

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For Reading: January 11, 2005

**CLERK'S OFFICE**  
**AMENDED AND APPROVED**

Date: 2-1-05 Anchorage, Alaska  
AO No. 2005- 3

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
2 REZONING OF LOT 3A, ARLON SUBDIVISION FROM R-O SL (RESIDENTIAL  
3 OFFICE WITH SPECIAL LIMITATIONS) TO B-3 SL (GENERAL BUSINESS WITH  
4 SPECIAL LIMITATIONS), GENERALLY LOCATED ON THE NORTH SIDE OF  
5 ABBOTT ROAD, BETWEEN GOLOVIN STREET AND ARLON STREET.  
6  
7

(Abbott Loop Community Council) (Planning and Zoning Commission Case 2004-157)

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 Lot 3A, Arlon Subdivision consisting of approximately 37,630 square feet/0.86 acres as  
15 shown on Exhibit A.  
16

17 **Section 2.** This zoning map amendment is subject to the following special limitations:  
18

19 A. Redevelopment on this site shall be subject to an administrative site plan review,  
20 which shall comply with the following items to the greatest extent possible:  
21

- 22 1. Building orientation – buildings to front onto Abbott Road.
- 23 2. Parking – onsite parking should be placed to the rear (north) of the building.  
24 Parking should only be accessed from the side streets, and should be required  
25 to connect through to both adjacent side streets.  
26
- 27 3. Building height – building walls facing Abbott Road should measure at least  
28 18 feet from finished grade to the top of wall.  
29
- 30 4. Building should be built continuously along the frontage of Abbott Road, with  
31 no more than a 30-foot gap between buildings fronting this road.  
32
- 33 5. Pedestrian accesses should be provided from the walkway along Abbott  
34 Road/front of building through to the parking area in the rear of the building.  
35  
36

1 6. The buffer area on the north side of the property shall include an eight-foot  
2 sight obscuring fence.


3  
4 **7. The existing 10 foot buffer on the north property line which was put on**  
5 **the original site plan with the R.O. zoning is approved for this site with**  
6 **this zoning. No variance is required.**  
7  
8

9 B. Prohibited Uses:

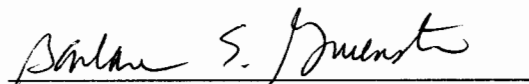
- 10  
11 1. Drive-in services and windows, such as drive-in banks and restaurants.  
12 2. Uses requiring queuing of vehicular traffic.  
13 3. Outdoor display of products.  
14 4. Uses requiring a liquor license other than a restaurant/eating place or beverage  
15 dispensary.  
16 5. Pole signs.  
17

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

27 PASSED AND APPROVED by the Anchorage Assembly this 1<sup>st</sup> day of  
28 February, 2005.  
29

30  
31   
32 \_\_\_\_\_  
33 Chair

34 ATTEST:

35  
36  
37   
38 \_\_\_\_\_  
39 Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2005- 3

Title: Planning and Zoning Commission, Case 2004-157  
 recommendation for approval of a rezoning from R-O SL  
 to B-3 SL

Sponsor:  
 Preparing Agency: Planning Department  
 Others Impacted:

**CHANGES IN EXPENDITURES AND REVENUES:** (In Thousands of Dollars)

	FY05	FY06	FY07	FY08
<b>Operating Expenditures</b>				
1000 Personal Services				
2000 Non-Labor				
3900 Contributions				
4000 Debt Service				
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Add: 6000 Charges from Others  
 Less: 7000 Charges to Others

<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
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**REVENUES:**

**CAPITAL:**

**POSITIONS: FT/PT and Temp**

**PUBLIC SECTOR ECONOMIC EFFECTS:**

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

Property Appraisal notes: The change in zoning would allow for more commercial development options and thus a higher market value. The assessed value would be greater under the zoning change.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of the rezoning should have no significant economic impact on the private sector other than the increase in value.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator Telephone: 343-7939

Validated by OMB: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Director, Preparing Agency)

Concurred by: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Director, Impacted Agency)

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Municipal Manager)



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 21-2005

**Meeting Date:** January 11, 2005

**From:** Mayor

**Subject:** Planning and Zoning Commission Recommendation of Approval to rezone 37,630 square feet (0.86 acres) from R-O SL to B-3 SL for Lot 3A, Arlon Subdivision; generally located on the north side of Abbott Road, between Golovin Street and Arlon Street.

