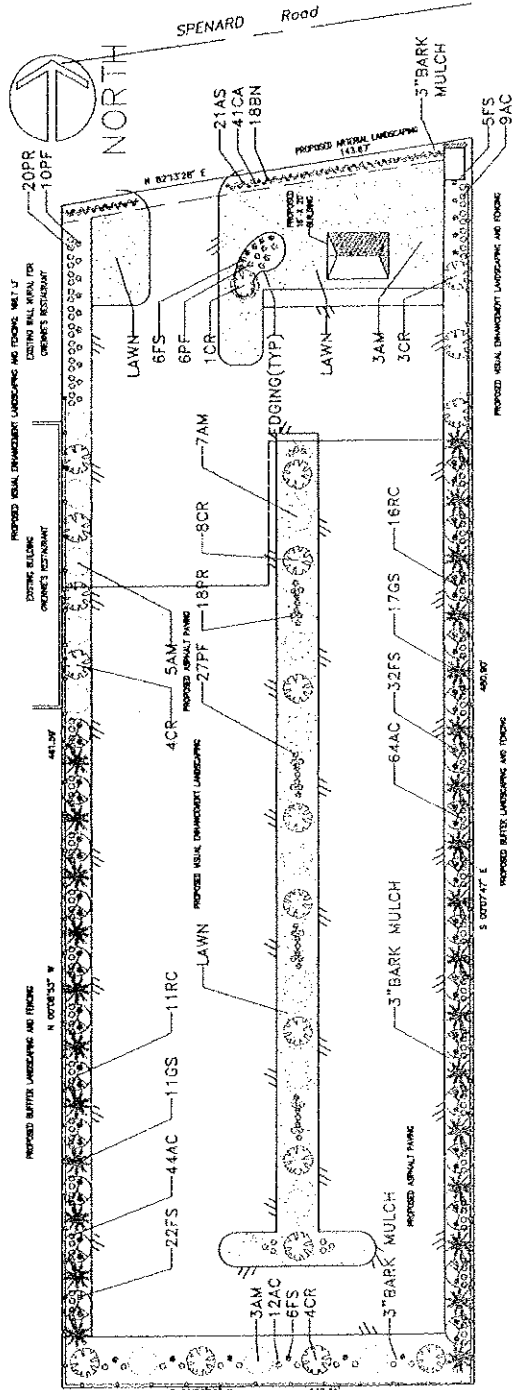
EMBED 2x2s UNTIL SECURE. DO NOT PIERCE ROOTBALL. INSTALL PLUMB, CUT TOPS SQUARELY SPACE EVENLY & CONSISTANT W/ OTHER STAKED TREES.

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TYPICAL PLANTING DETAIL

Not To Scale



PLANT LEGEND

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PR	38	Rosa acicularis/Prickley Rose	18" min ht		
FS	71	Spiraea japonica 'Foebeli'/Foebel Spiraea	18" min ht		

BEFORE YOU DIG
CALL FOR FREE
UNDERGROUND
LOCATION



Locate Call Center of Alaska
Anchorage, Alaska 99501-2121
907-261-5121
who will notify subsurface utilities only.
Other utilities need to be contacted
independently.

PLANTING PLAN

EVERGREEN LANDSCAPING
12580 Old Seward Hwy
Anchorage, AK. 99515

BROTHER'S CAR RENTAL
4227 Spenard Road
Anchorage, AK 99517-2676

Date: June 3, 2005

Drawn: EDG

Checked: RAF

SIZE: 1"=20'-0"

SCALE: Full Size: 1"=20'-0"

SHEET 1 OF 1

CASH RECEIPT

259770

Municipality of Anchorage
P.O. Box 196650 • Anchorage, AK 99519-6650
FINANCE DEPARTMENT



Date of Payment (MMDDYY)

09/19/05

Received from Ersin Aygun

Remarks/Address

Rezoning Case 2005-062

CK. 1187

Amount of Payment

\$ 960.-

Payment type (select only one) ☒ Cash ☒ Check ☐ Credit Card ☐ Debit Card ☐ Other

Employee I.D. 21923

Coll. Org. 1020

Deposit I.D.

ACCOUNTING INFORMATION

LN#	\$ AMOUNT	FUND	ACCOUNT	ORG	PROGRAM	CLASS	BDGT PERIOD	PROJECT/GRANT
	ACTIVITY ID		RES TYPE	RES CAT	OPEN ITEM		DESCRIPTION	
1	960.-	101	9794	1020	0000	000	2005	102000 Zoning Appeal
2								
3								
4								

ERSIN AYGUN
PH. 907-351-7513
2010 W 46TH AVE
ANCHORAGE, AK 99517



1187

19-7216/3250

09-19-2005
DATE

Pay TO THE
ORDER OF

MOA

\$ 960.00

NINE hundred SIXTY dollars and 00/100



Security
Features
Detailed on
Back

Alaska Airlines
EMPLOYEES FEDERAL CREDIT UNION
1048 W. INTERNATIONAL AIRPORT RD., SUITE 102
ANCHORAGE, ALASKA 99518

For

1:3250721661: 7909501844791: 1187

© HARLAND 2001

10								
11								

Prepared by Andie L. Stein

Date prepared: 9/19/05 Phone no: 343-4314

MUNICIPALITY OF ANCHORAGE PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-031

A RESOLUTION DENYING A REZONING FROM R-3 SL (MULTI-FAMILY RESIDENTIAL) WITH SPECIAL LIMITATIONS TO B-3 SL (GENERAL COMMERCIAL) WITH SPECIAL LIMITATIONS FOR BOETTCHER SUBDIVISION, TRACT 2; GENERALLY LOCATED SOUTH OF SPENARD ROAD AND WEST OF NORTHWOOD DRIVE.

(Case 2005-062, Tax I.D. No. 010-196-45)

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1. This is a request to rezone a 43,439 square foot lot located one lot south of Spenard Road from R-3 SL to match the B-3 SL zoning of the adjoining 16,913 square foot lot to the north that has access to Spenard Road. Both lots are owned by the petitioner. The proposed use is for joint development of the two lots for a car sales lot which is a permitted use in the B-3 but not the R-3 District. The special limitations offered are (a) a landscape plan and (b) any further redevelopment of the site is subject to an administrative site plan review in compliance with the Spenard Commercial District Development Strategy plan.
2. The subject property is one lot south of the Spenard Road. Spenard Road is a Transit Supportive Development Corridor as shown on the Anchorage 2020 Plan and is also governed by the Spenard Commercial District Development Strategy plan, an adopted element of the comprehensive plan.
3. The subject property is a land locked parcel with no direct street access except for an access route required by the existing special limitations in the AO 84-148(S) zoning for ingress/egress to Spenard Road and Northwood Street via Tract 1 to the north and Tract 3 to the south respectively.
4. At the time R-3 SL zoning was adopted in 1991, Tracts 1, 2, and 3 were under the same ownership. The 1991 ordinance assumed the three parcels would remain under common ownership, be replatted and be developed under a common site plan. In 2002, Tracts 1 and 2 were purchased by the petitioner.
5. A 1991 traffic impact analysis (TIA) was required by the Traffic Department, which found that as Northwood Drive was planned to be upgraded they did not find that a dual access requirement was necessary anymore for Tract 3.

Traffic had no objection to removing the vehicular access requirement from Tract 2, but did not include a copy of the 1991 TIA findings. Department staff that handled the 2002 rezone request had spoke with Traffic who said access from Lots 1 and 2 should be directly to Spenard Road, not through 43rd Court, and that Tract 3 should access Northwood. Responding to a question as to whether the TIA pre-dated the International Airport Road improvements, staff replied that the 2002 review looked at various access scenarios. The improvements on International Airport Road spurred the improvements on Northwood and the drainage improvements on 43rd Court.

6. Robert Auth, Chair of the Spenard Community Council, testified that the Council discussed the subject rezoning at its May meeting and was overwhelmingly against the rezoning and favor development of the three lots under the existing special limitations contained in AO 91-84. The Council thought the 1991 strategy to develop the three parcels was appropriate, and supported denial of Case 2003-12, which was a request to eliminate the special limitation which required access to Spenard Road without a specific development plan.
7. The Spenard plan shows the transition area for commercial rezoning only goes to West 43rd Court while the subject parcel extends to 44th Avenue, but also provides evaluation methods for rezoning proposals that expand beyond the identified transition area. The circumstances under which rezone requests are to be evaluated (ref page D-4 of the Plan) states that "existing trailer court properties" (Tracts 1, 2, 3 site of the former Vagabond Trailer Court) "on the south side of Spenard Road should be redeveloped as multi-family housing, except where frontage on Spenard Road allows commercial development to occur. A change in grade across the site facing Spenard Road creates a natural boundary between commercial and residential land uses." Lots 1 and 2 have the same approximate topography (to W. 44th Avenue) and sit above grade (8'-15') of Lot 3 which is at the same elevation as Fish Creek.
8. The Community Council believes no rezone is necessary since off-street parking is allowed in the R-3 as a conditional use. They view a car sales lot and building as a temporary use and an eyesore and were concerned that the proposal did not have a definite plan for permanent development. Temporary buildings need only a temporary electrical hook-up with no requirement to extend utilities or mitigate off-site drainage. Additionally they are concerned about site drainage, and impact to the neighborhood residential uses.
9. Public testimony protested the public hearing noting there was not proper notice on the property. The poster was 50-feet from the road, inaccessible and not readable. Concern was expressed that other properties along Spenard were rezoned with specific plans for development that has not actually occurred. They would like to see buffer landscaping on the site where it adjoins eight residential lots in addition to a fence. The property owner has already installed a chain link fence.
10. In rebuttal, the petitioner stated he would agree to a special limitation prohibiting temporary buildings. The site cannot be paved and a building

permit would not be issued without a review of all the issues including storm drainage. He further stated that property will not go forward as a single contiguous development of his two lots with the third lot, Lot 3, partly because it is not under single ownership. It is not feasible to build an access to Spenard Road because it cannot be geometrically aligned with Barbara Street to the north. Two public hearing signs were posted on the site and one on Tract 1 was torn down, the other has been continuously posted for 21-days. Staff confirmed that an affidavit of posting has been received along with photographs, and the subject property has been legally posted and met the requirement of AMC 21.15.005 F.


11. Addressing the Commission's question whether the Anchorage 2020 or the Spenard Road Transit Supportive Development Corridor Plan prevailed in this review, staff answered that although Anchorage 2020 is the more recently adopted plan (2001), it is general in nature, and includes a visionary concept policy map (page 50) but not an updated Land Use Map. Policy statement #2 states "land use and generalized residential intensity maps shall be developed with each neighborhood or district plan incorporating elements of the Land Use Policy Map and shall guide land use decisions." Although the Spenard Plan was adopted by the Assembly in 1987, it prevails because it is a specific neighborhood plan with regard to guiding land use decisions such as rezonings along the Spenard Road Corridor (not included or addressed by Anchorage 2020). It includes a specific land use map identifying transitional lots that could be zoned commercial plus guidelines to guide public decisions in this transitional area (note: not included or addressed by Anchorage 2020). The Land Use Strategy Map and Figure D-1 of the Spenard Plan sets forth guidelines regarding such commercial expansion: "the area outline may be exceeded in some cases if individual circumstances warrant it and other conditions to limit impacts are satisfied." It states that proposals are to be considered on a case by case basis and their own merits. In this case, and in accordance with D-4 land use strategy specific to this property "that it be redeveloped as multi-family housing except where frontage on Spenard Road allows commercial development to occur." It further states "a change in grade across the site facing Spenard Road creates a natural boundary between commercial and residential land uses." The subject lot is at similar grade as the lot facing Spenard Road, but not at grade with Tract 3 to the south. The B-3 district allows residential use at minimum 12 dwelling units per acre.
12. Commission findings opposing the rezoning include that condition 2 calling for a sight obscuring 8-foot fence is premature without knowing what will be the use of the property; the rezoning does not conform to Anchorage 2020 which has a policy #9 to preserve residential density along transit supported corridors; that the petitioner should be encouraged to pursue a conditional use for a parking lot use in conjunction with his car sales business; insufficient information to make a determination regarding the impact of storm drainage on adjacent sites; that the 1991 TIA may not have considered the fact that Northwood discharges into International Airport Road which is a one-way road. Therefore the access easement from this parcel, Tract 2, to Spenard Road may be necessary for future traffic circulation from Tract 3.
13. A motion to approve the subject rezoning subject to conditions 1 through 4, amending condition 1 to require a public hearing site plan review rather than

an administrative site plan review failed: 2 yeas and 4 nays. Motion failed.

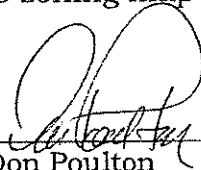
- B. The Commission recommends the rezoning be DENIED by the Anchorage Assembly for Boettcher Subdivision, Tract 2; generally located south of Spenard Road, and west of Northwood Drive.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 6th day of June, 2005.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 29th day of August 2005. If the Planning and Zoning Commission recommends that the Assembly disapprove a zoning map amendment, that action is final unless within 20 days of the Commission's written resolution recommending disapproval, the applicant may file a written statement with the municipal clerk requesting that an ordinance amending the zoning map in accordance with the application be submitted to the Assembly.



Tom Nelson
Secretary



Don Poulton
Chair

(Case 2005-062)
(Tax ID No. 010-196-45)

ma

MS. CHAMBERS suggested retaining the effective clause so there is confirmation from the Traffic Department what they want with respect to the driveways. MR. BOLLES indicated he had no objection to this suggestion.

The public hearing was closed.

COMMISSIONER GIBBONS moved for approval of the rezone subject to the effective clause recommended by Staff.

COMMISSIONER ISHAM seconded.

COMMISSIONER GIBBONS supported this rezoning, finding that it conforms to the Anchorage 2020 Comprehensive Plan. He noted that the split zoning presents a myriad of difficulties with Lot 9. It is preferable to remove special limitations when it is appropriate to do so and it is appropriate in this case.

COMMISSIONER PEASE thought this case was confusing. She felt it was difficult to analyze whether or not this is a spot zoning in terms of the timing of development and the impact on surrounding properties. It is also not possible to determine whether this rezoning increases the intensity of development. It opens uses beyond home occupations, but Staff indicates higher intensity business uses would be unlikely due to the size of the lots. She supported the action based on the fact that it eliminates split lot zoning, but reiterated that it is not possible to determine whether this increases or decreases residential density and the Comprehensive Plan requires that residential density be retained.

AYE: Isham, Pease, Gibbons, Poulton, Simonian, Wielechowski

NAY: None

PASSED

- 2. 2005-062** Ersin Aygun. A request to rezone approximately 1.0 acres from R-3SL (Multiple Family Residential with Special Limitations) to B-3SL (General Business). Boettcher Subdivision, Tract 2. Located at 4227 Spenard Road.

Staff member MARY AUTOR stated 81 public hearing notices had been mailed, 3 were returned undelivered, a letter was received from the Spenard Community Council in opposition, and 12 letters were received in support. The special limitations are with regard to landscaping and an administrative site plan review. This is a rather irregularly-shaped parcel that is landlocked between a smaller tract that is zoned B-3 that fronts onto Spenard Road and a larger rectangular-shaped lot to the south that

has access to Northwood Drive. The 1984 rezoning has led to a number of attempts to rezone. The property before the Commission is Tract 2, but in order to discuss this rezoning, Tract 1 to the north and Tract 3 to the south must be discussed. In 1984 all three lots were under single ownership and the rezoning that occurred at that time relied on that fact and assumed those three lots would be replatted, developed under a common site plan, and that common development would allow access to the north to Spenard and to the east to Northwood. Over the ensuing years subsequent rezonings failed because the development plans incorporated only two of the three lots. Tracts 1 and 2 are now under common ownership. They are at a higher elevation than Tract 3. The tract to the south is encumbered with floodplain and wetlands. The property is located along the Spenard Road transit supported corridor and within the Spenard Commercial District Development Strategy Plan (SCDDSP), which is an adopted element of the Comprehensive Plan. The SCDDSP lays out areas in which commercial might be expanded under a rezoning scenario. The B-3 property along Spenard Road is too shallow for any efficient commercial development. In order to develop commercial uses there must be sufficient parking, maneuvering, landscaping and buildable areas. The SCDDSP outlines a method for reviewing rezone proposals that would expand the identified area of commercial expansion in the plan when circumstances exist, such as a change of grade or natural boundary between the residential and commercial area. Tract 2 sits above Tract 3 and is more naturally developed with Tract 1. The proposal conforms to the Comprehensive Plan and the SCDDSP. A traffic impact analysis (TIA) was required with the last rezone attempt. The special limitation requires an easement through Tract 2 and 1 to allow Tract 3 access to Spenard Road; however, the TIA determined that was not necessary. Tract 3 could be designed to put traffic onto Northwood Drive. A site plan would be required. If the rezoning is approved, it would be appropriate to replat Tracts 1 and 2 into a single parcel for proper development. Physical Planning felt an 8-foot tall site obscuring decorative solid wood fence adjacent to residentially zoned property to the east is appropriate in lieu of fencing plus buffer landscaping.

COMMISSIONER PEASE noted the Traffic Engineer suggested a shared access agreement for Tract 1 and 2. MS. AUTOR indicated if the property is replatted that would not be required.

CHAIR POULTON asked if condition 1 requires an administrative site plan review. MS. AUTOR replied in the affirmative. CHAIR POULTON asked if condition 4 requires going before the Platting Board. MS. AUTOR replied that it is a short plat.

The public hearing was opened.

KEN AYERS, representing the petitioner, distributed a landscape plan just completed today and photographs of the site taken today. He felt Staff had done a thorough analysis of the petition and agreed with the findings and the conditions proposed, including replatting the property into a single tract. He reiterated that the rezoning is consistent with the SCDDSP, which specifically identifies this parcel as a transitional area and appropriate for rezoning. That plan also points out that parking lots are an excellent transitional use to residential areas. The petitioner is working hard to establish his business in conformance with all codes. The landscape plan includes buffer landscaping along all residential areas and visual landscaping along Spenard Road and a 15-foot wide visual buffer adjacent to the residential to the south. There is a large landscape island in the middle of the parking area. The building is sited toward Spenard Road, consistent with the SCDDSP and the Anchorage 2020 Comprehensive Plan. The petitioner was hoping to phase development on the site in recognition of financial constraints. MR. AYERS pointed out that Tract 2 is currently landlocked and has no access to a public road other than through Tract 1; this will be addressed through platting. He attended the community council meeting where he brought forward this site plan, and there were concerns with development on Tract 3. The petitioner has no control or any knowledge of development plans on that parcel. Any development on Tract 3 would be subject to review by this body, the Platting Board or at least the Building Department.

ROBERT AUTH, Chair of the Spenard Community Council, stated this petition was discussed at the Council's May meeting and the Council was overwhelmingly against this proposal. The Council and he personally have been involved with the development of this property since 1991 when the second rezone was proposed. The Council thought that was an appropriate strategy for development of that property, combining the three parcels with special limitations, landscaping and creek setback requirements, that were contained in AO 91-84. However, each time someone buys the property they want to undo that plan. The rezone does not comply with the SCDDSP. The transition area only goes to West 43rd Court while this property extends to 44th Avenue, beyond the transition area. There is no need for a rezone because Tract 2 is completely parking and parking is allowed under the existing zone through the conditional use process. The petitioner could accomplish his plan without a rezone. The Council was also concerned about the lack of any definite plan with regard to this development. The petitioner wants to put a temporary building on the property for an undetermined time period. There is also no plan for water mitigation; there is currently runoff across this property onto Spenard Road. This lot adjoins a number of residential lots, so its use will impact the neighborhood. Under the Comprehensive Plan rezones are to be compatible in scale with adjacent uses. The decision to approve this rezoning would reverse the Planning and Zoning Commission decision in case in 2003-012; all the special limitations regarding access to Spenard Road would no longer apply to Tract 3, which now could only

access Northwood Drive. Last year this body unanimously rejected the request to provide access only to Northwood Drive for this 10-acre parcel. With this rezoning, Tract 3 would have no access except to Northwood Drive.

MARGARET AUTH protested this hearing, noting there was not proper notice of this meeting on the property when she drove by it today. The notification was 50 feet from the road, inaccessible, and not readable. She stated the petitioner bought this property after the last Commission meeting last year when the rezone for Tract 3 was unanimously rejected. He was aware of what encumbrances were on this property and that the Commission did not support access to that parcel via Northwood Drive only. Northwood Drive will be upgraded, but there is a problem with 45th Avenue, which is too narrow and has no right-of-way for expansion. The Traffic Department does not think that is a problem, although the neighbors do and said so in their testimony last year. She also feels the petitioner has not been up front in terms of his plans for this property. Some properties have been rezoned along this street with proposed plans for development, but redevelopment has not actually occurred on those properties. She feared that the same situation could occur on this even larger parcel.

TOM McGRATH, member of Spenard Community Council and past chair, voiced concern with the Staff recommendations, particularly condition 2. He felt that buffer landscaping is needed because this site adjoins eight residential lots. He stated he would like to see this land developed, but this rezoning does not tie the developer to anything. He did not believe a temporary building should be allowed, there should be landscaping and fencing, there should be screening, and there should be an special limitation for water mitigation on site to prevent runoff onto Spenard Road. Water currently cascades off of the petition site. The petitioner has already cleared the property and put RAP in place, so there is no existing foliage to prevent the water from coming off the land. The fence the petitioner has proposed has already been installed. Cars are being stored on the lot. The petitioner's business plan calls for a temporary building but there are temporary buildings throughout Anchorage that have not been truly temporary. If the rezoning is approved and no building permits are taken out, the utility extensions never have to be done; there would not have to be water, sewer, or landscaping. What would be on the lot are cars and a temporary building, which would create another eyesore in Spenard Road.

COMMISSIONER PEASE asked for elaboration on the fear that landscaping will not occur if this is rezoned. MR. McGRATH replied that only a temporary electrical hook-up is required to place a temporary building on a site. A building could be placed on the site, build a business, and in ten years it could still exist. He explained that none of the landscaping has to be done until there is a building permit.

A member of the public sought clarification of the lots in question. MR. AYERS provided this clarification.

In rebuttal, MR. AYERS stated this plan conforms to the SCDDSP; this property is covered by this plan. Parking is allowed under conditional use, but rezoning is appropriate on this property. If there is a concern with a temporary building, the petitioner would be willing to accept a condition prohibiting temporary buildings. The site cannot be paved and a building permit would not be issued without a review of all the issues, including storm drainage. The petitioner has a number of letters of support from neighbors immediately adjacent to the site. The 1991 rezone did not go forward, but the petitioner has no control over that. The property will not go forward as a contiguous development of the three lots. Traffic Engineering reviewed this plan. It is not feasible to build an access to Spenard Road because it cannot be geometrically aligned with Barbara Street. In order to do so, Barbara Street would have to be redone for several hundred feet north of Spenard Road. He stated there were two signs posted on the site and one on Tract 1 was torn down; the other remained and the property was properly posted. Northwood is being upgraded and there is nothing his client can do about development of Tract 3. He stated there is no enforcement action against this property; no permits were needed for the fence that is less than 6 feet in height or for the concrete wall, which is less than 4 feet in height. He thought the petitioner had shown his commitment to move forward with the plan proposed.

CHAIR POULTON asked if the concern with water and runoff would be addressed during the site plan review or replat. MS. AUTOR replied that they would be addressed under the site plan review, but would likely not under the short plat. If any variances or vacations are requested, a long plat would be required and those issues would be addressed.

COMMISSIONER WIELECHOWSKI asked what notice had been provided to the community. MS. AUTOR replied that the property was properly posted. She noted that this is a landlocked property so it is not likely it would have been seen from either Spenard Road or Northwood Drive. The photograph in the packet shows the posting sign. COMMISSIONER WIELECHOWSKI asked if notice was sent to area property owners in accordance with municipal code. MS. AUTOR confirmed this was the case. COMMISSIONER WIELECHOWSKI asked when the SCDDSP was enacted and approved by the Assembly. MS. AUTOR thought the date was 1984 and offered to research this inquiry. COMMISSIONER WIELECHOWSKI asked if it was adopted before Anchorage 2020 was adopted. MS. AUTOR replied in the affirmative. COMMISSIONER WIELECHOWSKI noted that the analysis states the proposal does not conform to the Comprehensive Plan. He thought the later plan would take precedent. MS. AUTOR stated that an adopted neighborhood plan supercedes per AMC 21.05.030.

COMMISSIONER SIMONIAN thought the concern of the public has to do mostly with the lack of any type of site plan; typically when the Commission considers a rezone, a more specific plan is provided. She asked why condition 1 is for an administrative site plan review rather than a review before the Commission. MS. AUTOR replied that the site plan would be required to conform to the criteria found in the SCDDSP, which typically deals with adjacent uses. The Department would negotiate with the petitioner, so long as he was meeting the SCDDSP. COMMISSIONER SIMONIAN asked for response to the concern that after this rezone the property could become a code enforcement problem. MS. AUTOR stated that leaving the land undeveloped under either R-3 or B-3 does not present different situations; anything can be done under the R-3 zone provided it comes through the site plan review process and under the B-3 a special limitation is proposed to require a site plan for anything that involves a building permit, whether temporary or permanent. COMMISSIONER SIMONIAN asked about the issue of the petitioner being able to develop the site as he has proposed under the current zoning. MS. AUTOR stated that as a conditional use under the R-3 the petitioner could propose an off-street parking use. The advantage of the rezoning is that it rezoning ensures the development will be integrated, given that one individual owns both parcels. Leaving the property in two tracts with two zonings makes it difficult to accomplish good development that works on both parcels. In addition, nothing would prevent the sale of one of the parcels.

COMMISSIONER WIELECHOWSKI noted that 21.050.030 appears to say that the Comprehensive Plan is comprised of several elements. It says that if the elements conflict, the element most recently adopted shall govern, which would seem to indicate that Anchorage 2002 supercedes the SCDDSP. MS. AUTOR explained that the zoning map in the SCDDSP that speaks to areas that transition to commercial supercedes the land use plan map in the 1982 Comprehensive Plan, which is the Comprehensive Plan that includes a land use map. The Anchorage 2020 Comprehensive Plan has yet to adopt such a map. COMMISSIONER WIELECHOWSKI noted that page 7 of the Staff analysis states the standard of conformance to the Comprehensive Plan is not met. MS. AUTOR indicated this was a typographical error; the standard is met.

CHAIR POULTON asked if a timeline should be inserted in condition 1 to ensure the public that something would be done in a timely fashion and perhaps reference the landscape plan submitted this evening. MS. AUTOR replied that the Municipality can not tell a property owner when to develop their property. However, the site plan review could be a public hearing, rather than an administrative review.

COMMISSIONER PEASE noticed that the Property Appraisal comment indicates good drainage on this property and she wondered if there should also be comments from other reviewing agencies. MS. AUTOR replied that the packet

was routed to Engineering, but they choose not to respond. COMMISSIONER PEASE noted the TIA says there is no need to maintain the original plan for Tract 3 access to Spenard and Northwood. MS. AUTOR stated that was part of the 1991 TIA and the conversations she had with Traffic Engineering confirmed that. MS. CHAMBERS stated she handled the rezoning of the property to the south. She has spoken with Traffic and they said access from these two lots should be directly to Spenard Road, not through 43rd Court and that Tract 3 should have access to Northwood. Tract 3 is very difficult to develop and it has to be developed residentially. COMMISSIONER PEASE asked if the TIA pre-dated the International Airport Road improvements. MS. CHAMBERS replied that there were reviews in 2002 looking at various access scenarios. The improvements on International Airport Road spurred the improvements on Northwood and the drainage improvements on 43rd Court.

The public hearing was closed.

COMMISSIONER SIMONIAN moved for approval of the rezoning to B-3 SL subject to conditions 1 through 4, amending condition 1 to require a public hearing site plan review rather than an administrative site plan review.
COMMISSIONER GIBBONS seconded.

COMMISSIONER SIMONIAN supported her motion finding that a public hearing is appropriate as it gives the public a chance to participate. She noted that while most of the concerns heard tonight could be handled in an administrative site plan review, public involvement in the process could eliminate ill will. She felt there are enough significant issues to warrant the Commission's involvement in a site plan review.

COMMISSIONER PEASE did not support the motion. She felt condition 2 is premature without knowing what will be the use of this property. She did not think this rezoning conforms to the Comprehensive Plan, which has the intent to preserve residential density especially along transit supported corridors. She felt the petitioner should be encouraged to pursue a conditional use for a parking lot use. She did not have sufficient information to make a determination regarding the impact of this development on adjacent sites in terms of drainage. The TIA from 1991 did not see the need for future access from Tract 3 onto Spenard Road; she was concerned that might not address the fact that Northwood discharges into International Airport Road, which is a one-way road. One year ago the Commission heard testimony from dozens of people concerning traffic going onto Northwood from Tract 3. There is no way for traffic on Northwood to move east because of the inadequacy of 45th Avenue. She did not feel comfortable changing the possible traffic pattern by eliminating the easement requirement on these two parcels.

COMMISSIONER WIELECHOWSKI did not support the motion, finding that the SCDDSP was developed in the mid-1980s and under 21.05.030 Anchorage 2020 is the element of the Comprehensive Plan that would take precedence. He felt that Policy #9 of Anchorage 2002, requiring an overall average density of 8 dwelling units per acre on land located within one-quarter mile of a transit supported corridor, is not achieved with this rezoning.

COMMISSIONER ISHAM did not support the rezone, finding that it conflicts with the Anchorage 2020 Comprehensive Plan.

COMMISSIONER GIBBONS agreed that this rezoning did not comply with the Anchorage 2020 Comprehensive Plan. He thought several of Commissioner Pease's remarks were on point.

CHAIR POLTON felt that requiring a public site plan review for this property was appropriate and that the rezoning should be approved.

AYE: Simonian, Poulton

NAY: Isham, Pease, Gibbons, Wielechowski

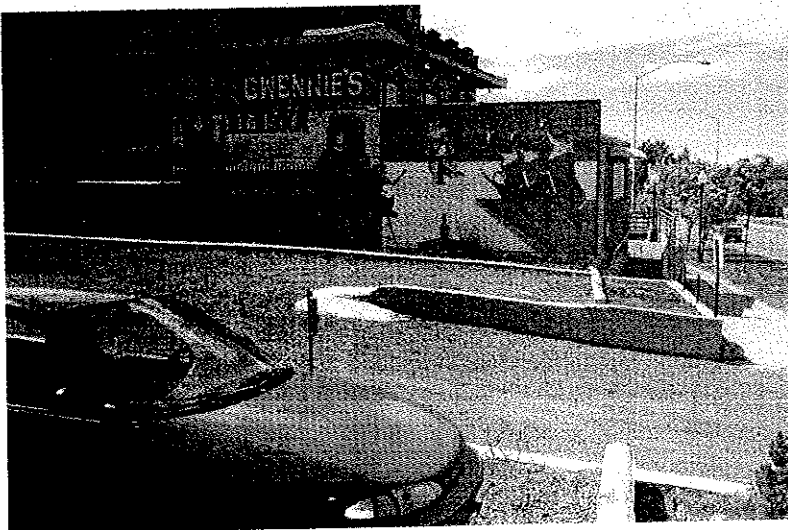
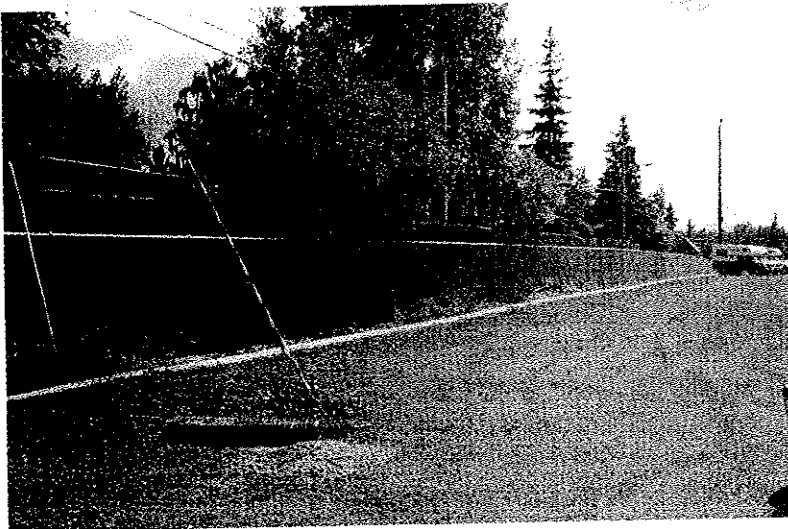
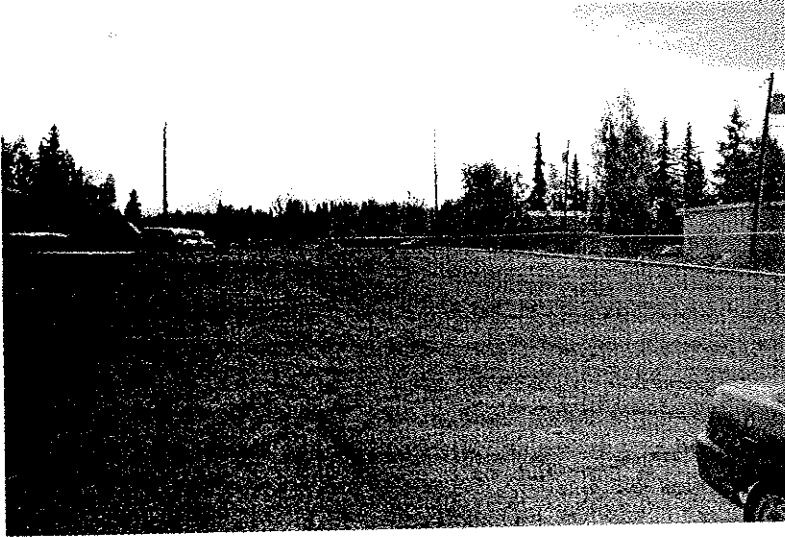
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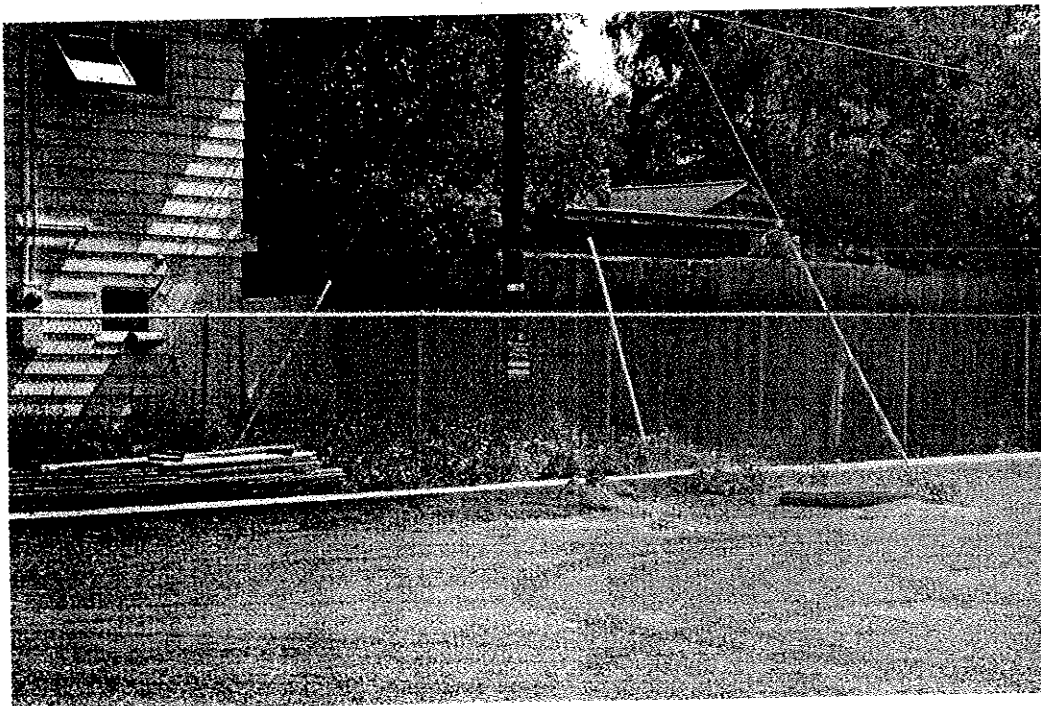
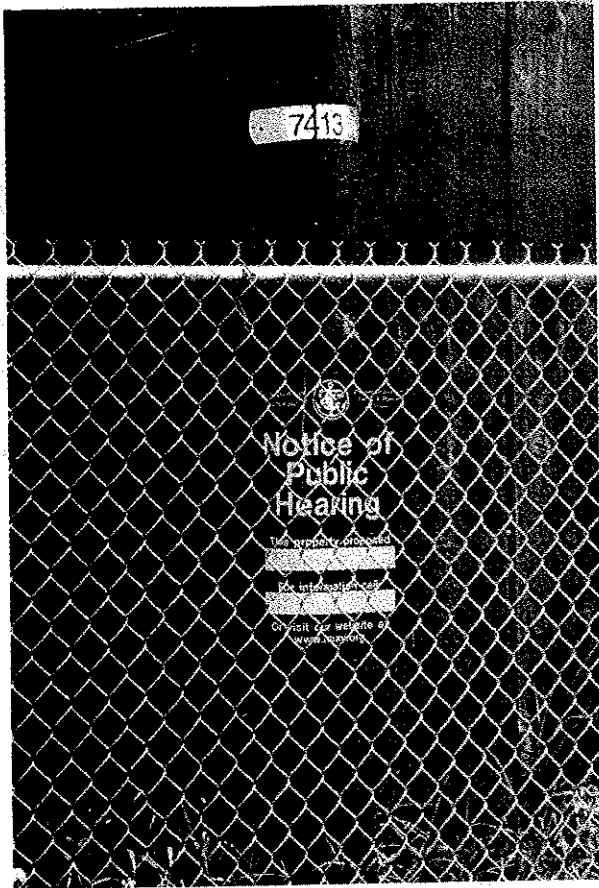
3. 2005-064

Bob Bradley. A Site Plan Review for a mini-storage & office. Turnagain #1, Block 1, Lots 3 & 4 and two adjacent unsubdivided parcels. Located at 921 E. 112th Avenue.

Staff member AL BARRETT stated 31 public notices were mailed and none were returned. There was no comment from the Community Council. This is the first ordinance under the new self-storage ordinance. This is a proposal for a combined self-storage and office building to be developed on property located south of the Lowe's property on Old Seward Highway. The office portion will comprise the top floor with the lower two floors containing the self-storage use. The property has two parking lots and two entrances. The self-storage has stricter landscaping and screening requirements than the office use. The applicant has submitted two site plans as two alternatives and has identified his preferred alternative. The alternatives do not affect the building or landscaping, but the preferred alternative is a more terraced approach to the grade separation on the east boundary of the property. The preferred alternative costs about 6 parking spaces, but the parking is well over what is required. The issue that will be resolved at platting is construction of access to the property from 112th Avenue and Gambell Street. The applicant is required to construct those streets to a certain standard. Gambell Street will be constructed to full standards and will share construction of 112th Avenue

Rec'd at P.H. 6/6/05
Submitted by Petitioner





NOTES.
LAWN AREAS SHALL RECEIVE 4" TOPSOIL &
M.O.A. SCHEDULE A SEED-5lb/1000sf
8-32-16 FERTILIZER-7lb/1000sf
HYDROMULCH-35lb/1000sf

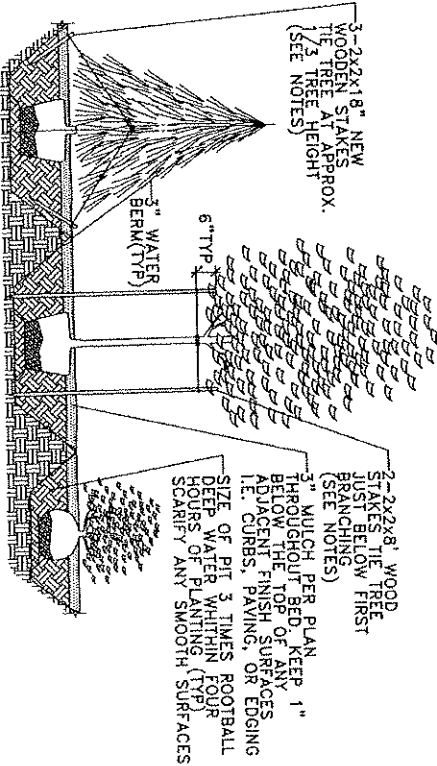
DUE TO SMALL OFFICE SIZE, REFUSE
COLLECTION WILL BE BY OWNER.

PLANTING NOTES:

PLANNING NOTES:
REMOVE BURL&WIRE FROM TOP 3/4 OF
ROOTBALL. CUT VERTICAL WIRES ON BASKETS
AFTER PLACING IN PIT TO ALLOW MATURE
ROOT GROWTH.

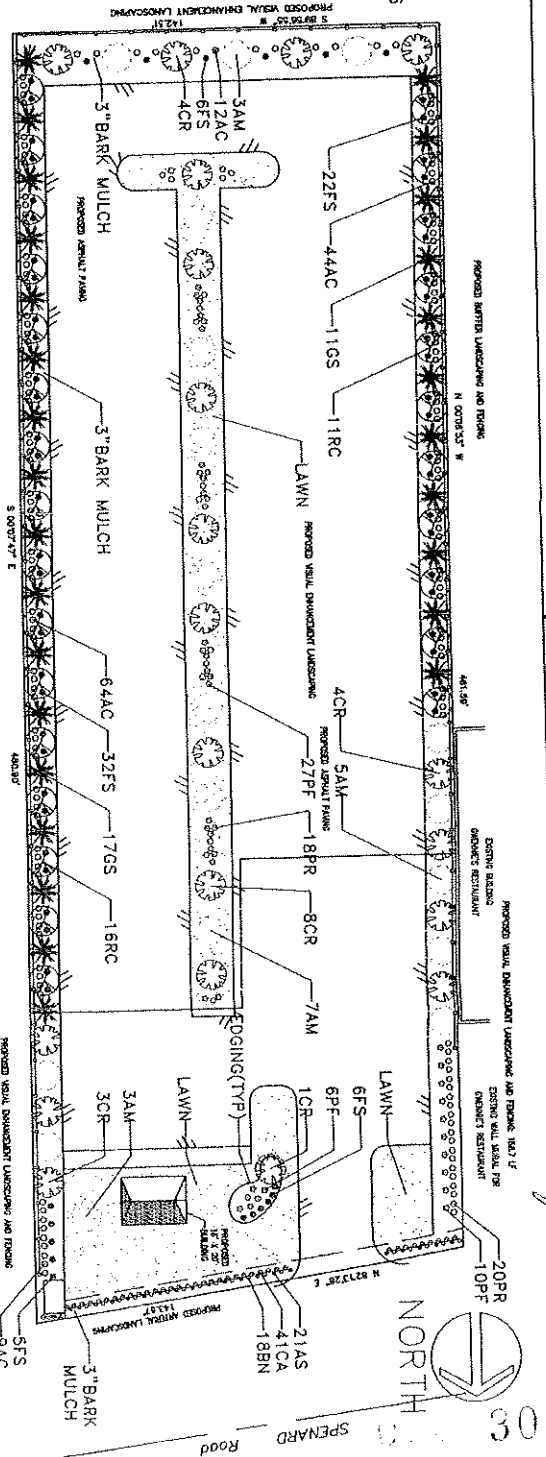
EMBED 2x2s UNTIL SECURE. DO NOT PIERCE
ROOTBALL. INSTALL PLUMB, CUT TOPS
SQUARELY SPACE EVENLY & CONSISTANT W/
OTHER STAKED TREES.

CONNECT TREES TO WOOD STAKES W/10 GA. WIRE OR EQ. CHOOSE ONE COLLAR TYPE FOR THE ENTIRE PROJECT—ACCEPTABLE CHOICES INCLUDE PLASTIC TUBING, ARBOR TAPE, OR CLEAN GARDEN HOSE. TENSION ON WIRE TO BE SNUG, BUT NOT TIGHT.



TYPICAL PLANTING DETAIL

Not To Scale



SYM	KEY	QTY	BOTANICAL/ COMMON NAME	SIZE	NOTES
	GS	28	Picea pungens/Col Green Spruce	5'min ht	5:3
	RC	27	Malus spp 'Radiant'/Radiant Crabapple	1-1-1/2'(6'min ht)	
	AM	18	Prunus mockii/ Amur Chokecherry	1'(6'min ht)	
	CR	20	Prunus virginiana/Canada Red Cherry	1"(6'min ht)	
	CA	41	Cotoneaster lucidus/ Hedge Cotoneaster	16"min ht	
	BN	18	Picea abies 'Nidiformis'/Bird's Nest Spruce	12"spd	
	AS	21	Picea glauca albertiana 'Conica' / Dwarf Alberta Spruce	18"min ht	
	PF	43	Potentilla fruticosa/ Potentilla	18"min ht	
	AC	129	Ribes alpinum/Alpine Currant	18"min ht	
	PR	38	Rosa acicularis/Prickley Rose	18"min ht	
	FS	71	Spirea japonica 'Freibell'/Freibel Spirea	18"min ht	

PLANT LEGEND

BEFORE YOU DIG
CALL FOR FREE
UNDERGROUND
LOCATION

Locate Call Center of Alaska
Anchorage Area..... 278-3121
Statewide..... 800-478-3121
who will notify subscribed utilities only.
Other utilities need to be contacted
individually.

EVERGREEN LANDSCAPING	Date:	June 3, 2005
12580 Old Seward Hwy	Drawn:	EDG
Anchorage, AK. 99515	Checked	RAF

PLANTING PLAN

BROTHER'S CAR RENTAL
4227 Spenard Road
Anchorage, AK 99517-2676

SIZE	FSCM NO.	DWG NO.
SCALE: Full Size: 1"=20'-0" Half Size: 1"=40'-0"		

REV

Case 2005-062

Rec'd at P.H. 6/6/05 Submitted by Politician

G.2.