1 Seven C Investments, Inc. petitioned to rezone approximately 0.86 acres from R-O SL  
2 (Residential Office District with Special Limitations) to B-3 SL (General Business with  
3 Special Limitations). The Planning and Zoning Commission found B-3 SL zoning met the  
4 standards for a zoning map amendment as required by AMC 21.20.090, and appears to be  
5 consistent with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*. Abbott Road is a  
6 transit-supportive development corridor.

7  
8 The present R-O SL zoning requires a development site plan design that conforms to town-  
9 center design concepts, such as locating the building closer to the street and placing the  
10 parking lot to the rear of the lot. A two-story office building has been constructed under the  
11 R-O) SL zoning. Since 2002, there has been considerable development of service related  
12 commercial facilities between Lake Otis Boulevard and Dimond Boulevard. The petitioner  
13 proposes to allow small commercial retail, mixing professional medical uses on the top floor,  
14 and commercial retail uses such as Mailboxes Etc., ACS Wireless Communication Equipment  
15 Sales and Service, and a UPS Store on the ground floor.

16  
17 The special limitations include providing an eight-foot fence along the north lot line adjacent  
18 to residential zoning. The special limitations prohibit high traffic uses involving drive-up  
19 windows or queuing of vehicular traffic, pole signs and require the retention of several  
20 existing R-O SL special limitations such as requiring town-center design concepts for  
21 building orientation and parking.

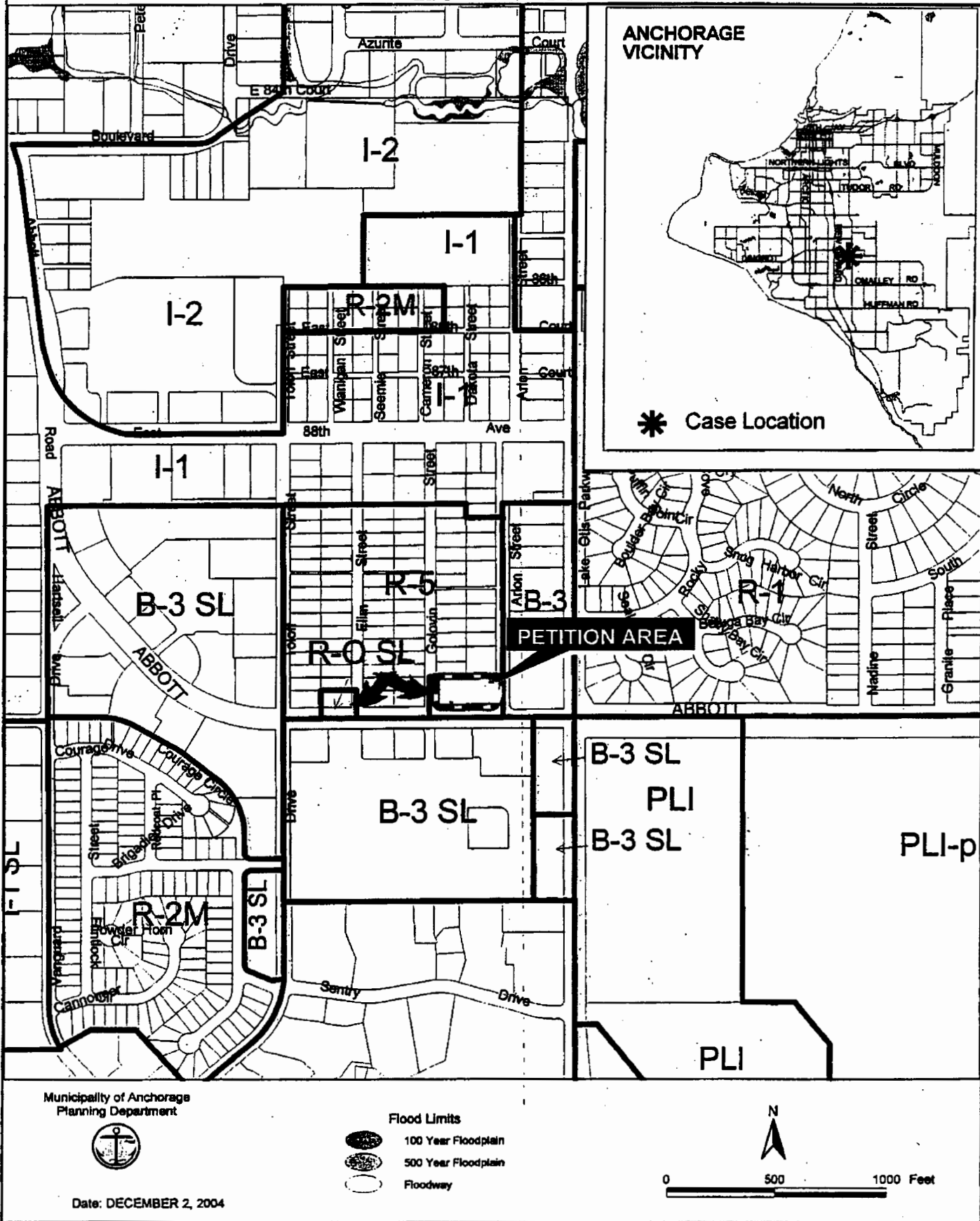
22  
23 The Commission voted unanimous approval of the rezone to B-3 SL.