PLANNING DEPARTMENT PLANNING STAFF ANALYSIS REZONING

DATE: June 6, 2005

CASE NO.: 2005-062

APPLICANT: Ersin Aygun, Petitioner
Lounsbury & Associates, Representative

REQUEST: A request to rezone approximately 43,439 square feet from R-3 SL (Multiple Family Residential with Special Limitations) to B-3 SL (General Business) District with Special Limitations (SL). The SL's are landscaping and administrative site plan review.

LOCATION: Boettcher Subdivision, Tract 2, generally located south of Spenard Road, and west of Northwood Drive

SITE ADDRESS: N/A

COMMUNITY COUNCIL: Spenard

TAX NUMBER: 010-196-45

ATTACHMENTS:

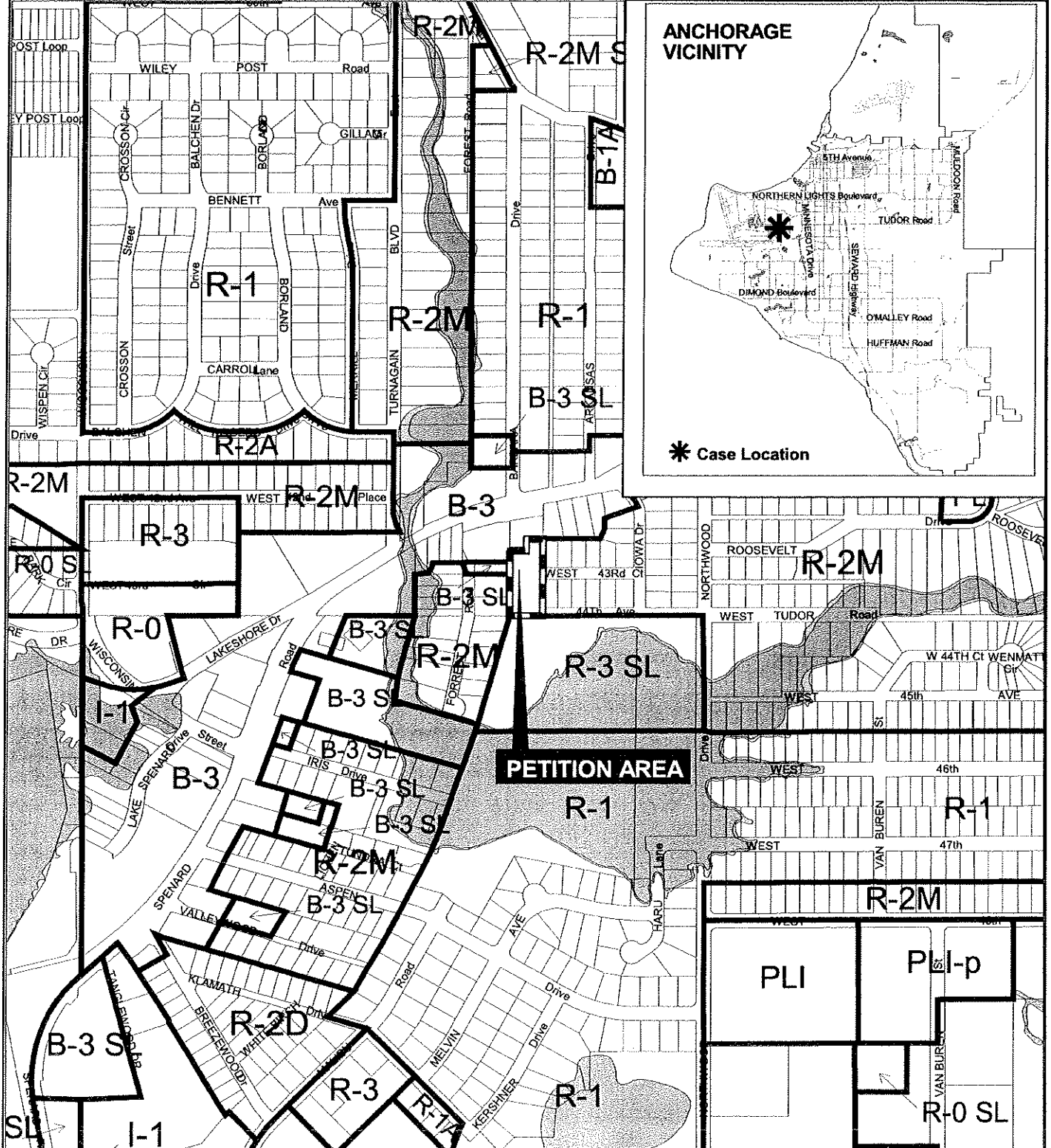
1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

RECOMMENDATION SUMMARY: Approval

SITE:

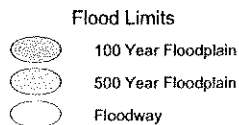
Acres: 43,439 square feet
Vegetation: Vacant, undergrowth
Zoning: R-3 SL in accordance with AO 91-84
Topography: Level
Existing Use: Vacant
Soils: Public Sewer Available; Public Water Not Available

REZONE 2005-062

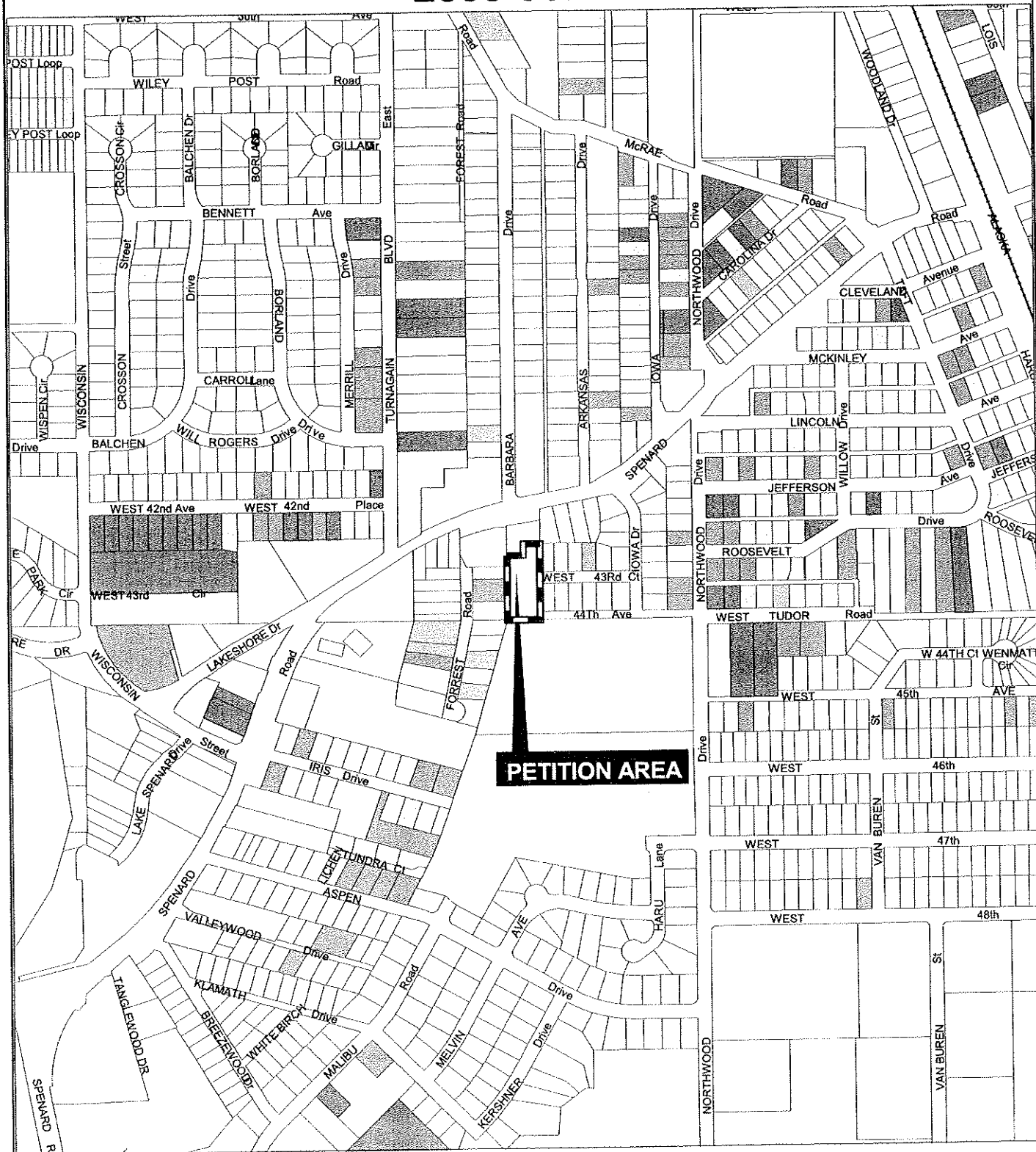


Municipality of Anchorage
Planning Department

Date: April 12, 2005



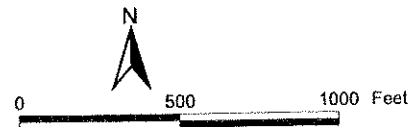
**REZONE
2005-062**



Municipality of Anchorage
Planning Department

-  Single Family Detached
 Single Family Attached, Duplex
 Mobile home
 Multi - Family 3 & 4 Plex
 Multi - Family 5+

Date: April 12, 2005



Source: Housing Stock based on 1998 Land Use Inventory
Planning Department, MOA

COMPREHENSIVE PLAN:

Classification: West Anchorage Planning Area; Spenard Road Transit-Supportive Development Corridor
Density: Minimum average 8 DUA within ¼ mile of Transit-Supportive Development Corridor area

APPLICABLE LAND USE REGULATIONS:

	<u>Proposed B-3 Zoning</u>	<u>Current R-3 Zoning</u>
Height limitation:	Unrestricted/FAA	35 feet
Minimum lot size:	6,000 SF/50 feet	6,000 SF/50 feet
Lot coverage:	Unrestricted	40%
Density/acre:	10 units per 10,750 SF Max. # Units 300 w/ reduction by @ 25% for required public improvements	5 per 8,500 SF, 10 per 11,500 SF Max. # Units per SL's is 180
Yards	10-foot Front 10-foot Side adjacent to a Residential Zone, otherwise none 15-foot Rear	20-Foot Front 5-foot Side 10-foot Rear

SURROUNDING AREA:

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	B-3	R-2M	R-3-SL	R-2M/B-3 SL
Land Use:	Vacant Spenard Rd	Multi-Family, Single Family	Vacant	Multi-Family, Single Family, Gwennie's Restaurant

PROPERTY HISTORY:

3-24-69	Zoning	Petition area zoned R-2 by GAAB.
8-29-84	Rezone	Petition site rezoned to R-3 SL by AO 84-148S
11-26-84	Site Plan	PZC approved a site plan, case 84-056, for redevelopment of the nonconforming Vagabond Trailer Court. Trailer Court since removed, site was never redeveloped. AO 84-148 (s)
9-29-86	Section Line Plat	Plan number 86-74 recorded, defining petition area.

7-23-90	Plat	Plat number 90-53 recorded, creating petition site, per case S-8907.
5-23-91	Rezoning Case 91-045	Petition site rezoned to R-3 SL (to modify the special limitations) by AO 91-84, which repealed AO 84-148 (S) and established new design standards special limitations.
8-13-01	Site Plan	PZC approved on 8/13/01 for 101 units, site plan was never implemented.
3-08-04	Rezone Case 2003-012	PZC voted to deny a rezoning from R-3 SL to R-3 SL to remove a special limitation for Boettcher Subdivision, Tracts 2 and 3. Resolution 2004-021. The rezoning application did not go forward to the Assembly for their consideration.

SITE DESCRIPTION AND PROPOSAL:

The petitioner is proposing to rezone the site from R-3 SL to B-3 SL for development as a car sales lot in conjunction with Tract 1 to the north. Both tracts are under common ownership. Tract 2 contains 43,439 square feet; Tract 1 contains 16,913 square feet and is zoned B-3. A proposed special limitation is for (1) a landscape plan associated with a car rental parking use, and (2) any further redevelopment on the site is subject to an administrative site plan review in compliance with the Spenard Commercial District Development Strategy plan.

The property is one lot south of the Spenard Road Transit Supportive Development Corridor as shown on the Anchorage 2020 Anchorage Bowl Comprehensive Plan. The site is also governed by the Spenard Commercial District Development Strategy plan, which is an adopted element of the comprehensive plan, per AMC 21.05.030A.

Tract 2 is rectangular in shape, generally level, with a jog in the middle of the northern lot line. Tract 2 is a land locked parcel with no direct street access. It has no physical constraints, except for an access route required by the special limitations (SL's) in the zoning for ingress/egress to Spenard Road and Northwood Street through the northern and southern parcels. City View Property Appraisal information reports that drainage is good on this tract.

The zoning for this site is R-3 SL, per AO 91-84. The special limitations require public hearing site plan review as outlined in AMC 21.15.030, subject also to special limitations described in the ordinance.

The special limitation includes the following design standards:

- Number of dwelling units limited to 180.
- There shall be ingress and egress to both Spenard Road and Northwood Street with the intersections aligned with Barbara Street and West 45th Avenue.
- There shall be a 25-foot setback from Fish Creek, with the first 15 feet north of Fish Creek returned to a condition which will allow regrowth of natural vegetation.
- Maximum 35-foot building height.
- There shall be a minimum 30% useable open space.
- The west boundary of the site and the boundary of the site adjacent to Lakeway Subdivision shall be fenced. Landscaping to be determined in the site plan review process.
- A 20-foot buffer shall be provided along Northwood containing a sidewalk and vegetated landscaping.
- Development on this parcel is subject to a public hearing site plan review by Planning and Zoning Commission as outlined in AMC 21.15.030.

At the time R-3 SL zoning was put into place (1991), Tracts 1, 2 and 3 were under the same ownership. The 1991 ordinance assumed the three parcels would remain under common ownership, be replatted and be developed under a common site plan, and encumbered Tract 1 to provide the development access to Spenard Road. In 2002, Tracts 1 and 2 were purchased by the petitioner.

In addition to these assumptions, Tract 3 has wetlands and soil problems and has been unable to develop over the years, and remains vacant. A 1991 traffic impact analysis (TIA) was required by the Traffic Department. It found that as Northwood Drive was planned to be upgraded, they did not find that this dual access requirement was necessary anymore for Tract 3, and have no objection to removing this vehicular access requirement from Tract 2.

COMMUNITY COMMENTS:

At the time this report was written, there were no returned public hearing notice (PHN) received out of 81 public hearing notices mailed out. No comments have been received from the Spenard Community Council. Five letter in support of the B-3 SL zoning have been received noting it is compatible with existing usage of Spenard Road and the immediate neighborhood, have no problem with the proposed use noting that this property has been left idle for a long time and has been an eye sore. Development will improve the property to the standards of the rest of Spenard Road's face-lift. One owner of a neighboring 6-plex apartment has no issue with the rezoning or proposed use so long as there is no access to property to the neighborhood to the West on W. 43rd and W. 44th. They also note

that there are no remaining large undeveloped B-3 parcels on Spenard Road. A car rental agency this close to the airport would be a complimentary land use.

FINDINGS:

21.20.090 Standards for Zoning Map Amendments and 21.05.080 C, D, E.

A. Conformance to the Comprehensive Plan.

This standard is not met.

Anchorage 2020 Anchorage Bowl Comprehensive Plan Land Use Policy Map designates this area as being in the West Anchorage Planning Area, and is within ¼ mile of the Spenard Road Transit Supportive Development Corridor. Anchorage 2020 calls for a minimum average density of 8 DUA along these Corridors.

Although the site falls under the general Policies of the Comprehensive Plan, it is governed by a specific area plan, the Spenard Commercial District Development Strategy plan (SCDDS), which is an adopted element of the Comprehensive Plan.

The SCDDS identifies Transition Areas, which calls for potential commercial use and zoning. When in conformance with an adopted area plan, rezonings from residential to either commercial, or another use district which allows non-residential permitted uses, is allowed by Anchorage 2020. This plan defines a Transition Area as:

“Areas of potential commercial district expansion. Limited expansion into residential zone by commercial uses along Spenard Road if proper buffering and screening is provided. Proposals are to be considered on a case by case basis and their own merits.”

The Land Use Strategy section of this plan identifies, by a broken line on Figure D-1, these Transition Areas. However, it also states that:

“The broken line shown in Figure D-1 portrays the transition area and helps define the limits of desired commercial expansion. Because this expansion will depend on private initiative to a substantial degree, and because the Development Strategy sets forth guidelines regarding such expansion, only portions of the area identified here are expected to actually be commercially

developed. Conversely, the area outlined may be exceeded in some cases if individual circumstances warrant it and other conditions to limit impacts are satisfied. * Emphasis added.

The SCCDS states the recognition of the competing desires to expand the Commercial District, while also needing to protect adjoining residential areas. Thus, these areas of potential expansion were defined, while also providing evaluation methods for said proposals, and proposals for expansion of the identified areas of commercial expansion, with circumstances under which rezone requests are recommended to be granted.

The circumstances under which rezone requests are to be handled for the petition area is outlined on page D-4 of the plan. It states that "existing trailer court properties" (Tracts 1, 2 and 3 were the site of the former Vagabond Trailer Court) "on the south side of Spenard Road should be redeveloped as multi-family housing, except where frontage on Spenard Road allows commercial development to occur. A change in grade across the site facing Spenard Road creates a natural boundary between commercial and residential land uses."

The two previous rezoning cases (1984 and 1991) included the three Vagabond Trailer Court tracts and were aimed at some type of residential development that never happened. The rezonings failed in part because at the time they had no development plan, but also because the "L" shaped configuration of the three lots does not lend itself to efficient use of land as residential: Tract 2 is long and narrow and has a special limitation requirement that a 30-foot wide access route from Tract 3 to Spenard Road had to be provided through Tract's 1 & 2. Tract 1 is 143' wide: the east lot line is 104' long; the west lot line is 132' long. Tract 2 has the same width, while the east lot line is 329' long, and the west lot line is 279' long. Tract 3 is not included in this rezone request and is under different ownership and has access to Northwood.

In this case the two parcels are owned by the petitioner are generally on the same topographic level; Tract 3 sits below grade of the other two tracts at the same elevation as Fish Creek. Commercial B-3 zoning is consistent with the D-4 land use strategy that a natural boundary between commercial and residential land uses: "A change in grade across the site facing Spenard Road creates a natural boundary between commercial and residential land uses."

Commercial Potential Consistent with Anchorage 2020 and SCDDS

The proposed B-3 zoning is consistent with the SCDDS. B-3 zoning would allow the existing B-3 parcel (Tract 1) sufficient depth for reasonable commercial development consistent with existing uses already fronting Spenard Road.

B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:

1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community; including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects.

Environment

Noise: All uses are subject to AMC 15.70 Noise Ordinance. The abutting land uses are a mix of residential densities and subject to the same noise limits regardless of zoning.

Air: All uses are subject to AMC 15.30 South Central Clean Air Ordinance, and AMC 15.35 South Central Clean Air Ordinance Regulations.

Land Use Patterns

See earlier discussion. This property borders land classified and used as residential, with a mix of single family and multi-family.

Transportation/Drainage

Traffic Engineering has no objection to the rezoning noting that Tract 2 can function without physical access to Spenard Road (under common development) as long as there is a recorded shared access agreement or it is replatted into a single parcel in which case no shared access agreement.

CityView Property Appraisal information reports that drainage is good on this tract.

Public Services and Facilities

Roads: The petition site is located within the Anchorage Roads and Drainage Service Area (ARDSA). Spenard Road is a Class II Street (Minor Arterial).

Utilities: public sewer, gas and electrical utilities are available to this property. A main extension agreement is required to extend the existing water main and provide service to the proposed tract if desired or required.

Public Safety: The petition site is located within the Police, Fire, Building Safety, Parks and Anchorage Roads and Drainage service areas.

2. The supply of land in the economically relevant area that is in the use district to be applied by the zoning request or in similar use districts, in relationship to the demand for that land.

As part of the update to the Anchorage Bowl Comprehensive Plan, Physical Planning Division completed an Anchorage Bowl Commercial and Industrial land use analysis. The study analyzed supply and demand to the year 2020, and evaluated how commercial and industrial uses have used the existing land inventory. Among its findings, as of 1994, the distribution of commercial and industrial land uses are primarily found in Mid-Town (53%) followed by Southwest (17%), Northwest (14%), Downtown (11%) and Southeast (5%). The petition site is located in the Southwest Geographic study area.

Another finding is the B-3 zone is the largest commercial zone in the Bowl with 2,410 acres or 61% of the commercial zoning acreage. 65% of the acreage in commercial zoning districts is not used commercially, and 42% of that acreage is vacant. The presence of noncommercial uses on commercially zoned parcels might indicate a shift in demand for certain commercial uses and the presence of "grandfathered" or nonconforming uses. The largest amount of vacant commercially zoned land in the Bowl is found in Southeast (23.5%), followed by Midtown (21.9%), Southwest and Northeast (21.5% each), and Downtown (11%).

In 1998 in the Southwest planning area, there were 61 acres of vacant commercially zoned land, and 88 zoned industrial. This subarea is second only to the Southeast area for the least amount of

vacant commercially zoned land. Some of the commercial districts allow motels as a by-right use, but many of them, as well as industrial, only allow them as a conditional use, if at all.

The Southwest planning area has the fourth lowest population by subarea, at 34,903 in 1998, with only the Southeast area having a lower population, at 23,333 in 1998.

3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under paragraph 2 above.

Development could occur after the rezoning becomes effective. There are few, if any, available commercially zoned lots along Spenard Road.

4. The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.

See discussion under Comprehensive Plan and number 2 above.

DISCUSSION:

The proposed rezoning to B-3 SL and the proposed use is consistent with the intent of the SCDDS to encourage a mixture of redevelopment projects in the central portion of the Spenard District. The SCDDS states that the location is convenient to amenities such as restaurants and entertainment establishments. Careful siting, sensitive design, and landscape/screening will be required to assure that adjacent residential areas are not adversely affected. Physical Planning commented that a site obscuring decorative solid wood fence adjacent to the residential zoning district property lines may be a viable alternative to buffer landscaping plus a fence considering the proposed land use. Arterial landscaping is required along Spenard Road, and is shown as plat note #10 on Plat 90-53.

The Department concurs with the proposed special limitation of an administrative site plan review to resolve residential buffering as opposed to including issue-specific limitations on design that may work to inadvertently hamper any different development of the site in the future. These reviews shall be in conformance in particular with the Private Improvement Strategies of the SCDDS, keeping in mind the Land Use Strategy and Prototypical Projects contained in that plan.

Plat note #9 to Plat 90-53 calls for a buffer landscape easement along the common property line at Tract 1 and Tract 2. Given that the subject property, Tract 2 is land locked and dependent upon either Tract 1 to the north, or Tract 3 to the south for street access, and construction of buildings across property lines is prohibited, and both parcels are under single ownership, it is in the best interest of future development to replat Tract 1 and Tract 2 into a single parcel.

RECOMMENDATION:

The Department recommends APPROVAL of rezoning to B-3 SL, subject to:

1. All development or redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the Spenard Commercial District Development Strategy Plan except as modified by this approval.
2. An 8-foot tall site obscuring decorative solid wood fence shall be installed adjacent to the residential zoning district property lines in lieu of fencing plus buffer landscaping.
3. Arterial landscaping shall be installed along Spenard Road.
4. Prior to B-3 SL zoning becoming effective, Tracts 1 and 2, Boettcher Subdivision shall be replatted into a single lot.

Reviewed by:



Tom Nelson
Director

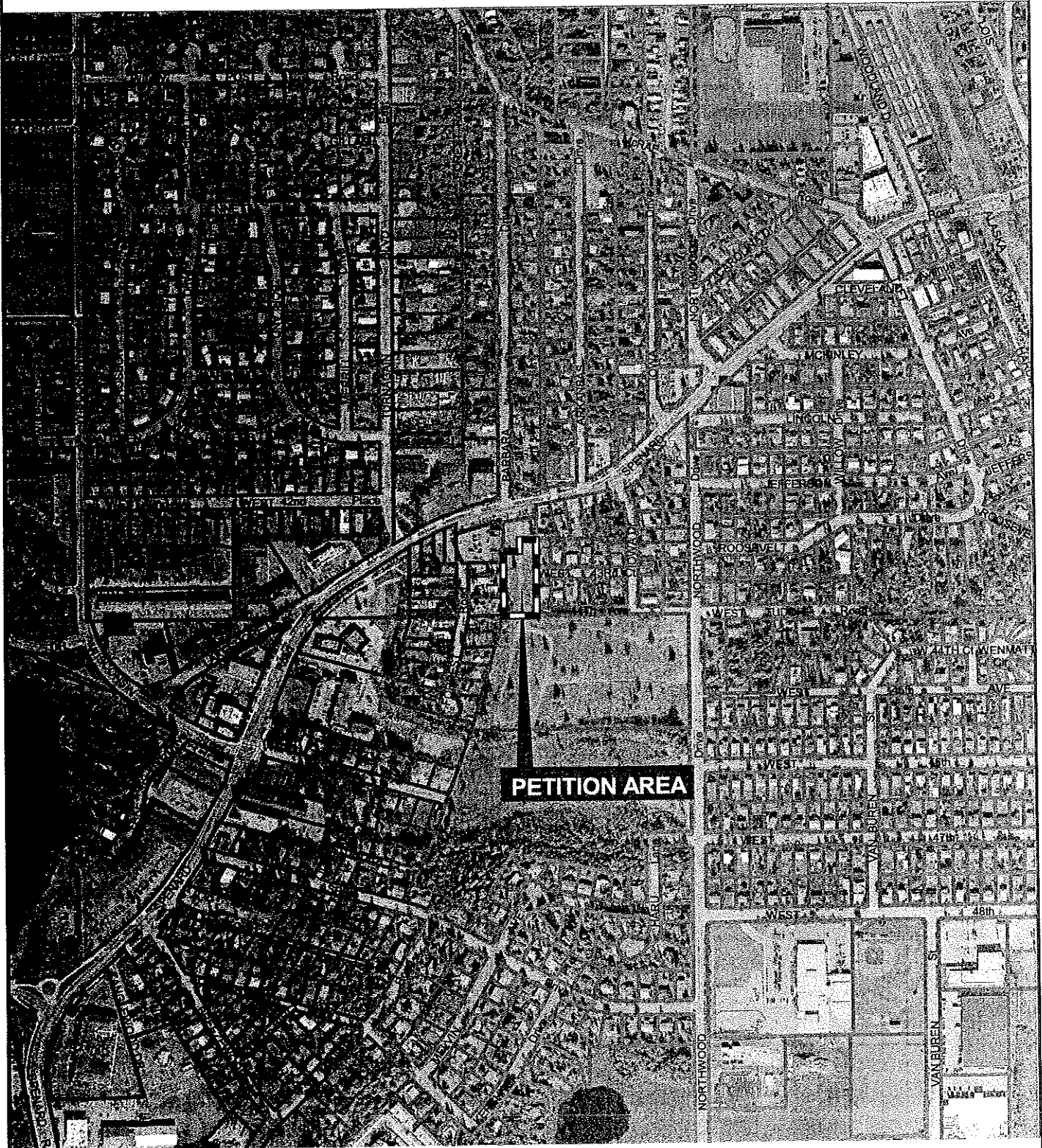
Prepared by:



Mary Autor
Senior Planner

(Tax ID No. 010-196-45)

REZONE 2005-062



Municipality of Anchorage
Planning Department

Date: April 12, 2005



Date of Aerial Photography: 2001

DEPARTMENTAL COMMENTS

Reviewing Agency Comment Summary Case No.: 2005-062

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
Air Pollution Control			
Alaska DEC			
Alaska Division of Parks			
Alaska DOT/PF		X	
Anchorage Police Department			
AWWU	X		
Code Enforcement	X		
Development Services			
DHHS			
Environmental			
DHHS Social Services			
Community Council			
Fire Prevention			
Flood Hazard		X	
ML&P			
On-Site Water & Wastewater		X	
Parks and Recreation			
Physical Planning			
Project Mgt & Engineering			
Right-of-Way		X	
School District			
Transit			
Treasury			
Traffic & Transportation Planning	X		

✓
Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

M E M O R A N D U M

RECEIVED

APR 15 2005

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

DATE: April 14, 2005
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician *H Stewart*
SUBJECT: Public Hearing date of June 6, 2005
AGENCY COMMENTS DUE May 9, 2005

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

05-062 Boettcher, Tract 2 (rezone) Grid 1727

1. AWWU water service is not available to the tract. A main extension agreement is required to extend the existing main and provide service to the proposed tract if desired or required.
2. AWWU sanitary sewer is available to the referenced tract.
3. AWWU has no objection to the proposed rezone.

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

Municipality of Anchorage
MEMORANDUM

DATE: May 12, 2005

TO: Jerry Weaver, Manager, Zoning and Platting Division, Planning Department

FROM: Brian Dean, Code Enforcement Manager

SUBJECT: Land Use Enforcement Review Comments, Planning and Zoning Commission case for the meeting of June 6, 2005.

Land Use Enforcement has reviewed the following cases and has comments as noted.

<u>Case #</u>	<u>Legal Description</u>	<u>Grid</u>	<u>Page</u>
2005-062	Boettcher, Lot 2	1727	1

Case #: 2005-062
Type: Rezone
Subdivision: Boettcher, Lot 2
Grid: 1727
Tax ID #: 010-196-45
Zoning: R-3SL
Petitioner: Ersin Aygun

Lot area and width for B-3 lots:

Lot area and width: AMC 21.40.180.F: "Minimum lot requirements are as follows:

1. Residential uses: As provided in section 21.40.060.F.
2. All other uses, including residential uses associated with other uses:
 - a. Width: 50 feet.
 - b. Area: 6,000 square feet."

The lot is conforming to the proposed zoning district for lot area and width.

Minimum lot dimensions: The depth of a lot shall be at least 100 feet. / The width of a corner lot shall be at least 50 feet. / The width of a lot shall be at least one-third the depth of the lot.

The lot is conforming for lot dimensions.

Width of driveways: AMC 21.80.330.D: "The total width of driveway entrances to a lot from a street shall not exceed two-fifths of the frontage of that lot on that street., or one-third of the

frontage if the platting authority finds that conditions warrant it, unless the subdivider provides for snow storage in a manner approved by the platting authority.” If the platting authority finds that snow storage has been provided in an acceptable manner (and the two-fifths limitation therefore does not apply,) it should so indicate in a plat note. If the platting authority finds that conditions warrant limiting driveways to one-third of lot width, it should so indicate in a plat note.

The proposed driveway is conforming for the width.

Plat Notes: The proposed use of the property is for a car sales lot. This lot will be used in conjunction with Tract 1. **Plat note #9 requires a buffer landscaping along the property line at Tract 1 and Tract 2. Resolve the requirement to provide a 10-foot buffer easement between tract 1 and tract 2.**

See plat note # 3 which limits access onto tract 1. **It appears that the access onto Tract one does not meet the requirements of Plat Note #3.**

OS&HP setbacks:

Spenard Road is a Class II Street (Minor Arterial). The lot is subject to the requirements of AMC 21.45.140, which requires a 40-foot from centerline development setback in addition to the zoning district setback. **The proposed building appears to meet the setback requirements.**

AMC 21.35.020.B provides that “in the case of double-frontage and corner lots, there will be no rear yards, but only front and side yards.”

Lot coverage: AMC 21.40.180.H: “Unrestricted....”

Legal nonconformities: None have been established with Land Use Enforcement.

Enforcement actions: No enforcement cases

Use determination: The property is proposed to be used as a car rental lot. Car rental agency’s are a permitted use in the B-3 zoning district.

Ownership history: Property tax records indicate the current owner acquired the property in 2000.

Permits: No building permits have been applied for.

Building height: To be reviewed at the time of the building permit.

Off-street parking: Parking will be reviewed at the time of construction or the use is established. .”

Landscaping: Arterial landscaping is required adjacent to Spenard Road. Buffer landscaping is required on the lot line adjacent to residential districts. Visual Enhancement landscaping is required. The landscaping will be reviewed at the time of construction or the use is established. The landscaping will be reviewed at the time of construction or the use is established. **The proposed site does not meet the requirements in regards to buffer landscaping. The plan shows that visual enhancement landscaping is proposed to be located adjacent to residential district. Buffer landscaping is required.**

Under the only codified definition of “adjacent” (AMC 21.45.200.B), the property is adjacent to residential districts on the east, south and southwest side of the lot.

Landscaping requirements per AMC 21.40.180 and 21.45.080 will be addressed during the building land use permit process when the property is developed.

An access agreement on Municipal form is required when the property is developed, in accordance with AMC 21.45.040. Access to Tract 2 is thru Tract 1.

Stream protection setbacks: The property does not adjoin any stream protected by AMC 21.45.210.

Wetlands: Map 29 shows the property as uplands.

Storm drainage: AMC 21.45.230: “Prior to the issuance of a building or land use permit, the applicant shall provide a site drainage plan for the area affected by the application, including an appropriate drainage outfall for surface water and roof drainage. The drainage plan shall also indicate effects if any, on adjacent properties.”

Recommendations: Land Use Enforcement has no adverse comment regarding this case.

Conditions of Approval:

1. Amend the plat to remove the requirements of plat note #3 and #9.
2. Submit an Access Agreement on an approved Municipal Form for access onto Tract 2.
3. Amend site plan to show the required landscaping.

(Reviewer: Jillanne M. Inglis)

✓
MUNICIPALITY OF ANCHORAGE

MEMORANDUM

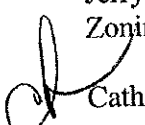
RECEIVED

MAY 17 2005

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: May 12, 2005

TO: Jerry T. Weaver, Jr., Division Administrator
Zoning Division, Planning Department

THRU:  Cathy Hammond, Physical Planning Supervisor

FROM: Physical Planning Division Staff

SUBJECT: Staff comments for 2005-062 to be heard June 6, 2005

2005-062 R-3SL (Multi-family Residential) to B-3 (General Business District)

The *Spenard Commercial District Development Strategy* plan map shows the petition site as partially being in the transition buffer area between Spenard Road and the residential area. The Development Strategy is designed to balance objectives of fostering commercial development and protecting residential neighborhoods.

The configuration of the petition site does not lend itself to efficient use of the land as a residential lot. The R-3SL zoned property to the south is a former mobile home park with marginal to poor soils, when developed residentially, access can be obtained from Northwood Drive. The *Spenard Commercial District Development Strategy* states that limited expansion into residential districts by commercial use along Spenard Road will be allowed only if adequate buffering and screening is provided. Buffer landscaping is required adjacent to residential zoning districts and arterial landscaping along Spenard Road. A site obscuring wood fence adjacent to the residential may be a viable alternative considering the proposed land use.

Physical Planning has no objection to the proposed rezone subject to a condition for arterial landscaping along Spenard Road and buffering such as a decorative solid wood site obscuring fence adjacent to the residential zoning district property lines.



MUNICIPALITY OF ANCHORAGE
Traffic Department



RECEIVED

MAY 18 2005

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

MEMORANDUM

DATE: May 3, 2005
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
FROM: Mada Angell, Acting Associate Traffic Engineer
THRU: Leland R. Coop, Associate Traffic Engineer
SUBJECT: **UPDATED** Comments, June 6, 2005, Planning & Zoning Commission

05-062 Boettcher; Rezoning from R-3SL to B-3; Grid 1727
2 m A 5-18-05

Traffic has no objections regarding this case. Tract ~~3~~ can function without physical access to Spenard Road as long as there is a shared access agreement with the property to the north. The shared access agreement must be recorded.

05-063 O'Brien; Rezoning from R-OSL and R-2M to R-O; Grid 2133

No direct vehicular access will be allowed from this site to Lake Otis Blvd. Special Limitations must include restricting direct vehicular access to Lake Otis, and providing a recorded access agreement to either East 74th Avenue or Lore Road.

05-064 Turnagain Add #2; Site Plan Review for a storage facility; Grid 2631

Provide sufficient on-site vehicle maneuvering and stacking for the loading berth at the north side of the building.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

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

RECEIVED

MAY 18 2005

May 16, 2005

RE: Zoning Case Review

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

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

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the following Zoning Cases and has no comment:

2005-058 Little Tree Subd No 2 Lot 6 Blk 3 Variance
2005-060 Original Townsite lot 10 Blk 54/817 W 6th/Conditiona use
2005-062 Boettcher Tract 2 4227 Spenard Rd/Rezone: B-3 General Business district
2005-063 O'Brien Lots 1-4 & 9 Blk 6, 7446, 7526, 7510, 7536, 7406 Lake Otis Rezone
2005-064 Turnagain Subd Addn #2 Lots 3 & 4 Blk 1/921 E 112th Ave Site Plan
2005-069 Original Blk 52A Lot 1 621 W 6th Ave Alaska Center for the Performing Arts

Comments:

2005-059 Gold Pan Estates Lot 1 St Tikhon Russian Orthodox 15390 Old Seward Hwy

Please remind the applicant that they are required to get ADOT&PF approval to access the Old Seward Highway along with a driveway permit. The applicant may contact Lynda Hummel, Right of Way Agent at 269-0698 for an application and assistance.

Thank you for the opportunity to comment.

Sincerely,



Sandra L. Cook
Anchorage Area Planner

/eh



Municipality of Anchorage
Development Services Department
Building Safety Division

MEMORANDUM



RECEIVED

MAY 10 2005

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: May 9, 2005
TO: Jerry Weaver, Jr., Platting Officer, CPD
FROM: *DR* Daniel Roth, Program Manager, On-Site Water and Wastewater Program
SUBJECT: Comments on Cases due May 9, 2005

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2005 - 062 Rezoning to B - 3 General business district
No objection

2005 - 063 Rezoning to R - O Residential-office district
No objection

2005 - 064 Site plan review for a storage facility
No objection

2005 - 065 Site plan review for a public roadway
No objection



MUNICIPALITY OF ANCHORAGE
Development Services Department
Right of Way Division



MEMORANDUM

DATE: May 6, 2005
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of June 6, 2005.

RECEIVED

MAY 06 2005

Right of Way has reviewed the following case(s) due May 9, 2005.

05-062 Boettcher, Tract 2, grid 1727

(Rezoning Request, R-3SL to B-3)

Right of Way Division has no comments at this time.
Review time 15 minutes.

05-063 O'Brien, Lots 1-4 and 9, grid 2133

(Rezoning Request, R-OSL to R-O)

Right of Way Division has no comments at this time.
Review time 15 minutes.

05-064 Turnagain #2, Block 1, Lots 3 & 4, grid 2631

(Site Plan Review, Storage Facility)

Include the improvements to East 112th Avenue and the proposed connectivity to the Lowe's Improvement Center driveway to the subdivision agreement to improve Gambell Street.

Review time 15 minutes.

05-065 Piper Street Right of Way, Lark Street to East 40th Avenue, grids 1735, & 1835
(Site Plan Review, Public Roadway)

Right of Way Division disapproves of the close proximity of most of the gateway trellis, landscaping and light poles to the sidewalks and road pavements as limiting the Street Maintenance Departments ability to maintain the pavements. We will provide additional review comments to this and other features of the project.
Review time 15 minutes.

2005-062

APR 26 2005



FLOOD HAZARD REVIEW SHEET for PLATS

Date: 04-26-05

Case: 2005-062

Flood Hazard Zone: C

Map Number: 0240

☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

☐ AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

☐ A Flood Hazard permit is required for any construction in the floodplain.

☒ I have no comments on this case.

Reviewer: Jack Puff

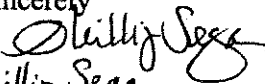
Rec'd 5/12/05

To Whom It May Concern:

I would like to offer my support for the rezoning application for the property located at 4227 Spenard Road, owned by Ersin Aygun. As an area property holder, I have already benefited from Mr. Aygun's improvements to the property.

I have reviewed his development plan and consider it a good fit with the existing usage of Spenard Road in general and our immediate neighborhood in particular.

Sincerely


Phillip Sega
2221 W. 46th Ave.
Anchorage, AK 99517

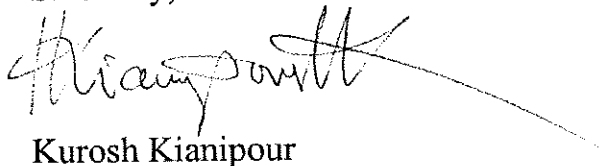
Rec'd 5/12/05

To Whom It May Concern:

After reviewing the development plan submitted by Ersin Aygun, with regards to the property at 4227 Spenard Rd.
I support the proposed property improvements.

I own two duplex properties in Spenard area, 4207 Wisconsin st. & 3902 Lois dr. Spenard is close to airport and a car rental business is proper. Already many businesses are in this area and I see no problem in having another business here that would help the local community.

Sincerely,



Kurosh Kianipour

Rec'd 5/12/05



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Best Suites - Anchorage
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Anchorage, AK 99517
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907.248.9258 Fax
Toll Free Reservations:
1.866.344.6835
(866-34hotel)

To Whom It May Concern:

I would like to offer my support for the rezoning application for the property located at 4227 Spenard Road, owned by Ersin Aygun. As an area property holder, I have already benefited from Mr. Aygun's improvements to the property.

I have reviewed his development plan and consider it a good fit with the existing usage of Spenard Road in general and our immediate neighborhood in particular.


Sincerely

Azzam Imtiaz

Owner American Best Suites

742-8908 Office

243-3433 Business



House of Harley-Davidson and Buell



February 12, 2005

To Whom It May Concern:

As owner of The House of Harley-Davidson on Spenard Road, I have no objection to the rezoning of the property located at 4227 Spenard Road and owned by Ersin Aygun. The property is almost directly across Spenard Road from The House of Harley-Davidson, and as explained to me by Mr. Aygun, will be used as a rental car agency.

I have seen Mr. Aygun's proposed development plans and feel the rental car agency will be an OK fit for Spenard Road.

Sincerely,

Barry Matteson
Owner

Floyd and Sons Inc.
Licenses:
5730 Spenard Road
Anchorage AK 99517-2570
807 273 2005
Fax 907 279 1300

Out of Town Reservations
1-800-THRIFTY
www.thrifty.com



May 9, 2005

To Whom It May Concern

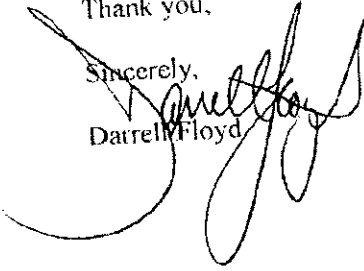
It has been brought to my attention that the property at 4227 Spenard Rd. has Requested re-zone classification. This property has been left idle for a long time And has been an eye sore of undeveloped business property for some time. I would concur that the re-zone idea should be allowed to bring this up to the standards Of the rest of Spenard's face-lift. This also would bring the property in a productive Tax roster toward the community.

Any future question about my position could be directed to my business and self @ Thrifty Car Rental attn. Darrell Floyd Owner.

Thank you,

Sincerely,

Darrell Floyd

A large, stylized handwritten signature in black ink, appearing to read "Darrell Floyd", written over the printed name.

May 9, 2005

To Whom It May Concern:

I am the owner of a residential 6-plex located at 2310 W. Tudor Road which is approximately 2 blocks to the east of Mr. Aygun's vacant land. As a residential owner, I have no issues whatsoever for the property to be rezoned to B-3 use as long as there is no access to property from the established residential neighborhoods on W. 43rd and W. 44th (if developed). Spenard Road should be the only point of access to this proposed business property.

There are no large and undeveloped B-3 parcels on Spenard Road and the development of both tracts would be very beneficial to business, especially car rental agencies, because of the close proximity to the airport.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stacy Tomuro', followed by a long horizontal line extending to the right.

Stacy Tomuro
952-1531

3

APPLICATION

Application for Zoning Map Amendment

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

Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) Aygün, Ersin	Name (last name first) Lounsbury & Associates, Inc.
Mailing Address 2010 W 46th Ave.	Mailing Address 723 W 6th Avenue
Anchorage, Alaska 99517	Anchorage, Alaska 99501
Contact Phone: Day: 351-7513 Night:	Contact Phone: Day: 272-5451 Night:
FAX:	FAX: 272-9065
E-mail:	E-mail: k.ayers@lounsburyinc.com

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

PROPERTY INFORMATION
Property Tax #(000-000-00-000): 010-196-45
Site Street Address: 4227 Spenard Road
Current legal description: (use additional sheet if necessary) Tract 2, Boettcher Subdivision
Zoning: R-3SL Acreage: 1.0 Grid # 1727

I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I petition to rezone it in conformance with Title 21 of the Anchorage Municipal, Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the rezoning. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff, the Planning and Zoning Commission or the Assembly for administrative reasons.

05 April 2005

Date

Signature (Agents must provide written proof of authorization)

Accepted by:

AC

Poster & Affidavit:

AC

Fee

\$4,000

Case Number

2005-062

Application for Zoning Map Amendment continued

COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☒ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☒ Inside ☐ Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

- ☐ Major Employment Center ☐ Redevelopment/Mixed Use Area ☐ Town Center
☐ Neighborhood Commercial Center ☐ Industrial Center
☒ Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification:

- ☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study
☐ Residential at _____ dwelling units per acre

Girdwood- Turnagain Arm

- ☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study
☐ Residential at _____ dwelling units per acre

ENVIRONMENTAL INFORMATION (All or portion of site affected)

- Wetland Classification: ☒ None ☐ "C" ☐ "B" ☐ "A"
 Avalanche Zone: ☒ None ☐ Blue Zone ☐ Red Zone
 Floodplain: ☒ None ☐ 100 year ☐ 500 year
 Seismic Zone (Harding/Lawson): ☐ "1" ☐ "2" ☐ "3" ☐ "4" ☐ "5"

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

- ☒ Rezoning - Case Number: 2003-012
☐ Preliminary Plat ☐ Final Plat - Case Number(s):
☐ Conditional Use - Case Number(s):
☐ Zoning variance - Case Number(s):
☐ Land Use Enforcement Action for
☐ Building or Land Use Permit for
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

APPLICATION ATTACHMENTS

- Required: ☒ Area to be rezoned location map ☐ Signatures of other petitioners (if any)
☒ Narrative statement explaining need and justification for the rezoning; the proposed land use and development; and the probable timeframe for development.
☒ Draft Assembly ordinance to effect rezoning.
 Optional: ☐ Building floor plans to scale ☒ Site plans to scale ☐ Building elevations
☐ Special limitations ☐ Traffic impact analysis ☐ Site soils analysis
☐ Photographs


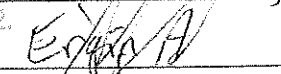
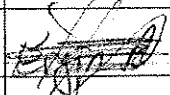
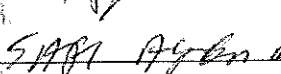
APPLICATION CHECKLIST

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zone district.
2. The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.