24  
25 THE ADMINISTRATION RECOMMENDS APPROVAL OF THE B-3 SL ZONING FOR  
26 THE SUBJECT PROPERTY.

27  
28  
29 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department  
30 Concur: Tom Nelson, Director, Planning Department  
31 Concur: Mary Jane Michaels, Executive Director, Office of Economic and  
32 Community Development  
33 Concur: Denis C. LeBlanc, Municipal Manager  
34 Respectively Submitted: Mark Begich, Mayor

# EXHIBIT - A

## 2004-157



**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2004-073**

A RESOLUTION APPROVING THE REZONING OF 37,630 SQUARE FEET FROM R-O SL (RESIDENTIAL OFFICE ZONING DISTRICT WITH SPECIAL LIMITATIONS) TO B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS) FOR LOT 3A, ARLON SUBDIVISION, GENERALLY LOCATED BETWEEN GOLOVIN AND ARLON STREETS, ON THE NORTH SIDE OF ABBOTT ROAD.

(Case: 2004-157; Tax ID 014-294-49)

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WHEREAS, a petition has been received from Seven C Investments, Inc., represented by Steve Agni, requesting a rezone of 37,630 square feet from R-O SL (Residential Office District with Special Limitations) to B-3 SL (General Business with Special Limitations) for Lot 3A, Arlon Subdivision, generally located between Golovin and Arlon Streets on the north side of Abbott Road, and

WHEREAS, notices were published, posted and public hearing notices were mailed and a public hearing was held on November 1, 2004.