ADDITIONAL PETITIONERS:

Applicants for an entitlement involving more than one property description and owned by more than one individual are required to provide the name, legal description of property owned, and signature of each petitioner. Persons signatory to this application supplement are deemed to be petitioners (use additional paper if necessary)

We, the undersigned, hereby apply for: Zoning Map Amendment to B-3SL

Signature	Name (printed or typed)	Legal description of property owned within petition area	Phone
	Ersin Aygun	Tract 2, Boettcher Subd.	
	Ergin Aygun	Tract 2, Boettcher Subd.	
	Safi Aygun	Tract 2, Boettcher Subd.	

Attach this sheet to your application form

Accepted by:	Date	Application for	Case Number
--------------	------	-----------------	-------------

TRACT 2, Boettcher Subdivision
ZONING MAP AMENDMENT ATTACHMENT

1. If the proposed zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:

- a. The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;
- b. The proposed use may be made compatible with conforming uses by special limitations conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or
- c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.

The Proposed Zoning conforms to the Spenard Commercial District Development Strategy. This plan has guided the development and redevelopment along Spenard Road for over 20 years. The proposed Zoning is consistent with existing land uses in the immediate area and is an excellent use for the general area supporting tourism related businesses. Through a special limitation for landscaping and site plan review surrounding properties are ensured adequate transitional screening and buffering from potential uses.

2. If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:

- a. In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning would provide a clear and overriding benefit to the surrounding neighborhood.

- i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.

N/A

- ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.

N/A

- b. In cases where the proposed rezoning would result in a lesser residential intensity (density), explain how the rezoning would provide a clear and overriding benefit to the surrounding neighborhood.

This parcel is specifically noted as a transition area for potential commercial expansion in the Spenard Commercial District Development Strategy.

- c. Explain how the proposed residential density conforms with the applicable Comprehensive Development Plan goals and policies pertaining to the surrounding neighborhood or the general area.

N/A

B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:

1. Describe the effect of development under the amendment and the cumulative effect of similar development on (a) the surrounding neighborhood, (b) the general area, and (c) the community with respect to the following (The discussion should include the degree to which proposed special limitations will mitigate any adverse effect.):
 - a. Environment;
Development of the property will enhance the environment by providing landscaping and drainage improvements.
 - b. Transportation;
The petition site has direct access to fully improved Spenard Road. There are existing pedestrian facilities along this transportation corridor.
 - c. Public Services and Facilities;
Utility extensions will be made to the site for water, sewer and storm drain. The proposed use will have significantly less impact on public services such as schools and fire service than the currently allowed higher-density residential development.
 - d. Land Use Patterns;
This parcel is bordered by business uses to the east and west and was specifically noted as a transition area for potential commercial expansion in the Spenard Commercial District Development Strategy.

Note:	Surrounding neighborhood	=	500-1000' radius
	General Area	=	1 Mile radius
	Community	=	Anchorage as a whole
2. Quantify the amount of undeveloped (vacant) land in the general area having the same zoning or similar zoning requested by this application. Explain why you feel the existing land is not sufficient or is not adequate to meet the need for land in this zoning category?
There are few, if any, available commercially zoned lots along Spenard Road. This parcel is adjacent to B-3 property owned by the petitioner.
3. When would development occur under the processed zoning? Are public services (i.e., water, sewer, street, electric, gas, etc.) Available to the petition site? If not, when do you expect that it will be made available and how would this affect your development plans under this rezoning?
The proposed time frame for the project is as soon as possible. All utilities are available to the site with service line extensions.
4. If the proposed rezoning alters the use of the property from that which is indicated in the applicable Comprehensive Plan, explain how the loss of land from this use category (i.e., residential, commercial, industrial) might be regained elsewhere in the community?
As mentioned above the rezoning of this parcel is in conformance with the Spenard Commercial District Development Strategy. This plan has guided the development and redevelopment along Spenard Road for over 20 years. The proposed use is allowed as a conditional use under the current zoning and is an excellent transitional use to surrounding residential areas.

MUNICIPALITY OF ANCHORAGE

MEMORANDUM


RECEIVED

MAY 17 2005

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: May 12, 2005

TO: Jerry T. Weaver, Jr., Division Administrator
Zoning Division, Planning Department

THRU:  Cathy Hammond, Physical Planning Supervisor

FROM: Physical Planning Division Staff

SUBJECT: Staff comments for 2005-062 to be heard June 6, 2005

2005-062 R-3SL (Multi-family Residential) to B-3 (General Business District)

The *Spenard Commercial District Development Strategy* plan map shows the petition site as partially being in the transition buffer area between Spenard Road and the residential area. The Development Strategy is designed to balance objectives of fostering commercial development and protecting residential neighborhoods.

The configuration of the petition site does not lend itself to efficient use of the land as a residential lot. The R-3SL zoned property to the south is a former mobile home park with marginal to poor soils, when developed residentially, access can be obtained from Northwood Drive. The *Spenard Commercial District Development Strategy* states that limited expansion into residential districts by commercial use along Spenard Road will be allowed only if adequate buffering and screening is provided. Buffer landscaping is required adjacent to residential zoning districts and arterial landscaping along Spenard Road. A site obscuring wood fence adjacent to the residential may be a viable alternative considering the proposed land use.

Physical Planning has no objection to the proposed rezone subject to a condition for arterial landscaping along Spenard Road and buffering such as a decorative solid wood site obscuring fence adjacent to the residential zoning district property lines.

MUNICIPALITY OF ANCHORAGE

MEMORANDUM

DATE: May 12, 2005

TO: Jerry T. Weaver, Jr., Division Administrator
Zoning Division, Planning Department

THRU: Cathy Hammond, Physical Planning Supervisor

FROM: Physical Planning Division Staff

SUBJECT: Staff comments for 2005-062 to be heard June 6, 2005

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lounsbury & associates, inc.

ESTABLISHED 1949

Boettcher Subdivision, Tract 2 Zoning Map Amendment Narrative

Legal Description:

Boettcher Subdivision, Tract 2.

Proposed Development - Planning Objectives:

The petitioner owns both Tract 1 and 2, Boettcher Subdivision. Tract 1 is zoned B-3 and is currently being used for a small car rental business. Tract 2 is zoned R-3SL. The plan is to construct a building and parking lot to support the expansion of the existing business. A car rental agency is an ideal use for this property given the proximity to the airport and the use is compatible with neighboring land uses. The planned parking area could be constructed on Tract 2 under the existing zoning through the conditional use permit process. However, the zoning special limitations on Tract 2 are not compatible with the proposed plan and need to be addressed to ensure a viable, long term, business.

The property is within the Spenard Commercial District Development Strategy area but there were no definitive development scenarios proposed for these particular parcels. This Plan has been used to guide development along Spenard Road for over 20 years. There have been several attempts to develop this property in conjunction with the large R-3 parcel to the south but none of these developments has ever gone forward. The proposed use and site plan are in conformance with the Plan strategies. The proposed building is located close to Spenard Road, vehicular access is limited to one point, extensive landscaping and fencing are planned to buffer and screen the site from adjoining properties. The use is compatible and complementary with adjacent uses and in particular provides a low-impact transition from Spenard Road to existing residential properties.

Phasing:

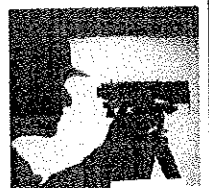
The project will be constructed in multiple phases. Initially, a small building will be established to support the business. All of the major utility connections will be made with the first phase. The utility work requires connection to existing mains in Spenard Road and as such will be a fairly expensive process. All of the parking areas, fencing and landscaping will be installed with the first phase of the construction. A larger building will replace the small building when the business can support and justify the additional investment.

000.70



Lounsbury NSK-30 C/O ConocoPhillips Kuparuk NS P.O. Box 196105 Anchorage, Alaska 99519-6105
723 West 6th Avenue Anchorage, Alaska 99501 T: 907-272-5451 F: 907-272-9065
3161 E. Palmer-Wasilla Highway, Suite 2 Wasilla, Alaska 99654 T: 907-357-9129 F: 907-357-9140

WWW.LOUNSBURYINC.COM



Traffic and Pedestrian Circulation:

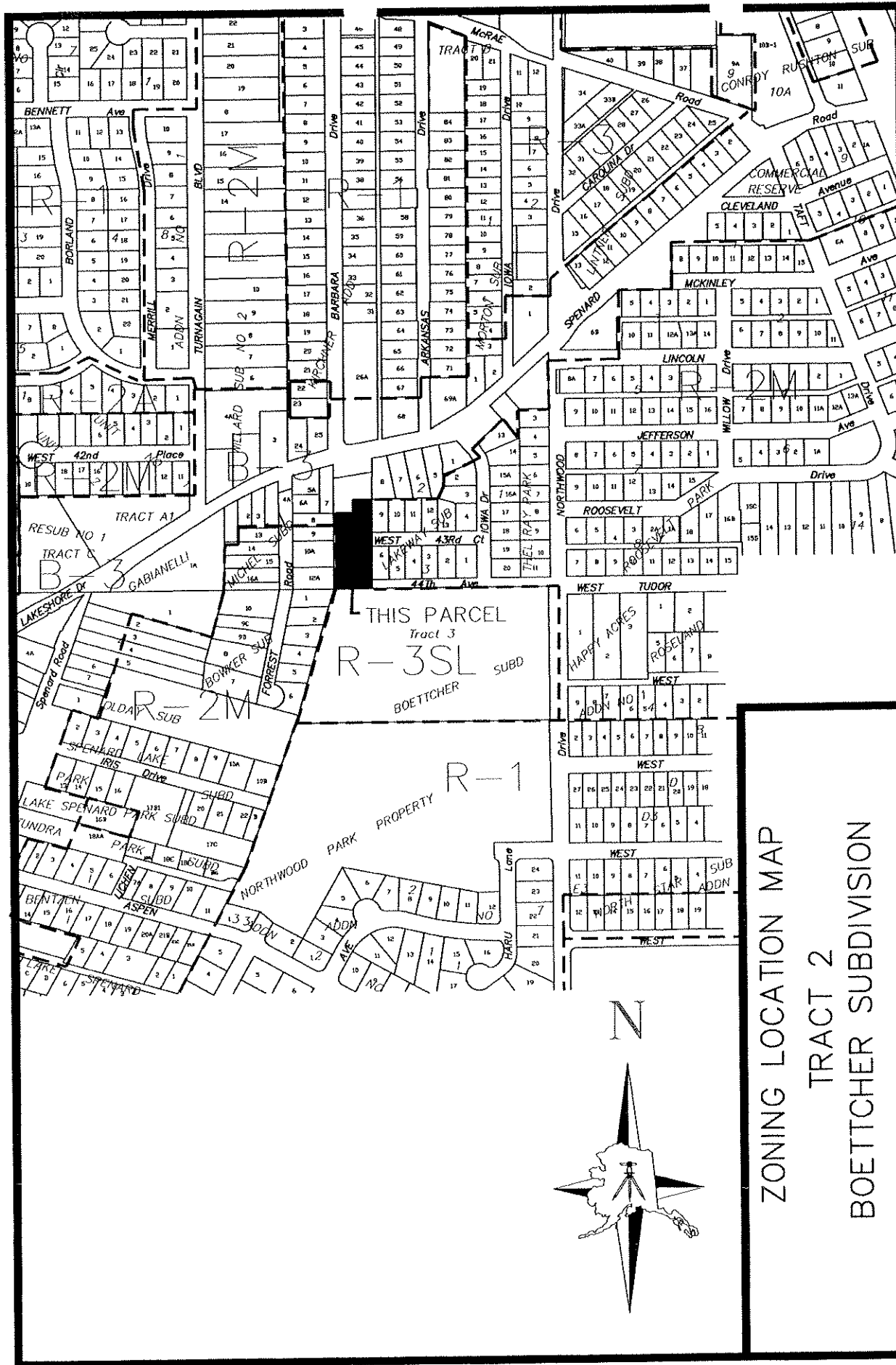
This is a very straight-forward site plan. The building will be sited close to Spenard Road for visibility and in conformance with previously noted the development strategies. One vehicular access point will provide for safe traffic movement from the site. Vehicular circulation will all be provided for on site. Pedestrian facilities exist along Spenard Road. Fencing will be placed on the perimeter to prevent casual access and provide security for the area.

Landscaping and buffers:

There is little or no vegetation on this site. Arterial landscaping will be established adjacent to Spenard Road and visual enhancement landscaping will be provided at the perimeter of the parking areas and interior to the parking areas as required by code. Additional foundation planting will be provided adjacent to the building. Fencing will provide additional screening and buffering.

Conclusion:

The proposed zoning amendment is in conformance with the Comprehensive Plan and the Spenard Commercial District Development Strategy. The proposed use is allowed by code. Approval of this application will allow the petitioner to grow an existing business, create new jobs, expand the tax base and utilize vacant and undeveloped land.

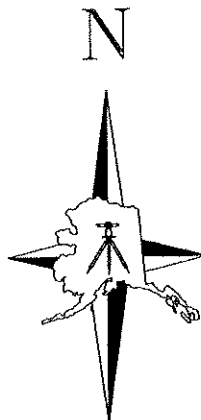
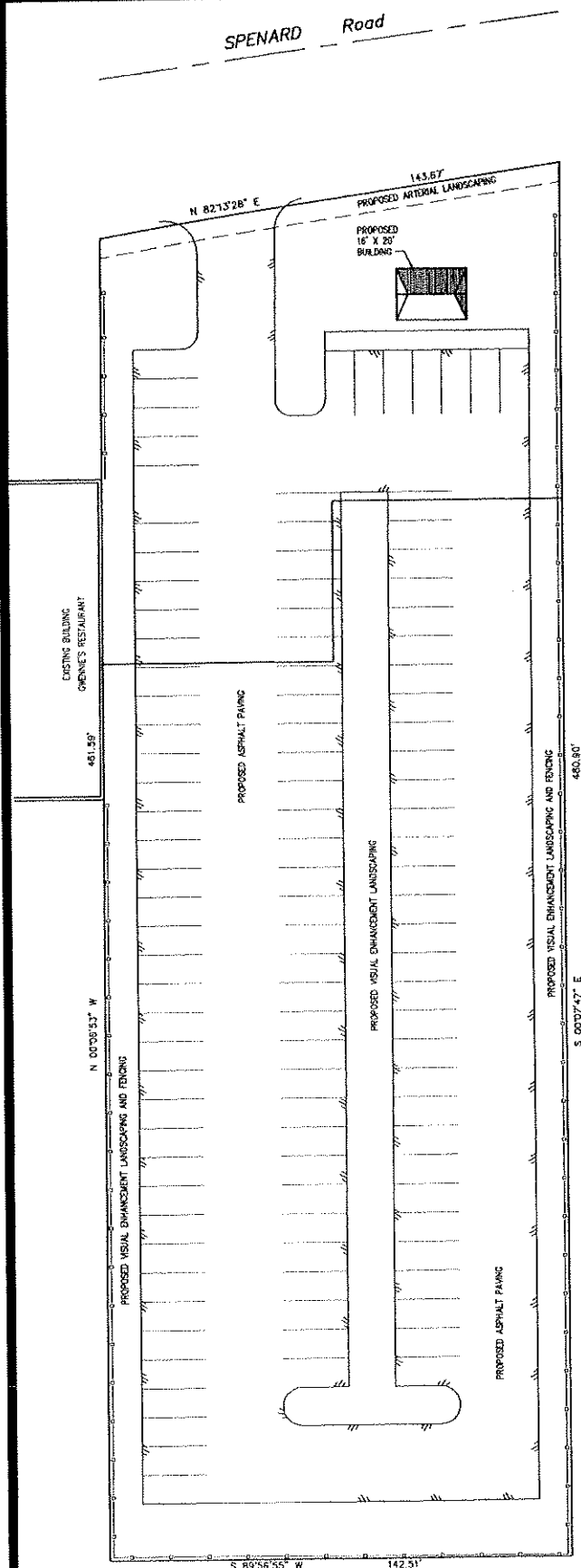


ZONING LOCATION MAP
TRACT 2
BOETTCHER SUBDIVISION

LOUNSBURY & ASSOCIATES, INC.
ENGINEERS-PLANNERS-SURVEYORS
723 W. 6th AVE. ANCHORAGE, ALASKA 99501
(907) 272-5451



DATE MARCH 2005	SCALE 1" = ~500'
DRAWN KWA	GRID 1727
CHECKED	F.B. NO. 05-010
DWG NAME 05-010LM	SHEET 1 OF 1



PROPOSED SITE PLAN
TRACTS 1 AND 2
BOETTCHER SUBDIVISION

LOUNSBURY & ASSOCIATES, INC.
ENGINEERS-PLANNERS-SURVEYORS
723 W. 6th AVE. ANCHORAGE, ALASKA 99501
(907) 272-5451



DATE MARCH 2005	SCALE 1" = 50'
DRAWN KWA	GRID 1727
CHECKED	F.B. NO. 05-010
DWG NAME 05-010SP	SHEET 1 OF 1

lounsbury & associates, inc.

ESTABLISHED 1940

March 29, 2005

Municipality of Anchorage
Planning Department

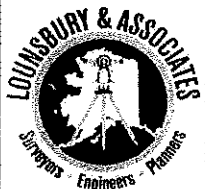
To whom it may concern:

I hereby authorize Lounsbury & Associates and their employees to serve as my agent for the Zoning Map Amendment petition for Tracts 1 and 2, Boettcher Subdivision.

Sincerely,

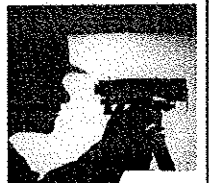
Ersin Aygun

600-74



Lounsbury NSK-30 C/O ConocoPhillips Kuparuk NS P.O. Box 196105 Anchorage, Alaska 99519-6105
723 West 6th Avenue Anchorage, Alaska 99501 T: 907-272-5451 F: 907-272-9065
3161 E. Palmer-Wasilla Highway, Suite 2 Wasilla, Alaska 99654 T: 907-357-9129 F: 907-357-9140

WWW.LOUNSBURYINC.COM



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

Anchorage, Alaska
AO No. 2005-

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
2 REZONING FROM R-3 SL (MULTIPLE FAMILY RESIDENTIAL WITH SPECIAL
3 LIMITATIONS) TO B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS),
4 FOR BOETTCHER SUBDIVISION, TRACT 2, GENERALLY LOCATED ON THE
5 SOUTH SIDE OF SPENARD ROAD AND EAST OF BARBARA DRIVE.

6
7 (Spenard Community Council) (Planning and Zoning Commission Case 2005-000)

8
9 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

10
11 **Section 1.** The zoning map shall be amended by designating the following described
12 property as B-3 SL (General Business with Special Limitations) zone:

13
14 Boettcher Subdivision, Tract 2, as shown on Exhibit A.

15
16 The zoning map amendment shall be subject to the following special limitations:

- 17
18 1. The applicant shall submit a landscaping plan for review and approval by the
19 Department of Planning and Development associated with the car rental parking use.
20 Any further redevelopment on this site shall be subject to an administrative site plan
21 review, which shall comply with the Spenard Commercial District Development
22 Strategy.

23
24 **Section 2.** The Director of the Planning Department shall change the zoning map
25 accordingly.

26
27 **Section 3.** This ordinance shall become effective within 10 days after the Director of the
28 Planning Department has received the written consent of the owners of the property within
29 the area described in Section 1 above to the special limitations contained herein. The rezone
30 approval contained herein shall automatically expire and be null and void if the written
31 consent is not received within 120 days after the date on which this ordinance is passed and
32 approved. In the event no special limitations are contained herein, this ordinance is effective
33 immediately upon passage and approval. The Director of the Planning Department shall
34 change the zoning map accordingly.

1 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
2 _____ 2005.
3
4
5
6 _____
7 Chair
8 ATTEST:
9
10
11
12 _____
13 Municipal Clerk
14
15 (2005-000) (Tax ID No. 010-196-45)
16
17

4

POSTING

AFFIDAVIT



Post-it® Fax Note	7671	Date <u>4/14/05</u>	# of pages <u>1</u>
To <u>Angela</u>		From <u>Brad</u>	
Co./Dept.		Co. <u>Lounsbury</u>	
Phone #		Phone # <u>272-5451</u>	
Fax # <u>343-7927</u>		Fax #	

AFFIDAVIT OF POSTING

Case Number: 2005-062

I, Tim Stoct, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Rezone. The notice was posted on 4-13-05 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 13 day of 4, 2005

Signature

LEGAL DESCRIPTION

Tract or Lot 2
 Block Boettcher Subdivision
 Subdivision

5

HISTORICAL INFORMATION

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2004-021**

A RESOLUTION DENYING A REZONING FROM R-3 SL (MULTIPLE FAMILY RESIDENTIAL) TO R-3 SL TO REMOVE A SPECIAL LIMITATION FOR BOETTCHER SUBDIVISION, TRACTS 2 AND 3, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF NORTHWOOD DRIVE AND A DEDICATED RIGHT OF WAY FOR WEST 44TH AVENUE.

(Case 2003-012, Tax I.D. No. 010-196-45 and 010-244-28)

WHEREAS, a request has been received from Maple Ridge Development Corporation to remove a special limitation which requires access to Spenard Road for Boettcher Subdivision, Tracts 2 and 3, generally located on the southwest corner of Northwood Drive and a dedicated right-of-way for West 44th Avenue, and

WHEREAS, notices were published, posted and 213 public hearing notices were mailed and a public hearing was held on March 8, 2004.