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

A. The Commission makes the following findings of fact:

1. This property was rezoned from R-5 to R-O SL in 2002 even though the petitioner had requested B-3 SL at the time. The Assembly was reluctant to rezone it to B-3 SL because there was no adopted Abbott Town Center Plan and the petitioner did not have a development plan. Since the R-O SL became effective, the petitioner has constructed a two-story office building. The purpose of the rezoning at this time is to allow specific service retail uses such as an UPS Store, Vitamin and Nutritional Supplements sales and counseling, optometry services, wireless communication equipment sales and services, hair dresser, etc., and to prohibit drive-up facilities and specific objectionable commercial uses. Another special limitation would allow the building be completed in conformance with the approved site plan and architectural plans as submitted under Building Permit #04-5124.
2. The petition site is located at the southeast corner of two R-5 zoned subdivisions (Morehand and Arlon) that are classified as Commercial/Industrial in the 1982 Comprehensive Plan. North of the R-5 neighborhood is I-1 property that fronts onto East 88<sup>th</sup> Avenue. To the east is a B-3 zoned strip mall; to the west of the R-5 is Independence Park Shopping Village, zoned B-3 SL. To the south of the site is the Fred Meyer grocery/retail store.

3. The Commission noted that the B-3 requires a 15-foot buffer to adjoining residential uses and the back of this site has only a 10-foot buffer. Staff reported that the remedy to this is to seek a variance that would allow the 10-foot landscape buffer (as required by the R-O) and a fence (as requested by the adjoining property owner) or to resolve with Land Use Enforcement whether any grandfather rights might exist due to development having occurred under the R-O. The R-O SL site plan was approved by the Assembly at the time the R-O SL zoning was approved. To require a 15-foot buffer at this time will affect the required parking that is already provided.
  4. The existing special limitations included a number of design requirements for town centers, such as pulling the building closer to the street and providing parking to the rear.
  5. The Commission felt it would be difficult to develop a town center plan in this area now that so much of the western end of the area beginning at West 88<sup>th</sup> and Abbott has already developed over the past two years as core commercial development. When this building is redeveloped in the future, the R-5 area will have also changed, but how it will have changed cannot be known. They agreed it was not necessary to include a special limitation for windows and glazing because it is not possible to predict the character that will be desired when this building is redeveloped.
  6. The Commission finds that development of the site has followed many of the town center concepts and B-3 SL zoning is consistent with the comprehensive plan. Based on the Assembly's action approving R-O SL zoning it may be arguable that the R-O is more commercial than residential and therefore legislatively already reclassified as commercial.
  7. B-3 SL zoning appears to conform to the Anchorage 2020 Plan, and AMC 21.20.090.
  8. The Commission voted unanimously in favor of the rezoning as amended.
- B. The Department recommends approval of rezoning to B-3 SL, subject to the following special limitations:
1. Special Limitations:
    - a. Redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the following items to the greatest extent possible:

- 1) Building orientation - Buildings to front onto Abbott Road.
  - 2) Parking - Onsite parking should be placed to the rear (north) of the building. Parking should only be accessed from the side streets, and should be required to connect through to both adjacent side streets. Building height - The building walls facing Abbott Road should measure at least 18 feet from finished grade to the top of wall.
  - 3) Buildings should be built continuously along the frontage of Abbott Road, with no more than a 30-foot gap between buildings fronting this road.
  - 4) Pedestrian accesses should be provided from walkway along Abbott Road/front of building through to the parking area in the rear of the building.
- b. The buffer area on the north side of the site shall include an 8-foot sight obscuring fence.
2. Signs: Pole signs are prohibited.
  3. Prohibited Uses: Uses prohibited in the R-O (Residential-Office) zoning district.
    - a. Drive-in services and windows, such as drive-in banks and restaurants.
    - b. Uses requiring queuing of vehicular traffic.
    - c. Outdoor display of products.
    - d. Uses requiring a liquor license other than a restaurant/eating place or beverage dispensary.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 1st day of November, 2004.

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Donald S. Alspach  
Acting Secretary

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Donald Poulton  
Chair

(Case No. 2004-157)  
(Tax I.D. No. 014-294-49)

**DRAFT**



instances where lodging facilities are necessary and appropriate, but are not allowed under the current code.