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

A. The Commission makes the following findings of fact:

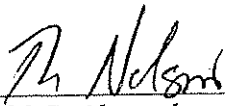
1. The petitioner is proposing to rezone the site from R-3 SL to R-3 SL. There is currently a special limitation requiring the petition site (Tracts 2 and 3, Boettcher Subdivision) to have direct access not only to be from Northwood Drive, but also to be a second direct access to Spenard Road, through Tract 1 of Boettcher Subdivision. Tract 1 directly abuts Spenard Road, but is not a part of this rezone request. Tract 1 is zoned B-3, and does not have this requirement to provide Tracts 2 and 3 with access. However, when Tracts 2 and 3 were rezoned to R-3 SL and this access requirement was placed on the special limitations, it automatically encumbered Tract 1 with this requirement. At the time of that action, all three tracts were under the same ownership. However, now all three tracts are under separate ownership. This has caused extreme difficulty in developing any of the tracts, especially Tracts 1 and 2. This is due to the fact that the access route must be 30 feet wide, and Tracts 2 and 3 are narrow.
2. The Commission finds that they have a significant historical knowledge of this part of town. In 1971 Northwood Drive was already a problem in terms of traffic. In 1984 this property came before the body for rezoning. The requirement for Spenard Road access was intended to preserve the neighborhood at Iowa Drive and 43rd Avenue.
3. The Commission finds that, at best, this application was premature; not knowing what will be developed on this property. The Commission further finds that until the impacts on the neighborhood can be quantified the special limitation should remain.
4. The Commission finds that Anchorage 2020 Policy #30 requires that impacts on neighborhoods be minimized, and did not see an adequate means of

mitigating the impacts on the neighborhood that would result from approving this request. Until there is traffic calming or other solutions in this area, the Commission finds it cannot justify removing the requirement for access onto Spenard Road.

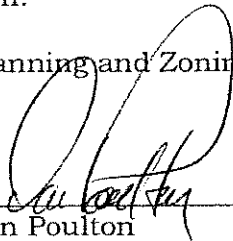
5. The Commission finds that Anchorage 2020 Policy #54 requires protection against cut-through and high-speed traffic, and that there has been testimony that 45th Avenue, 43rd Avenue, and Iowa Drive are all potentially affected by cut-through traffic from this development. Additionally, Spenard Road is a transit-supported corridor and as direct as possible access from a medium-density development to that corridor is desirable
6. The Commission finds that the floodplain study begs many questions that have not yet been answered.
7. The Commission denied the request 0 - aye, 8 - nay.

- B. The Commission recommends the rezoning be DENIED by the Anchorage Assembly for Tracts 2 and 3, Boettcher Subdivision.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 8th day of March, 2004.



Donald S. Alspach
Acting Secretary



Don Poulton
Chair

(2003-012)
(010-196-45 and 010-244-28)

COMMISSIONER G. JONES moved for approval of the site plan review for Fire Station #15, subject to Staff conditions 1, 2, amending condition 3 to delete "in accordance with AMC 21.45.200 transition and buffering standards.", amending condition 4 to read "Resolve ground cover with Staff and/or the Urban Design Commission.", deleting conditions 5 and 6, and amending condition 7 to state "Final landscape plan to be approved by the Urban Design Commission."

COMMISSIONER T. JONES seconded.

COMMISSIONER G. JONES felt Mr. Potter's comments were appropriate and he believed with respect to buffer versus screening landscaping that a great deal of effort has gone into designing a prototypical fire station that fits into neighborhoods. He agreed with Staff that municipal facilities should set a standard within the community for their compatibility, but he did not necessarily think they should be hidden behind trees.

COMMISSIONER T. JONES stated regarding plantings within parking areas that she was persuaded by Mr. Potter's testimony that caution should be taken in installing plant materials that might impede visual access and for maintenance considerations where large vehicles are maneuvering. She felt that the result for the community would be positive.

COMMISSIONER PEASE did not understand the concern with condition 3 as proposed by Staff and why a requirement to be "in accordance" with code would be eliminated. COMMISSIONER G. JONES explained that buffer landscaping is a definable requirement in the code and his amendment did not eliminate that language. His proposed change simplifies the requirement, ties the improvements to a plan, and does not leave the requirement subject to interpretation. MS. FERGUSON stated the key requirements are buffer landscaping and a bed width of 15 feet.

COMMISSIONER SIMONIAN stated she had concerns similar to those expressed by Commissioner Pease, but Mr. Potter alleviated those by describing the prototype design and the thought that went into the prototype.

AYE: Pease, T. Jones, Gibbons, Poulton, G. Jones, Simonian, Ward,
Lottsfeldt

NAY: None

PASSED

6. 2003-012

Maple Ridge Development Corporation. A request to rezone approximately 10.96 acres from R-3SL (Multiple Family Residential with Special Limitations) to R-3SL (Multiple Family Residential with Special Limitations) . THIS REZONING WOULD

CHANGE THE CURRENT SPECIAL
LIMITATIONS TO NOT REQUIRE
ACCESS TO SPENARD ROAD. Boettcher
Subdivision, Tracts 2 & 3. Located on the
west side of Northwood Drive at the
intersection with the 44th Avenue
alignment.

Staff member ANGELA CHAMBERS indicated this request involves removal of the special limitation that requires secondary direct access to Spenard Road. The petition site is comprised of two tracts, Tract 2 located along Spenard Road and Tract 3 abutting Northwood Drive. Tract 1 is located directly on Spenard Road and is not a part of this request. Tract 1 does not have a requirement to provide access for Tracts 2 and 3 to Spenard Road. When Tracts 2 and 3 were rezoned R-3SL with the requirement to access Spenard Road, it automatically encumbered Tract 1 with this requirement. At the time of that action, the three tracts were under the same ownership, but they are now under separate ownership. This has caused extreme difficulty developing any of the tracts, especially Tracts 1 and 2 due to the requirement for the access routes to be 30 feet wide and Tracts 2 and 3 are narrow. The Traffic Department had reviewed the traffic impact analysis (TIA) for this case. Originally, this request was to rezone from R-3SL to R-4, which would allow removal of this requirement, as well as increased density. However, the petitioner has worked with the Community Council and others and has revised the request to be removal of the access requirement. The Department finds that, with the Traffic Department approval of the TIA and the future upgrade of Northwood Drive, this request is appropriate. However, it should not become effective until the upgrades are completed. Staff has met with members of the community regarding concerns with floodplain issues and drainage issues in the surrounding community, as well as cut-through traffic from Tudor Road over to Northwood through 45th Avenue and other roads. This has been discussed with the Traffic Department and Project Management and Engineering with respect to the upgrade of Northwood Drive. The soils on Tract 3 are poor and there are drainage concerns. The Municipality is re-visiting the Northwood Road upgrades to ensure it takes into account the potential for any fill to occur on this tract and the potential impact it could have on the floodplain. Although the TIA indicates that levels of service would not change at intersections as a result of the special limitation removal, consideration is being given to add money in the Northwood Drive upgrade to resurrect a traffic-calming plan for the area, especially between Northwood and Tudor Road. MS. CHAMBERS added a second special limitation to state "Prior to any development or permitting on the site, the property owner shall coordinate with and receive approval of the site design, drainage and

floodplain impact mitigation from Project Management and Engineering and Building Safety.”

The public hearing was opened.

BROOKS CHANDLER, representing the petitioner, stated this is a relatively minor rezone application to remove one special limitation, however, it has generated and will generate public testimony. The standards for rezoning in the Comprehensive Plan do not particularly address a rezone of this relatively small magnitude. He thought the most applicable standard is the whether this interest is in the best interest of the public. In that regard, he submitted that the TIA has established the best interest of the public is adequately protected because the Traffic Department concludes that the original special limitation first imposed on the tract in 1984 is no longer necessary. The TIA, which was prepared at the request of the Planning Department, was based on the assumption that Northwood Drive would remain a two-lane road. The TIA shows that the trips generated from this site if it was fully developed would be 1,190 trips and the question is how many of those trips might have been onto Spenard Road and now would be diverted to Northwood Drive. He presumed that less than 50% or roughly 600 trips per day would access Northwood than if the special limitation remains in place. The TIA shows there is no degradation to the quality of Northwood Street or the Spenard Road/Northwood Drive intersection if the sole access to the site is Northwood Drive. He also believed there were practical considerations to traffic going to Northwood Drive that did not exist in 1984. In particular, accessing Spenard Road would create an entrance east of Gwennie's Restaurant and not far from a curve and near the traffic signal at Northwood Drive that did not exist in 1984. Spenard Road was a two-lane road in 1984 and it is now wider. The safety of taking access via Spenard Road is an issue of concern. Access via Northwood Drive to Spenard Road would be controlled by a traffic light. Northwood Drive is a collector road with an anticipated traffic level of 2,000 to 10,000 trips per day and the existing level is 2,500 trips per day. The public is also served as removal of this special limitation facilitates development of Tract 3 with multi-family housing. There is no legal mechanism to force the owners of Tracts 1 or 2 to provide an easement for access to Tract 3. The petitioner accepts the proposed special limitation regarding Tract 2 and does not object to review of floodplain issues. The petitioner does object to the effective clause connecting approval to the upgrade of Northwood Drive because the TIA was based on the current two-lane capacity of Northwood Drive and the upgrade does not alter the traffic impact associated with this rezoning request. He noted that in 1984 this property was in active use as a trailer park and there is information in the 1984 rezoning that suggests, at that time, the trailer park was generating 680 to 700 trips per day. He distributed a larger scale drawing of the site.

ROBERT AUTH, representing the Spenard Community Council, stated he has lived in the house directly south of this property since 1987. He stated

the Council unanimously opposes lifting any of the special limitations on this property. In the past year, the Council unanimously twice rejected any rezone of the property and, when this new proposal came in December, it was also unanimously rejected. One of the issues under discussion is that this proposal uses a public process to solve a personal problem. The petitioner bought Tracts 1, 2, and 3 and has now sold his access to Spenard Road and is claiming there is no access to Spenard Road. It is not to the public's benefit to remedy that problem. He stated he has been involved in the Council long enough to remember 1991 when this issue arose at a time that Anchorage Neighborhood Housing Services wanted to develop this property. These special limitations are from the 1991 ordinance, which was adopted after all the Spenard Road improvements were completed. The practical problem presented with the petitioner's request is that there would be only one access to this site if the access to Spenard Road is eliminated. Even the TIA says that the parcel should have two access points for traffic distribution and for emergency access. Removal of the special limitation would restrict a 180-unit development to only one access. Traffic from this property would bottleneck where there is already a major cut-through from Tudor Road down 45th Avenue to Northwood Drive. If the vehicles generated from the petition site are going to Midtown or South Anchorage, they would likely use Northwood to 45th Avenue. He noted that in October when the Planning Staff did their analysis, they said the secondary access to Spenard Road is needed.

o

DAN YOUNG, representing the residents on 43rd Court and Iowa Drive, stated he is a hydrogeologist and one of the issues associated with the petition site. He displayed a map of the area depicting the boundaries, roads, and floodplain. He explained that if Northwood is not rebuilt and storm mitigation installed, and the petition site is developed with housing in the floodplain, there would be major damage. The alternative is to fill in the floodplain and build atop it. If that is done, the flooding will have to go south and will impact the homeowners on 45th Avenue, 46th Avenue, and 47th Avenue and the south half of the floodplain will expand. He then displayed a number of photographs showing flooding in 1989 on 45th Avenue, water on that roadway one and one-half weeks ago. He stated the depth of water on Northwood during the 1989 flooding was up to a tailgate on a pick-up truck. If the access onto Spenard Road is eliminated, the only access will be onto 45th Avenue onto Northwood Drive, which will mean there is no access during flood time. He noted that the photographs depict a 10-year event, not a 100-year event. He urged the Commission to not eliminate access to Spenard Road.

COMMISSIONER SIMONIAN asked if there were any other points Mr. Young wished to make about the floodplain. MR. YOUNG replied that he had completed his testimony.

KATHERINE YOUNG, resident on Iowa Drive, stated she is opposed to eliminating the Spenard Road access and supported a requirement that

there be flood studies before building is allowed. She stated access onto Northwood, if 45th Avenue is used, is in the floodplain. She understood the petitioner was going to propose a second access onto Northwood via a proposed 44th Court. Because of the slope of the land on which the proposed 44th would be located, it would not be a good access point in terms of visibility and it would be unsafe. She further understood that while it has been stated that the three tracts are owned by different entities, Tracts 2 and 3 are owned by members within the same family and they sold Tract 1 knowing that access to Spenard Road was required for all lots.

MR. HAUSER, resident on Iowa Drive, agreed with the Spenard Community Council's statements regarding the access and through-fare that is occurring at this time via 45th Avenue from Tudor. With the additional use of Northwood Drive from the petition site, there would be an increased burden on people who live on 44th Avenue, 45th Avenue, and 46th Avenue. He added that Northwood Elementary School is on the other side of 46th Avenue and additional traffic would present concerns with regard to children. He indicated that when the trailer court existed on this property there was an access to Spenard Road; that access would coincide with Tracts 1 and 2. He stated he has observed water come into his back yard during flooding events. He indicated the soils in the area are glacial silt; holes have been drilled to test water levels and found water at 1.5 to 2 feet below the surface. As a result, drainage is not good on either the upside or the downside of the petition site; any modifications to the property will likely cause flooding to surrounding households.

COMMISSIONER LOTTSFELDT asked if it would be more likely that people would cut through to Spenard Road if the access to Spenard Road is developed. MR. HAUSER stated that there would not be as much traffic coming from the development onto Northwood Drive if there is access to Spenard Road. He stated there are numerous streets intersecting Spenard Road and traffic maneuvers in that situation every day.

COMMISSIONER PEASE asked for a description of the terrain and obstacles to travel along Northwood Drive to 45th Avenue. MR. HAUSER stated there is a light at Spenard Road and Northwood Drive. Vehicles travel 150 yards to 45th Avenue and 45th Avenue goes to Spenard Builders. Going behind Spenard Builders, one can access the light at Tudor Road. People leaving on the west side of Minnesota often take this route rather than going up to the Spenard Road/Minnesota Drive intersection. COMMISSIONER PEASE asked if there is a railroad crossing and a steep hill near Spenard Builders. MR. HAUSER replied there is a raised rail crossing, which is the delivery point for Spenard Builders that continues to the airport.

COMMISSIONER G. JONES asked if there is a median in Spenard Road. MR. HAUSER stated there is a median at Spenard Road and Northwood Drive; there is another on the other side of Gwennies heading west.

COMMISSIONER G. JONES asked if there is a median at Tract 1. MR. HAUSER replied in the negative.

BRIAN BERGER, resident on 45th Avenue, stated he has resided on this road for one year and over the last year the traffic situation has worsened and the snow has narrowed the road to one lane. He stated if the requirement for access to Spenard Road is eliminated, 45th Avenue would suffer horribly.

WILL WALKER stated he has lived on Northwood Street for over 40 years and the number of vehicles traveling on that road has steadily increased. There are also a number of children walking along the side of the west side of Northwood Drive. He stated it is difficult for him to egress from his house due to vehicles and pedestrian traffic.

TIM TENNIS, resident on Iowa Drive, stated his property overlooks Tract 3. He supported the Municipality's recommendations and those of the Community Council. He stated that Iowa Drive and 43rd Avenue are dead-ends, so the level of traffic in his area is low. The prospect of having substantially increased traffic along 44th Avenue and Iowa Drive would be a detriment to properties in this area. He stated he also supported the position taken by Mr. Young regarding the hydrology on the petition site.

KAY OLSON, resident on Aspen, believed her online comments were not included in the packet. Those comments indicate her opposition to this rezoning. She stated she lives on Aspen Drive near the property. That road is a residential street with a 25 mile per hour posted speed limit. Aspen is used extensively by more motorists that live in the immediate neighborhood. Aspen Drive is a cut-through and not requiring access for the petition site from both Spenard Road and Northwood Drive would add congestion and speed to Aspen Drive. She feared that traffic from the Airport, Sand Lake and Jewel Lake areas would use Aspen Drive rather than going to Northwood Drive to the petition site. She believed access to Spenard Road should eliminate some of the cut-through traffic on Aspen Drive.

COMMISSIONER SIMONIAN asked if the intersection of Aspen Drive onto Northwood Drive is near the Montessori School and Northwood Elementary School.

MS. CHAMBERS noted that online comments were provided to the Commissioners this evening.

JIM BOWERS, resident on Kushner, stated Aspen Drive is a cut-through street and, if the proposed development does not have access onto Spenard Road, traffic would turn onto Northwood Drive and then Aspen Drive. He stated the situation on 45th Avenue is even worse than on Aspen Drive. He had difficulty understanding how the petitioner could have "painted himself into a corner" and then ask others to help him.

KATHLEEN BRADY, resident on Iowa Drive, stated she is located three or four houses from the proposed 44th Court. She stated her home has been in her family since being built by her father in 1958. She stated she bought this home 8.5 years ago because this is a dead-end neighborhood. She was concerned that the neighborhood would be destroyed if access to Spenard Road is eliminated. She believed her property value would be lowered and the character of the street would be severely changed. She noted a flaw in the TIA in that it did not adequately address 45th Avenue and 46th Avenue and the cut-through situation. She indicated that, after heavy snowfalls, those roads are one-lane and, with people parking on the street, it is not adequate to handle increased traffic. She stated consideration should be given to the floodplain because raising the land would result in flooding of neighboring homes.

MARTY SMITH, area resident, stated he is not against development of this lot, so long as it is done in a responsible manner. He opposed the petition because he did not believe it was done responsibly. He cited Anchorage 2020 under Land Use and Transportation, which states, "land use and transportation goals address the designation of land for various private public uses and how those uses are connected." That connection is referring to Aspen Drive and West 45th Avenue. Anchorage 2020 also states, "Residential use, a variety of housing types and densities, and space help create safe, attractive neighborhoods." He believed that allowing this petition would be unsafe. He stated Red Bridge Park is located at the bottom of 45th Avenue. He has three children utilize that park in the summer. Increasing the traffic on 45th Avenue would be particularly unsafe. The TIA is incomplete by not looking at 45th Avenue. No average daily trips were accounted for on West 45th Avenue, only turning counts. The TIA lists a peak p.m. turning count of 85 turns onto Northwood Drive and 36 from Northwood Drive onto 45th Avenue. The a.m. peak counts total 92, which is 65 turning from Northwood Drive onto 45th Avenue and 27 onto Northwood Drive. These are more than the total counts presented in the TIA for the new Tract 3. One can infer that the load on 45th Avenue is greater than that prescribed by Tract 3.

CINDY MAYO, neighboring property owner, stated she is witness to increasing cut-through traffic from Tudor to Minnesota and to International. This neighborhood has two schools with children walking from as far as Minnesota and Tudor to these schools with no sidewalks other than a bike path on the west side of Northwood Drive. Damage has occurred from flooding. Knowledge of this flooding is in violation of AMC 21.05 regarding environmental health and safety of present neighbors and future occupants. There would be a high level of traffic if 45th Avenue is used as a route from this area. There is train traffic from the new Airport route, vehicular and train traffic associated with Spenard Builders, semi trucks from two trucking companies, and bus traffic. None of this has been accounted for in the TIAs. There are safety issues to be addressed and

wetlands need to be protected. She stated the developer's misfortune should not negatively impact the neighbors' safety and quality of life. She stated that, without access to Spenard Road, the petition does not conform to the Comprehensive Plan and endangers future residents and impacts current traffic.

SUSAN DOWNING, resident on Iowa, stated she takes 45th Avenue home because it is a quicker route, although she lives adjacent to Spenard Road. She feared that vehicles would not be able to turn left across Spenard Road into that access.

SHERRY HAUSER stated her family has owned her home for over 40 years; she and her husband bought it from her parents in 1990. She was always under the impression that 44th Avenue would never be put through. She was appalled that the petitioners want this Commission to make other people pay for their error in judgment. The petitioners owned Tracts 1, 2, and 3 and were aware of the special limitations. They have sold Tracts 1 and 2 so they do not have access to Spenard Road and now want the Commission to drop the special limitation so they can force through 44th Avenue and perhaps the dead-end of 43rd Court. She stated neither 43rd Court nor Iowa Drive could handle more traffic. She indicated that most of the area residents bought their homes because this is a double dead-end street. She felt the rezoning request should be denied.

DAN ANDERSON, resident at Northwood Drive and 42nd Avenue, felt the petitioner's request for a rezoning from R-3SL to R-3SL was difficult to understand. He stated if the petition site does not take access to Spenard Road, many cars would be placed onto Northwood Drive and other streets to the point where access would be very difficult from his lot. He felt that not requiring access to Spenard Road would be a mistake. He did not believe the issues that had been brought out in public testimony had been addressed. He stated there are no 180-unit apartment buildings in this neighborhood at this time. He reiterated testimony given by others regarding the high level of traffic on Northwood Road and intersecting roads. He remarked on the high speeds of travel on Northwood Drive. He stated the people who turn on 45th Avenue and go toward Tudor Road include him; that is a narrow road and children run across the street often. Children walk down Northwood Drive to access the school and the situation is dangerous.

WALLY WEELIA, resident on Iowa Drive, stated that he stopped driving 45th Avenue three months ago when it had been reduced to one lane due to snow plows and there were children playing on the snow piles. He felt 45th Avenue should be widened in order to accommodate the traffic that would be generated by this request. Tract 2 will access either 43rd Court or 44th avenue to Northwood Drive, but 43rd Court does not have access to Northwood Drive, it has access onto Iowa Drive. This design would place 106 vehicles on Iowa drive. Neither 43rd Avenue nor Iowa Drive are developed to municipal standards. He stated the developer eliminated

access to Spenard Road and it should not be the burden of the neighbors to help them out of that situation.

MARGARET AUTH, member of the Spenard Community Council and of the Council's Zoning Committee, stated she had been working with the Municipality and DOWL Engineers on the citizens' advisory board for the upgrade of Northwood Drive. She stated regarding the topography from Spenard Road to Minnesota includes a steep hill where there is poor visibility. Most people using that road would turn left onto 45th Avenue and they go up another high hill where visibility is very poor. With the snowfall this year, the situation has been dangerous. There are no sidewalks that access the park on 45th Avenue. The Spenard Community Council has been advocating for traffic calming or upgrades for 45th Avenue for years. The Traffic Engineer has told her that the right-of-way width in some parts of 45th Avenue is 22.14 feet; there is no possibility of widening the road or installing a sidewalk. Some traffic calming will occur on Northwood Drive, including at 45th Avenue, but it does not address what occurs when people turn onto 45th Avenue. She noted that the petitioner is currently negotiating to sell the last parcel of land with a closing date of March 15, 2004, even while they are asking the Commission to amend the zoning. She asked that the rezone petition be denied.

COMMISSIONER PEASE asked if there are no other good east/west access points from Northwood Drive to Tudor Road. MS. AUTH stated there is no good east/west thoroughfare. Currently, DOWL Engineers has been working on a project to remove some of the truck traffic that is currently traveling between the ballfields adjacent to Northwood Elementary School and the Spenard Recreation Center.

DOUG JENSEN, owner of property on 45th Avenue, stated that street is very narrow. He believed if the petition site is to be developed as proposed, Spenard Road would be the best access to that property.

MARK THAMON, resident on McRae Road, stated his road is designated as a collector and as such that road receives all types of traffic traveling at varying speeds. Northwood Drive would also have this problem and that would be exacerbated if 180 units are developed on the petition site. He thought removing the special limitation requiring access to Spenard Road is nothing more than a land grab. He did not think the community should have to pay for bad business by the previous landowner, who was aware of this special limitation.