AYE: Isham, Pease, Gibbons, Poulton, G. Jones, Lottsfeldt, Wielechowski

NAY: None

PASSED

- 3. 2004-157** Seven C Investments, Inc. A request to rezone approximately 0.86 acres from R-O (Residential Office) to B- 3SL (General Business with Special Limitations). Arlon Subdivision, Lot 3A. Located at 9138 Arlon Street.

Staff member MARY AUTOR stated 254 public hearing notices were mailed, 2 were returned in favor, 4 were returned against, 16 were received as undeliverable and no comment was received from the community council. This request involves rezoning from R-OSL to B-3SL a property located between Golovin and Arlon Streets on the north side of Abbott Road. Under construction at this site is a two-story medical office building. This property was seen by the Commission in 2002 when it dealt with a site plan and rezoning from R-5 to R-OSL. The Assembly, in approving the R-OSL zoning, had also approved the site plan. The special limitations on the existing R-O included a number of design requirements and the development on the site did follow those recommendations. The special limitations also prohibited pole signs and certain uses such as hotel lodging and alcoholic beverages. The request is to rezone to B-3SL with a special limitation to complete the construction in conformance with the site plan associated with the temporary certificate of occupancy. The rezoning would prohibit drive-up facilities and would allow certain retail office uses in a mixed use manner, but would prohibit certain more objectionable uses from the B-3. The Department finds the request conforms with Anchorage 2020. The property is located within an area identified as a town center, as well as a transit-supported development corridor. It does comport with the required goals and objectives of Anchorage 2020, as well as the standards for approval in AMC 21.15.080. The property would be used as currently developed, but would allow certain retail uses. The Department is recommending not eliminating the pole sign special limitation. The Department further recommends that any redevelopment of the property would have to comport with the same standards for the site plan development. The Department proposed that the prohibited uses would be those found in the R-O district, including drive-up facilities that have a queuing of vehicles, outdoor display of

product, and liquor other than a beer and wine license that would be associated with a restaurant or a beverage dispensary.

The public hearing was opened.

STEVE AGNI indicated that Bruce Chambers, the owner of Seven C, which is the developer of the property, would respond to questions on usage and the tenancies that are driving this rezone request. He appreciated the support of Staff and agreed with all but one special limitation proposed. When this property came to the Planning and Zoning Commission two years ago, the Commission found it was appropriate as B-3 as it is at the core of the Abbott area town center. When the Assembly addressed the issue, they wanted to wait until the town center plan was developed and brought to some level of fruition, but that has not happened, primarily because of market forces. This area has developed as a town center and the services and retail are filling in. The proposed tenants of this building are not lawful in the R-O. Therefore, the petitioner is seeking a zoning that would allow those businesses to be lawful. He noted objection to condition 1.b that "One primary building entrance shall be located on the Abbott Road frontage, or at the corner of Abbott Road and an adjacent side street" because the parking for the facility is not onto Abbott Road, so the entrances to the units are not onto Abbott Road. The approved site plan shows parking with an east/west orientation and not with access onto Abbott Road.

MS. AUTOR noted the wording respecting the building entrance facing Abbott Road was included by the Assembly for future redevelopment. She thought it was included based on the idea that a town center plan would promote entrances facing the primary road.

COMMISSIONER GIBBONS asked what impact would be created if this language is retained. MR. AGNI stated if the language could be clarified to address redevelopment, he would not object. MS. AUTOR had no objection to this change.

MR. AGNI also had concern with condition 1.b that states "Between 30% to 60% of the total ground floor wall surface facing any public right-of-way should be glazed with clear glass windows." The frontages facing Golovin and Arlon have glass and the first floor of the frontage onto Abbott Road is an opaque wall because there are snowplows, traffic, and other things that could damage the building. MS. AUTOR thought this issue could be resolved by amending the first sentence of condition 1 to delete "development or" so that condition addresses only redevelopment. She added that, given that the building is newly constructed and its life is 30 to 40 years, the sentence "Between 30% to 60% of the total ground floor wall surface facing any public right-of-way should be glazed with clear glass windows" should be deleted.