In rebuttal, MR. CHANDLER stated two access points would be required on the petition site in association with any development. Page 15 of the TIA identifies two accesses. The primary access will be from 44th Avenue, which is the higher ground, not from 45th Avenue. This somewhat eliminates the concern with cut-through traffic on 45th Avenue. The maximum traffic that might be generated under the existing zoning is addressed in the TIA and

the approximate distribution of right-hand and left-hand turns is also addressed. He expected Traffic Engineering or Planning would have flagged the issue if it were of concern. He stated that even if the special limitation remains, when the property is developed, 44th Avenue would be the access point. He stated if the TIA had generated a response from Traffic Engineering saying the special limitation requiring access to Spenard Road is still necessary, this petition would not be before the Commission. The analysis was done and submitted to the professionals and the petitioner received a response that Spenard Road access was no longer necessary. He stated the plat was done in 1990 and was not done by the petitioner; it did not include easements to Spenard Road across these tracts.

COMMISSIONER G. JONES noted the traffic engineer for the TIA reaches the recommendation that the access onto Spenard Road should be rescinded, but he concludes that it is onerous because it is hard to do. He asked what has been the chain of ownership for Tract 1. MR. CHANDLER replied he is not familiar with when Tract 1 was conveyed from common ownership. He did not share the Staff's assumption that some burden attaches automatically to Tract 1 because of the 1990 plat that broke two parcels of land into three in order to clarify the zoning. Prior to that 1990 zoning action, the two parcels were zoned differently from each other. COMMISSIONER G. JONES indicated the 1984 special limitation was very specific in its requirement for that access to line up with Barbara Street, which is only possible through Tract 1. He asked whether Mr. Chandler was involved in the replatting of this property. MR. CHANDLER replied in the negative.

The public hearing was closed.

MS. CHAMBERS remarked that Traffic Engineering does support removal of the requirement for access onto Spenard Road at this time. Both Traffic Engineering and Project Management and Engineering are seriously considering the floodplain issues. They are also significantly aware of the 45th Avenue cut through to and from Tudor Road. There is also the issue of 45th Avenue being very substandard and traffic calming is being considered for that street. They are also adding funding for general traffic calming as part of the Northwood Drive project; Aspen Drive is also involved in this work.

COMMISSIONER G. JONES moved for approval subject to the special limitation as proposed by Staff "Tract 2, Boettcher Subdivision, shall be required to have direct vehicular access to Spenard Road only, if the site is not developed residentially." and adding a special limitation to state, "Prior to any development or permitting on the site, the property owner shall coordinate with and receive approval of the site design, drainage and floodplain impact mitigation from Project Management and Engineering and Building Safety." and subject to the effective date clause that "This

rezoning shall not become effective until construction of the planned upgrade to Northwood Drive is completed."

COMMISSIONER GIBBONS seconded.

COMMISSIONER G. JONES did not support his motion. He stated he has historical knowledge of this part of town. In 1971 he lived on Jefferson Street, which intersects with Northwood Drive, and his office was moved from Northern Lights Boulevard to Tudor Road and he began using 45th Avenue. Northwood Drive was a problem at that time. In 1984 he was a member of the Planning and Zoning Commission when this property came before the body for rezoning. The requirement for Spenard Road access was intended to preserve the neighborhood at Iowa Drive and 43rd Avenue. At best, he believed this application was premature, not knowing what will be developed on this property. He felt that until the impacts on the neighborhood can be quantified the special limitation should remain.

COMMISSIONER T. JONES did not support the motion, feeling it was premature, at a minimum. She noted that Anchorage 2020 Policy #30 requires that impacts on neighborhoods be minimized. She did not see an adequate means of mitigating the impacts on the neighborhood that would result from approving this request. Until there is traffic calming or other solutions in this area, she could not justify removing the requirement for access onto Spenard Road. She was also aware of the proposed improvements on Northwood Drive and recently participated in a workshop where those were discussed at length. For the reasons Commissioner G. Jones stated, she felt it was not appropriate to remove the special limitation at this time.

COMMISSIONER PEASE did not support the motion noting that Anchorage 2020 Policy #54 requires protection against cut-through and high-speed traffic. There has been testimony that 45th Avenue, 43rd Avenue, and Iowa Drive are all potentially affected by cut-through traffic from this development. Additionally, Spenard Road is a transit-supported corridor and as direct as possible access from a medium-density development to that corridor is desirable. She also felt the floodplain study begs many questions that have not yet been answered.

AYE: None

NAY: Pease, T. Jones, Gibbons, Poulton, G. Jones, Simonian, Ward,
Lottsfeldt

FAILED

7. 2002-207

John Berggren. A Site Plan Review for Villages View Estates Subdivision and a request to amend an approximate 50.4-acre portion of the Potter Creek Master Plan and

AYE: Knepper, Pease, T. Jones, Gibbons, Poulton, G. Jones
NAY: None

PASSED

5. 2003-012

Maple Ridge Development Corporation. A request to rezone approximately 10.96 acres from R-3SL (Multiple Family Residential with Special Limitations) to R-3SL (Multiple Family Residential with Special Limitations). This rezoning would change the current Special Limitations. Boettcher Subdivision, Tracts 2 & 3. Located on the west side of Northwood Drive at the intersection with the 44th Avenue alignment.

POSTPONED

6. 2003-175

Hawkins Company LLC. A Site Plan Review for the remodeling of the old Super Kmart store on Dimond Blvd and Old Seward Highway to house up to four new tenants. Madigan Place, Lot k-1A. Located at 8601 Old Seward Highway.

Staff member AL BARRETT stated this is the Kmart site in south Anchorage. Staff is recommending approval of the site plan subject to conditions. There were 46 public hearing notices mailed and no responses were received. The most overwhelming aspect of the project is the large parking lot; therefore, the conditions require adding landscaping to soften that impact. Most of the rest of the 10% of cost that the applicant is required to apply to the standards of AMC 21.50.320 is used for a widened and landscaped pedestrian plaza across the front of the building, arctic entryways, and a unified color and design scheme. The applicant has committed more than the required amount of funding to this work. MR. BARRETT amended condition 4.a to delete "and highway screening landscaping." He stated he has received additional information indicating that the last sentence of that paragraph is met, but he has not received approval of the plans. He also amended condition 4.a to delete the sentence "Show 5% interior landscaping per 21.45.080 W.10" as that has been met. He also deleted the final paragraph in condition 4.a. as it has been met. He noted regarding condition 4.b that there is no sign-off yet from the surface water reviewers. The architect has supplied additional detail on condition 4.c and the ramp is shown in the parking aisle. He learned today that the ramp cannot be in the parking aisle, but it must only be in the area in front of the cars when they park. He also

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 7-16-91

Submitted By: Assemblyman Kubitz
Prepared by: Assemblyman Kubitz
For Reading: June 11, 1991

Anchorage, Alaska
AO No. 91-84

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM R-3 SL (MULTI-FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) TO R-3 SL (MULTI-FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR TRACTS 2 AND 3 BOETTCHER SUBDIVISION AND REPEALING AO NO. 84-148(S). (SPENARD COMMUNITY COUNCIL).

THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. That AO No. 84-148(s) be repealed

SECTION 2. That the zoning map be amended by designating the following described property as an R-3 SL (Multi-family Residential District with Special Limitations) zone:

Lots 2 and 3 Boettcher Subdivision

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

- a. Number of dwelling units limited to ~~200~~. 180
- b. There shall be ingress and egress to both Spenard Road and Northwood Street with the intersections aligned with Barbara Street and West 45th Avenue.
- c. There shall be a 25 foot setback from Fish Creek, with the first 15 feet north of Fish Creek returned to a condition which will allow regrowth of natural vegetation.
- d. Maximum 35 foot building height ~~as measured from existing grade~~.
- e. There shall be a minimum 30% useable open space.

- f. The west boundary of the site and the boundary of the site adjacent to Lakeway Subdivision shall be fenced. Landscaping to be determined in the site plan review process.
- g. A 20-foot buffer shall be provided along Northwood containing a sidewalk and vegetated landscaping.
- h. Development on this parcel is subject to a public hearing site plan review by Planning and Zoning Commission as outlined in AMC 21.15.030.

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 otherwise. All provisions of Title 21 on the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classifications applied by this ordinance were not subject to special limitations.

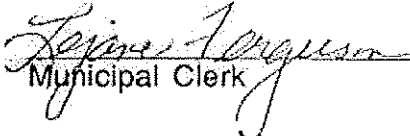
SECTION 5. The Director of Economic Development and Planning is hereby directed to change the zoning map accordingly.

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

PASSED and APPROVED by the Anchorage Assembly this 16th day of July, 1991.


Chairman

ATTEST:


Municipal Clerk

AMENDED AND APPROVED

DATE

8-29-84

Submitted by: Chairman of the Assembly at the Request of the Mayor

Prepared by: Community Planning Department
For Reading: July 3, 1984

Anchorage, Alaska
AO No. 84-148(S)

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE RE-ZONING FROM R-2 (RESIDENTIAL UP TO EIGHT UNITS DISTRICT) TO R-3SL (MULTI-FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) THAT PORTION OF THE SE 1/4, SEC. 26, T13N, R4W AND THAT PORTION OF THE NE 1/4, SEC. 35, T13N, R4W, S.M. SHOWN ON EXHIBITS "A" AND "B" (SPENARD COMMUNITY COUNCIL)

THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. That the zoning map be amended by designating the following described property as an R-3SL (Multi-Family Residential District With Special Limitations) zone:

That portion of the Southeast one-quarter (SE 1/4) Section 26, Township 13 North, Range 4 West, Seward Meridian and that portion of the Northeast one-quarter (NE 1/4) of Section 35, Township 13 North, Range 4 West, Seward Meridian, generally known as the Vagabond Trailer Court and more particularly described in Exhibit "A" attached and depicted on the map attached as Exhibit "B."

SECTION 2. This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. The number of dwelling units permitted shall be limited to [300] 280 with a maximum of 84 two-bedroom units and the remainder one-bedroom units;
- b. There shall be ingress and egress to both Spenard Road and Northwood Street with the intersections aligned with Barbara Street and West 45th Avenue;
- c. There shall be a 25-foot building setback from Fish Creek with the first 15 feet north of Fish Creek returned to a condition which will allow regrowth of natural vegetation;
- d. The 35-foot permitted building height shall be measured from the existing average grade along 44th Avenue extended onto the site;

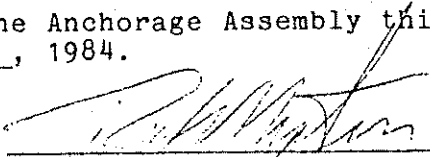
- [c.] e. There shall be a minimum of 40% usable open space;
 f. See below **
 g-f. The west boundary of the site and the boundary of the site adjacent to Lakeway Subdivision shall be fenced and 12-foot trees shall be planted along the fence at 30-foot intervals;
- h-g. A 20-foot buffer shall be provided along Northwood containing a sidewalk and vegetated landscaping;
- [d.] i-h. There shall be a site plan review by the Planning and Zoning Commission to include ingress/egress, parking, building footprint, open space and landscaping on the appearance request of the petitioner;
- [e.] j-i. Before the petitioners may obtain an appearance request review of its site plan, a public review must be conducted by the Urban Design Commission with notice to the Spenard Community Council and mailed notice to property owners of record on the Municipal Assessor's records within a 500-foot periphery of the site;
- [f.] k-j. Construction on the project shall not commence before April 1, 1985.

1. See attachment entitled "Tenant Relocation Assistance."
SECTION 3. The special limitations set forth in this ordinance prevail over any inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classifications applied by this ordinance were not subject to special limitations.

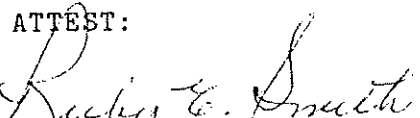
SECTION 4. The Director of Community Planning is hereby directed to change the zoning map accordingly.

SECTION 5. This ordinance shall be effective ten (10) days after passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 29th day of August, 1984.


 Chairman

ATTEST:


 Municipal Clerk

- f. There shall be no structure closer than 65 feet to the north property line bordering on Lakeway Subdivision.

TENANT RELOCATION ASSISTANCE

State law requires only 90 days notice for an eviction of a mobile home from a mobile home park for purposes of changing the land use of the park. AS 34.03.225(4). There is no requirement that a court owner pay any relocation assistance.

Boettcher & Company, in connection with AO 84-148S, the rezoning of Vagabond Trailer Court, has committed itself to a tenant relocation assistance program consisting of the following:

1. A rental rebate to the tenant of one-half ($\frac{1}{2}$) the space rent paid between the time the requested rezoning is approved and the end of March 1985.

2. A lease guaranteeing that the space rent will not be raised by the landlord between the time of the rezoning and the end of March 1985, but allowing the tenant to terminate the lease on 30 days notice.

3. Families with children at Northwood School will be provided rental housing in the area from the end of March 1985 until the end of the 1984-1985 school year.

4. Boettcher & Company will assume responsibility at no cost to the tenant for removal and demolition of any personal property (e.g. immovable trailers, lean-tos, junk vehicles) abandoned by the tenant.

5. Boettcher & Company will hire a financial/relocation counselor to assist tenants in finding and acquiring alternate locations for their trailers, or sale of their trailers and alternate housing.

6. Boettcher & Company will deal directly with unique hardship cases of the elderly and handicapped tenants.

Boettcher & Company estimates the cost of this relocation assistance program to be \$150,000.00.

AO 84-148S, Rezoning of Vagabond Trailer Court

84-056

REZONING



EXHIBIT A



500 Year Floodplain



0 500 1000
FEET

PARCEL NO. 1: That portion of the Southeast one-quarter (SE1/4) Section 26, Township 13 North, Range 4 West, Seward Meridian, as described as follows: Commencing at the official United States Land Monument Survey Stake located at the Southeast corner of Section 26, thence West along the South line of said Section 26, a distance of 825 feet, to the point of beginning, thence turn an angle of 90° to the right and run north on a line parallel to the East line of said Section for a distance of 445 feet more or less to the Southerly line of Lake Spenard Road, thence North-easterly along the Southerly line of Lake Spenard Road for a distance of 147.4 feet more or less, to the Northwest corner of Lot 10, MICHEL'S MANOR SUBDIVISION, according to Plat P-142, thence turning an angle to the right and running southerly along the West line of Lot 10 of MICHEL'S MANOR SUBDIVISION, for a distance of 480.9 feet more or less to a point on the South line of said Section 26, thence West 143 feet to the point of beginning, in the Anchorage Recording District, Third Judicial District, State of Alaska.

PARCEL NO. 2: That portion of the Northeast quarter of Section 35, Township 13 North, Range 4 West, Seward Meridian, more particularly described as follows: Beginning at the section corner common to Sections 25, 26, 35 and 36, the true point of beginning; thence South 0°05' East along the section line common to Sections 35 and 36, a distance of 500 feet; thence North 89°59' West a distance of 926.70 feet more or less to the southeasterly boundary of Lot 6, Block 4, LAKE SPENARD PARK SUBDIVISION, according to Plat P-42, thence in a Northeasterly direction along the Southeasterly boundary of Lots 6, 5, 4, 3, and 2, Block 4, of said Lake Spenard Park Subdivision, to the Southeast corner of Tract 1, Block 4, of said Lake Spenard Park Subdivision; thence in a Northerly direction along the Easterly boundary of Tract 1, Block 4, of said Lake Spenard Park Subdivision, to the section line of Section 35; thence South 89°59' East along the section line a distance of 898.08 feet to the point of beginning; EXCEPTING therefrom the Bowker Subdivision, according to Plat 63-7, being within the Anchorage Recording District, Third Judicial District, State of Alaska.

EXHIBIT B

AO 91-084
(old AO 84-148(s))

Reference number :	005352	Reference coment :	BZAP - TEXT REFERENCE
Print date :	12/08/99	Date TEXT created:	02/01/93
Requested by :	RAK	Executed from :	BZAP/BZ20
Action number :	91-030		
Action date :	05/23/91	Expiration date :	/ /
Reference type :	SL	Description :	SPECIAL LIMITATION
Reference status :	APR	Description :	RULING APPROVED

- 1 page follows -

RESOLUTION #91-030/CASE #91-045

A RESOLUTION APPROVING A MODIFICATION TO THE SPECIAL LIMITATIONS FOR THE EXISTING R-3 (MULTIPLE -FAMILY RESIDENTIAL DISTRICT) WITH SPECIAL LIMITATIONS ZONE OF AO 84-148(S) FOR BOETTCHER SUBDIVISION, TRACTS 2 AND 3.

WHEREAS, a petition has been received from Anchorage Neighborhood Housing Services, Inc. to modify the existing 10.95 acres for R-3 (Multiple-Family residential District) with special limitations zone of AO 84-148(s) concerning density, buffering of adjacent properties, and development aesthetics, for Boettcher Subdivision, Tracts 2 and 3, located on the west side of Northwood Drive, and north and south of West 44th Avenue, and

2. The Commission recommends the aboved captioned rezoning amendment to modify special limitations of AO 84-148(s) be approved by the Anchorage Assembly as follows:

- a. the number of dwelling units be limited to 200.
- b. There shall be a 25 foot building setback from Fish Creek, with the first 15 feet north of Fish Creek returned to a condition which will allow regrowth of natural vegetation.
- c. The maximum building height of 35 feet shall be measured from the existing grade.
- d. There shall be a minimum 30% usable open space.
- e. the west boundary of the site and the boundary of

the site adjacent to Lakeway Subdivision shall be fenced. Landscaping to be determined in the site plan review process.

- f. a 20-foot buffer shall be provided along northwood Drive containing a sidewalk and vegetated buffer.
- g. Development on this parcel is subject to a public hearing site plan review by the planning and Zoning commission as outlined in section 21.15.030 of the municipal land use regulations.

Reference number : 005629		Reference coment : BZAP - TEXT REFERENCE	
Print date	: 12/08/99	Date TEXT created:	04/03/92
Requested by	: RAK	Executed from	: BZAP/BZ20
Action number	: 91-84		
Action date	: 07/16/91	Expiration date	: / /
Reference type	: SL	Description	: SPECIAL LIMITATION
Reference status	: APR	Description	: RULING APPROVED

- 1 page follows -

Case #91-045

an ordinance amending the zoning map and providing for the rezoning from r-3 sl (munli-family residential district with special limitations) to r-3 sl (multi-family residential district with special limitations) for tracts 2 & 3 boettcher subdivision and repealing ao no. 84-148(s). (spenard community council).

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

- a. Number of dwelling units limited to 180.
- B. There shall be ingress and egress to both spenard road and northwood street with the intersections aligned with barbara street and west 45th avenue.
- C. There shall be a 25 foot setback from fish creek, with the first 15 feet north of fish creek returned to a condition which will allow regrowth of natural vegetation.
- D. Maximum 35 foot building height.
- E. There shall be a minimum 30% useable open space.
- F. The west boundary of the site and the boundary of the site adjacent to lakeway subdivision shall be fenced. Landscaping to be determined in the site plan review process.
- G. A 20-foot buffer shall be provided along northwood containing a sidewald and vegetated landscaping.

H. Development on this parcel is subject to a public hearing site plan review by planning and zoning commission as outlined in amc 21.15.030.

Reference number : 005659		Reference coment : BZAP - TEXT REFERENCE	
Print date	: 12/08/99	Date TEXT created:	04/03/92
Requested by	: RAK	Executed from	: BZAP/BZ20
Action number	: 90-53		
Action date	: 07/23/90	Expiration date	: / /
Reference type	: PN	Description	: PLAT NOTES
Reference status	: APR	Description	: RULING APPROVED

- 1 page follows -

Case #s-8907 boettcher tracts 1,2, and 3

1. Self identifying 1-1/2" alum. Cap on 30" by #5 rebar set flush at all tract corners unless otherwise shown.
2. The section line easement within tracts 2 & 3 was vacated by plat 86-174.
3. Access to spenard road from tract 1 is limited to one access point opposite barbara drive or 70 feet from the east edge of the intersecting roadways, barbara drive and spenard road.
4. Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof, the boundaries of which may be altered in accordance with the provisions of amc 21.60.020. All construction activities and land use within said district shall conform to the requirements of amc 21.060.
5. The right-of-way of spenard road being dedicated on this plat is that same public use easment which is recorded in book 1961, page 852 (cross hatched).
6. Tract 2 does not have water availible.
7. Anchorage water and wastewater utility has no obligation to provide water service to tract 2.
8. The owner or owners of tract 2 will provide water service to tract 2 at the owner's cost prior to the development of this tract.
9. There is provided herewith a 10 foot wide buffer easement

within tract 1 which is adjacent to the lines common with tract 2 (amc 21.40.180).

10. There is provided herewith, an 8' arterial landscaping easement adjacent to spenard road within tract 1 in accordance with amc 21.40.180.

11. There shall be a 25 foot building setback from the thread of fish creek with the first 15 feet north of fish creek returned to a condition which will allow regrowth of natural vegetation at the time of development.

12. The centerline of fish creek is common with the east 500' of the south boundry of tract 3.

Reference number :	002625	Reference coment :	BZAP - TEXT REFERENCE
Print date :	12/07/99	Date TEXT created:	04/03/92
Requested by :	RAK	Executed from :	BZAP/BZ20
Action number :	84-188		
Action date :	11/26/84	Expiration date :	/ /
Reference type :	SP	Description :	SITE PLAN
Reference status :	APR	Description :	RULING APPROVED

- 1 page follows -

84-056-2

a resolution recommending the approval of the northwood valley apartment site plan.

1. Submission of a landscaping plan for the fish creek buffer to include a variety of native vegetation.
2. Expansion of the planting strips along the north to 7 feet and along the west boundary of the property to 6 feet.
3. Resolve driveway alignments with traffic engineering.
4. The median strip is considered to be part of the approved design.
5. Apply for a vacation of the section line easement located along the northern boundary of the property.
6. A site drainage plan shall be reviewed and approved by public works engineering prior to approval of any building permits and shall include the specific location of oil/grease separators, catch basin manholes, outflows.
7. Resolve drainage easements with public works engineering.
8. A flood hazard permit shall be obtained, if needed, prior to issuance of building permit.
9. Right-of-way permits, if needed, shall be obtained prior to issuance of building permits.

10. Three copies of final site plan shall be submitted to the community planning department prior to issuance of any building permits and shall include the entire area zoned r-3 sl.

Reference number :	002415	Reference coment :	BZAP - TEXT REFERENCE
Print date	: 12/07/99	Date TEXT created:	04/03/92
Requested by	: RAK	Executed from	: BZAP/BZ20
Action number	: 84-148S		
Action date	: 08/29/84	Expiration date	: / /
Reference type	: SL	Description	: SPECIAL LIMITATION
Reference status	: APR	Description	: RULING APPROVED

note: included Tracts 1, 2 & 3, Boettcher Sub

- 2 pages follows -

84-056

an ordinance amending the zoning map and providing for the rezoning from r-2 (residential up to eight units district) to r-3sl (multi-family residential district with special limitations) that portion of the se 1/4 section 35 t13n r4w s.M.

This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. The number of dwelling units permitted shall be limited to 280 with a maximum of 84 two-bedroom units and the remainder one-bedroom units;
- b. There shall be ingress and egress to both spenard road and northwood street with the intersections aligned with barbara street and west 45th avenue;
- c. There shall be a 25-foot building setback from fish creek with the first 15 feet north of fish creek returned to a condition which will allow regrowth of natural vegetation;
- d. The 35-foot permitted building height shall be measured from the existing average grade along 44th avenue extended onto the site;
- e. There shall be a minimum of 40 % usable open space;
- f. There shall be no structure closer than 65 feet to the north property line bordering on lakeway subd.
- G. The west boundary of the site and the boundary of the site adjacent to lakeway subd shall be fenced and 12-foot

trees shall be planted along the fence at 30-foot intervals;

- h. A 20-foot buffer shall be provided along northwood containing a sidewalk and vegetated landscaping;
- i. There shall be a site plan review by the planning and zoning commission to include ingress/egress, parking, building footprint, open space and landscaping on the appearance request of the petitioner;
- j. Before the petitioners may obtain an appearance request review of its site plan, a public review must be conducted by the urban design commission with notice to the spenard community council and mailed notice to property owners of record on the municipal assessor's records within a 500-foot periphery of the site;

K. Construction on the project shall not commence before april 1, 1985.

Tenant relocation assistance

state law requires only 90 days notice for an eviction of a mobile home from a mobile home park for purposes of changing the land use of the park. As 34.03.225(4). There is no requirement that a court owner pay any relocation assistance.

Boettcher & company, in connection with ao 84-148s, the rezoning of vagabond trailer court, has committed itself to a tenant relocation assistance program consisting of the following:

- 1. A rental rebate to the tenant of one-half the space rent between the time the requested rezoning is approved and the end of march 1985.
- 2. A lease guaranteeing that the space rent will not be raised by the landlord between the time of the rezoning and the end of march 1985, but allowing the tenant to terminate the lease on rental housing in the area from the end of march 1985 until the end of the 1984-1985 school year.
- 4. Boettcher & company will assume responsibility at no cost to the tenant for removal and demolition of any personal property (e.G. Immovable trailers, lean-tos, junk vehicles) abandoned by the tenant.
- 5. Boettcher & company will hire a financial/relocation counselor to assist tenants in finding and acquiring alternate locations for their trailers, or sale of their trailers and alternate housing.

6. Boettcher & company will deal directly with unique hardship cases of the elderly and handicapped tenants.

Boettcher & company estimates the cost of this relocation assistance program to be \$150,000.00.

PARCEL INFORMATION

APPRAISAL INFORMATION

Legal BOETTCHER
TR 2

Parcel 010-196-45-000
Owner AYGUN ERSIN 1/3 &
AYGUN ERGIN 1/3 &
AYGUN SAFI 1/3
2010 W 46TH AVENUE
ANCHORAGE

01

Descr VACANT LAND
Site Addr

AK 99517 3159

RELATED CAMA PARCELS

Cross Reference (XRef) Type Legend

Related Parcel(s)	XRef Type	Leased Parcels

Econ. Link Replat Uncouple
E = Old to New R = Old to New U = Old to New
I = New to Old F = New to Old Q = New to Old
Renumbr Combine Lease
N = New to Old C = Old to New L = GIS to Lease
X = Old to New P = New to Old M = Lease to GIS

Get "Type" explanation

Bring up this form focused
on the related parcel

REZONE

2005-062

Case Number 2005-062 # of Parcels 1 Hearing Date 06/06/2005
Case Type Rezoning to B-3 General business district
Legal A request to rezone approximately 1.0 acres from R-3SL (Multiple Family Residential with Special Limitations) to B-3 (General Business). Boettcher Subdivision, Tract 2. Located at 4227 Spenard Road.

PLAT

Case Number 2005-062 Grid Proposed Lots 0 Existing Lots
Action Type Action Date
Legal

PERMITS

Permit Number
Project
Work Desc
Use

BZAP

002415
002625
005659

Action No. 84148S
Action Date 08/29/1984
Resolution Status APR Ruling Approved
Type SL Special Limitation

ALCOHOL LICENSE

Business Address Applicants Name
License Type Conditions
Status

PARCEL INFORMATION

OWNER

AYGUN ERSIN 1/3 &
AYGUN ERGIN 1/3 &
AYGUN SAFI 1/3
2010 W 46TH AVENUE

ANCHORAGE AK 99517 3159

Deed 2004 0020208

CHANGES: Deed Date Mar 26, 2004

Name Date May 04, 2004

Address Date May 04, 2004

PARCEL

Parcel ID 010-196-45-000

Status

Renumber ID 000-000-00-00000

Site Addr

Comm Concl SPENARD

Comments REF 010-244-01 PLAT 90-53

#

01

TAX INFO

2005 Tax 2,157.10 Balance 2,157.10 District 003

LEGAL

BOETTCHER

TR 2

Unit SQFT 43,439

Plat 900053

Zone R3SL Grid SW1727

HISTORY

	Year	Building	Land	Total
Assmt Final	2003	0	89,800	89,800
Assmt Final	2004	0	108,000	108,000
Assmt Final	2005	0	132,500	132,500
Exemptions				0
State Credit				0
Tax Final				132,500

PROPERTY INFO

#	Type	Land Use
01	RESIDENTIAL	VACANT LAND

SALES DATA

Mon	Year	Price	Source	Type
05	2001	76,500	OTHER	LAND SALE

LAND & COMMON PARCEL INFORMATION

APPRAISAL INFORMATION

Legal BOETTCHER
TR 2

Parcel 010-196-45-000

01 of 01

Owner AYGUN ERSIN 1/3 &
AYGUN ERGIN 1/3 &
AYGUN SAFI 1/3
2010 W 46TH AVENUE
ANCHORAGE

AK 99517

Site Addr

LAND INFORMATION

Land Use VACANT LAND
Class RESIDENTIAL
Living Units 000
Community Council 027 SPENARD
Entry: Year/Quality 03 1996 LAND ONLY
01 1980 0
Access Quality GOOD
Access Type
Leasehold (Y=Leasehold)
Drainage GOOD
Front Traffic MEDIUM
Street PAVED
Topography EVEN LEVEL
Utilities PUBLIC WATER PUBLIC SEWER
Wellsite
Wet Land

CONDOMINIUM INFORMATION

Common Area 0
Undivided Interest 0.00

BUILDING PERMIT INFORMATION

APPRAISAL INFORMATION

Legal BOETTCHER
TR 2

Parcel 010-196-45-000

01 of 01

01

Prop Info # VACANT LAND
Site Addr

Owner AYGUN ERSIN 1/3 &
AYGUN ERGIN 1/3 &
AYGUN SAFI 1/3
2010 W 46TH AVENUE
ANCHORAGE

AK 99517

BUILDING PERMITS

Permit #

Class Type

Class Use

Date

Address

Cond Occ/Occ

Certification

Contract Type

Name

E-mail

Phone () -

Fax () -

Address

City/State/Zip

Project

Sewer / Water

Work Type

Work

Description

CASES

2005-062

Case Number 2005-062

of Parcels 1

Hearing Date Monday, June 06, 2005

PERMIT COMMENT

OWNER HISTORY

APPRAISAL INFORMATION

Legal BOETTCHER
TR 2

Parcel 010-196-45-000

01 of 01

01

#

Property Info # Descr VACANT LAND

Site Address

Current 03/26/04

AYGUN ERSIN 1/3 &
AYGUN ERGIN 1/3 &
AYGUN SAFI 1/3
2010 W 46TH AVENUE
ANCHORAGE

AK 99517 3159

3rd

3334 0000 09/30/98
THAYER RESIDENTIAL INC

4550 177TH AVENUE SE
BELLEVUE

WA 98006

Prev

2002 0803 11/01/02
TCB INC

300 W 34TH AVENUE #1054
ANCHORAGE

AK 99503

4th

3334 0000 09/30/98
THAYER BRUCE & CONNIE

700 FIFTH AVENUE
PO BOX 90
SEATTLE

WA 98111

2nd

3836 0000 05/11/01
MAPLE RIDGE DEVELOPMENT INC

6741 E 10TH AVENUE
ANCHORAGE

AK 99504

5th

0000 0000 08/03/90
BOETTCHER PROPERTIES LTD

% KEMPER SECURITIES INC
77 W WACKER DRIVE #2700
CHICAGO

IL 60601

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
JUNE 6, 2005
SUPPLEMENTAL INFORMATION
FROM SPENARD COMMUNITY
COUNCIL**

***G.2. Case 2005-062
Rezone to B-3***

Double-sided

RECEIVED

May 24, 2005

MAY 26 2005

Department of Planning
Zoning and Platting Division
P.O. Box 196650
Anchorage, Alaska 99519-7943

COMMUNITY PLANNING
AND DEVELOPMENT

RE: Case No. 2005-062
Boettcher Subdivision Rezone

To Whom It May Concern:

The Spenard Community Council opposes petitioner Ersin Aygun's petition to rezone Tract 2 of the Boettcher Subdivision from R-3SL to B-3. The matter was thoroughly discussed at the Council's May 4, 2005 meeting and a motion to approve the rezone was defeated 9-1.

The Council has been closely involved with the development of the Boettcher Subdivision since the Vagabond Trailer Court pulled up stakes in the 1980's. When Anchorage Neighborhood Housing wanted to build low income housing on the site in 1991, the Council actively sought protection of Fish Creek and the adjoining neighborhood, resulting in AO 91-84, which included a number of special limitations for Tracts 2 and 3.

When Maple Ridge recently sought to rezone Tracts 2 and 3 from R-3SL to R-4 (Case No. 2003-012), the Council opposed it. That petition was amended to seek only the removal of the special limitation that required direct access to both Spenard Road and Northwood Drive. The Council also opposed the amended petition. The matter came before the Planning and Zoning Commission on March 8, 2004, where the petition was unanimously rejected.

The current petitioner, with full knowledge of this history (since he already owned Tract 1), subsequently purchased Tract 2 and now seeks a far more radical change to the property than the one rejected by the Planning and Zoning Commission barely one year ago.

Tract 2 adjoins at least 5 residential lots, not including Tract 3. A rezone would therefore conflict with Policy #5 (rezones shall be compatible in scale with adjacent uses) and #7 (avoid incompatible uses adjoining one another) of the Anchorage Bowl Comprehensive Plan. Additionally, if the petition were granted, it would allow commercial development deeper into the neighborhoods than is contemplated by the Spenard Commercial District Development Strategy (SCDDS). A careful review of the Overall Strategy Map (A-3), as well as the Land Use Strategy Map (D-1) shows that the Transition Area (the area of potential commercial expansion) goes only to W.43rd Court, while Tract 2 extends further south, to 44th Avenue. Policy #21(c) of the Anchorage Bowl Comprehensive Plan states that rezoning of property

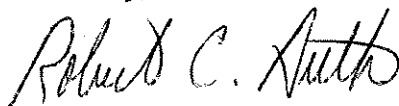
to commercial use is only permitted when designated in an adopted plan.

Even if all of Tract 2 were in the Transition Area, the rezone would still not be proper. Only selective expansion of the Commercial District is contemplated, to allow for business opportunities that would not otherwise be possible because of small lot sizes, topography, and road right-of-way takes. (D-2) None of these elements are present here. In fact, petitioner concedes that no rezone is even necessary: "The planned parking area could be constructed on Tract 2 under the existing zoning through the conditional use permit process."

As discussed at the Council meeting, several features of petitioner's plans were objected to. The "small building" that would originally be built (there is no structure of any kind on either Tracts 1 or 2) would be a temporary building, which would only be replaced with a real building "when the business can support and justify the original investment." Further, there was no plan for on-site water mitigation; therefore, the storm water will continue to flow unimpeded downhill, across the sidewalk, into Spenard Road.

Finally, a rezone of Tract 2 will essentially reverse the Planning and Zoning Commission's decision in Case. No. 2003-012. It will mean that Tract 3 (the 10 acre site) will have no access to Spenard Road; its only legal access will be from Northwood Drive, at a point that is in the floodplain and which will result in even more cut-through traffic on West 45th Avenue.

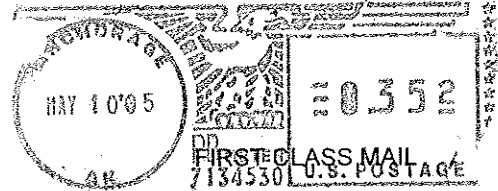
Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Auth". The signature is fluid and cursive, with the first name "Robert" and last name "Auth" clearly distinguishable.

Robert C. Auth, chair
Spenard Community Council
2621 Melvin Avenue
Anchorage, Alaska 99517

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7943

PREPONT
FIRST CLASS



010-194-29-000
OURTRUST LLC
5301 BISHOPS CASTLE CIRCLE
ANCHORAGE, AK 99516

RECEIVED

MAY 24 2005

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

NOTICE OF PUBLIC HEARING - -

Monday, June 06, 2005

Planning Dept Case Number **2005-062**

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2005-062
PETITIONER: Ersin Aygun
REQUEST: Rezoning to B-3 General business district
TOTAL AREA: 1.000 acres
SITE ADDRESS: 4227 SPENARD ROAD
CURRENT ZONE: R-3SL Multiple-family residential district with special limitations
COM COUNCIL(S): 1---Spenard 2---Turnagain

LEGAL/DETAILS: A request to rezone approximately 1.0 acres from R-3SL (Multiple Family Residential with Special Limitations) to B-3 (General Business). Boettcher Subdivision, Tract 2. Located at 4227 Spenard Road.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, June 06, 2005 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: BARRY MATTHESON

Address: 4334 SPENARD ROAD

Legal Description: WILLARD SUB.

Comments: I AM IN FAVOR OF THIS REZONING REQUEST AND FEEL IT IS A WISE USE OF THE PROPERTY. THE IMPROVEMENTS WILL CONTRIBUTE TO THE VITALITY OF SPENARD.

REZONING/RESIDENTS--PLANNING COMMISSION
2005-062



the friendliest hotels are always **BEST!**

www.bestinn.com
1-800-Bestinn

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MAY 25 2005

COMMUNITY PLANNING
AND DEVELOPMENT

Best Suites - Anchorage
4110 Spenard Road
Anchorage, AK 99517
907.243.3433 Phone
907.248.9258 Fax
Toll Free Reservations:
1.866.344.6835
(866-344-hotel)

To Whom It May Concern:

I would like to offer my support for the rezoning application for the property located at 4227 Spenard Road, owned by Ersin Aygun. As an area property holder, I have already benefited from Mr. Aygun's improvements to the property.

I have reviewed his development plan and consider it a good fit with the existing usage of Spenard Road in general and our immediate neighborhood in particular.


Sincerely

Azzam Imtiaz

Owner American Best Suites

742-8908 Office

243-3433 Business



Stay Healthy

Independently owned and operated under license agreement with Best Franchising, Inc.

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MAY 25 2005

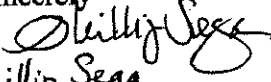
COMMUNITY PLANNING
AND DEVELOPMENT

To Whom It May Concern:

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I have reviewed his development plan and consider it a good fit with the existing usage of Spenard Road in general and our immediate neighborhood in particular.

Sincerely


Phillip Sega
2221 W. 46th Ave.
Anchorage, AK. 99517

RECEIVED

MAY 25 2005

COMMUNITY PLANNING
AND DEVELOPMENT

May 9, 2005

To Whom It May Concern:

I am the owner of a residential 6-plex located at 2310 W. Tudor Road which is approximately 2 blocks to the east of Mr. Aygun's vacant land. As a residential owner, I have no issues whatsoever for the property to be rezoned to B-3 use as long as there is no access to property from the established residential neighborhoods on W. 43rd and W. 44th (if developed). Spenard Road should be the only point of access to this proposed business property.

There are no large and undeveloped B-3 parcels on Spenard Road and the development of both tracts would be very beneficial to business, especially car rental agencies, because of the close proximity to the airport.

Sincerely,



Stacy Tomuro
952-1531

Floyd and Sons Inc.
Licenses
5730 Spenard Road
Anchorage, AK 99517-2870
907 273 2655
Fax 907 279 1326

Out of Town Reservations
1-800-THRIFTY-5
www.thrifty.com

Thrifty Car Rental

RECEIVED

MAY 25 2005

COMMUNITY PLANNING
AND DEVELOPMENT

To Whom It May Concern

May 9, 2005

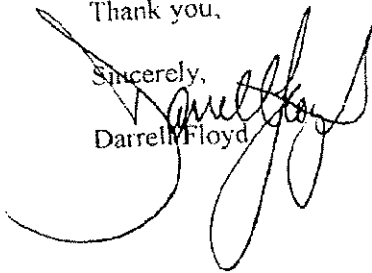
It has been brought to my attention that the property at 4227 Spenard Rd. has Requested re-zone classification. This property has been left idle for a long time And has been an eye sore of undeveloped business property for some time. I would concur that the re-zone idea should be allowed to bring this up to the standards Of the rest of Spenard's face-lift. This also would bring the property in a productive Tax roster toward the community.

Any future question about my position could be directed to my business and self @ Thrifty Car Rental attn. Darrell Floyd Owner.

Thank you,

Sincerely,

Darrell Floyd





House of Harley-Davidson and Buell



RECEIVED

February 12, 2005

MAY 25 2005
COMMUNITY PLANNING
AND DEVELOPMENT

To Whom It May Concern:

As owner of The House of Harley-Davidson on Spenard Road, I have no objection to the rezoning of the property located at 4227 Spenard Road and owned by Ersin Aygun. The property is almost directly across Spenard Road from The House of Harley-Davidson, and as explained to me by Mr. Aygun, will be used as a rental car agency.

I have seen Mr. Aygun's proposed development plans and feel the rental car agency will be an OK fit for Spenard Road.

Sincerely,

Barry Matteson
Owner

RECEIVED

MAY 25 2005

COMMUNITY PLANNING
AND DEVELOPMENT

To Whom It May Concern:

I have reviewed the development plan submitted by Ersin Aygun on the property located at 4227 Spenard Road. As the owner of a neighboring business, I enthusiastically support the proposed property improvements.

As more money is invested in the Spenard area, careful consideration should be given to the impact a new business will have on the area and the existing businesses. The rental car agency is a low impact use that will add value to the area. I look forward to the new business.

Sincerely

Joseph W. Garrett
2505 W. 43rd Court

Sincerely

RECEIVED

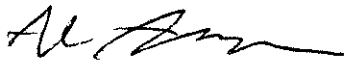
MAY 25 2005

COMMUNITY PLANNING
AND DEVELOPMENT

To Whom It May Concern:

After reviewing Mr. Aygun's development plan. I Ali Azzam property owner in the area (I own property at 1808 W 47th and 2109 W 47th) I would like to offer my support for the rezonning aplication for the property located at 4227 Spenard Road. I personally have already seen a imrovment in the area and I consider it to be a good fit with existing usage of the Spenard Road in general and our immediate neighborhood in particular.

Sincerely:



RECEIVED

MAY 25 2005

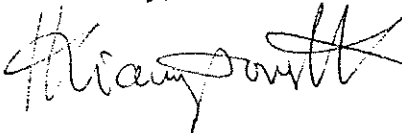
COMMUNITY PLANNING
AND DEVELOPMENT

To Whom It May Concern:

After reviewing the development plan submitted by Ersin Aygun, with regards to the property at 4227 Spenard Rd.
I support the proposed property improvements.

I own two duplex properties in Spenard area, 4207 Wisconsin st. & 3902 Lois dr. Spenard is close to airport and a car rental business is proper. Already many businesses are in this area and I see no problem in having another business here that would help the local community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kianipour', with a long horizontal line extending from the end of the signature.

Kurosh Kianipour

RECEIVED

MAY 25 2005

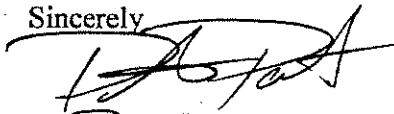
COMMUNITY PLANNING
AND DEVELOPMENT

To Whom It May Concern:

I have reviewed the development plan submitted by Ersin Aygun on the property located at 4227 Spenard Road. As the owner of a neighboring business, I enthusiastically support the proposed property improvements.

As more money is invested in the Spenard area, careful consideration should be given to the impact a new business will have on the area and the existing businesses. The rental car agency is a low impact use that will add value to the area. I look forward to the new business.

Sincerely


Peter Payton

4301 forest Rd #2
Anch. AK. 99517

Sincerely



RECEIVED

MAY 25 2005

COMMUNITY PLANNING
AND DEVELOPMENT

Villa Nova Restaurant
5121 Arctic Boulevard
Anchorage, Alaska 99503

To Whom It May Concern:

The development plan submitted by Ersin Aygun on the property located at 4227 Spenard Road is very viable and I am supportive of the proposed property improvements.

I believe that this new business will improve the Spenard area. A rental car business will benefit travelers as it is close to the airport and hotels which in turn will benefit a business such as the one I own. I am also a homeowner in the area and look forward to a new business in the area that I believe will broaden the type of service business in the area, ultimately making it a more attractive area.

Sincerely,

George Chrimat

Ali Turker
4808 Malibu Rd.
Anchorage, AK 99517
Ph: (907) 360-0380 Cell
(907) 564-2747 Work

RECEIVED
MAY 25 2005
COMMUNITY PLANNING
AND DEVELOPMENT

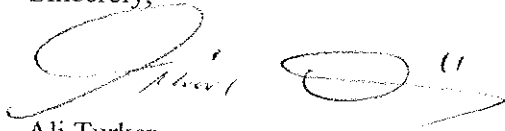
May 23, 2005

RE: Rezoning Boettcher TR 2 parcel from R3SL to B3 (TR2 will become one parcel with Boettcher TR 1, which is zoned as B3 already.)

To Whom It May Concern:

I, Ali Turker as a resident of Spenard area, am aware of the zoning change of the subject property and have no objection to it at all. Should you have any comments and/or questions, please do not hesitate to communicate with me.

Sincerely,


Ali Turker

2005-062-

To Whom It May Concern:

I enthusiastically endorse the application for the rezoning of the property located at 4227 Spenard Road. The owner of the property, Mr Ersin Aygun, has shared his development plans with me. These plans work well with existing usages and would enhance the value of my property.

Sincerely

Robert M. Daniel
4700 Taft St 99517
248-2325

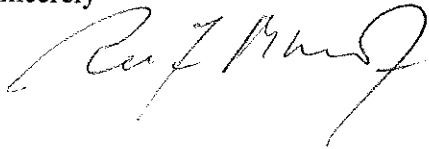
To Whom It May Concern:

Please consider me a supporter of the rezone application for the property located at 4227 Spenard Road. We need more low impact commercial properties in Spenard.

Sincerely

RAHMAN ALIMI
1912 W 47 907 243 3572

Sincerely



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

AO 2005-161

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT AMENDING THE ZONING MAP & PROVIDING FOR THE REZONING OF APPROXIMATELY 43,439 SQUARE FEET FROM R-3SL TO B-3SL FOR TRACT 2, BOETTCHER SUBDIVISION (P&ZC CASE 2005-062)	DATE PREPARED 10/18/05
		<input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Anna Fairclough, Chair
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 <div style="text-align: center;">LAID ON THE TABLE ITEM - INTRODUCTION</div>	
6	ASSEMBLY HEARING DATE REQUESTED 10/18/05	7
		PUBLIC HEARING DATE REQUESTED 11/22/05

M.O.A.
 2005 OCT 19 AM 8:11
 CLERK'S OFFICE