COMMISSIONER PEASE noted that B-3 requires a 15-foot buffer to adjoining residential uses and the back of this site has only a 10-foot buffer; she believed a variance was needed. MS. AUTOR stated the remedy is to seek a variance that would allow a fence and landscaping to replace the 15-foot requirement or to resolve grandfather rights with respect to the existing landscaping. MR. AGNI stated the petitioner would seek grandfather rights.

COMMISSIONER LOTTSFELDT asked what are the qualities of this development that support the concept of a town center. MR. AGNI replied that the town center concept seeks to create focal points for services and retail uses that are geographical subsets of the overall urban fabric. This particular facility, because it is across the street from Fred Meyer, near the Lake Otis intersection, and on a bus line, is convenient for people to stop for services in their ordinary shopping patterns. People would then not be driving off of main arteries into areas that are more residential. MS. AUTOR stated the other idea behind town centers relates to design features, such as pulling the building toward the street and putting the parking in the rear, which is a concept that was incorporated into this development. It also promotes a pedestrian oriented environment. There are sidewalks and the building is on a transit route. The project is designed to be more inviting to a pedestrian.

COMMISSIONER WIELECHOWSKI noted that page 14 of the Staff analysis indicates that the Department has concern, regardless of whether there is or is not a town center plan in place, that because the petition site fronts onto Abbott, a change to B-3 zoning will begin the commercial stripping of the north side of Abbott. It also states that another concern is that should Abbott continue to be strip zoned to B-3, that future continuity of development design and setbacks be developed with similar town center design standards as were created by the R-O SL ordinance AO 2002-115. He asked that Ms. Autor address these remarks. MS. AUTOR explained that although these concepts cannot be addressed at this point in time because there is not a town center plan, should other requests be made along this area, there are issues of which the Commission should be mindful, including proposals to assemble land of a certain depth in order to allow a development to be successful. She noted that the petition site is a short strip of land within a three-block area. COMMISSIONER WIELECHOWSKI stated he was struggling with how to evaluate this request without a town center plan. MS. AUTOR stated that the development of town center plans is dependent on Assembly funding. The Department supports this rezoning because it addresses site issues and the concept of a town center. The rezoning would allow retail uses in a building that is already designed.

JEAN LORENSEN stated she lives next to this lot and, while she did not have objections to the change in zoning, she was concerned about the buffer to her property since the parking for the building is in the rear. She explained there is a handful of trees between her and the subject property. She wanted to have more

buffer against her property so she would not be affected as much by traffic, clearing of the parking lot, and garbage removal. She favored a fence along the shared lot line.

COMMISSIONER PEASE asked if it was within the purview of the Commission to require that the B-3 buffering standard be met. MS. AUTOR stated the design has already been established and the Assembly has approved the site plan. That design includes a 10-foot buffer. A 15-foot buffer would affect required parking, which would result in the need for a different variance. She felt the best solution would be to conform to the 10-foot buffer landscaping requirements and to erect a fence. She thought the Commission could impose this requirement. The petitioner also has to either establish grandfather rights to provide a 10-foot buffer or obtain a variance through the Zoning Board of Examiners and Appeals.

In rebuttal, BRUCE CHAMBERS stated that most of the developments in this area have been done either through his brokerage or as part of the development he has done. He has led development in this area out of recognition that Dimond Center area is a segment of retail that is usually referred to as entertainment or durables. The area that is Lake Otis and Abbott has become a regional center, which is usually characterized by consumer goods and services. The consumer goods include McDonald's, Subway, and Quiznos. The services at this location are mostly medical and professional. He indicated that there has been a great deal of development in this area as a result of the demand from residential development along the Lake Otis corridor and the Hillside. The projects that have been developed are all user projects, however. It is difficult for a small user to locate in this area. This is the first facility that provides lease space to small users. This project is intended to be a mixed use, which truly addresses the town center concept. The R-5 area has about 200 lots t 7,000 square feet per lot, which would requires a lot of replatting, so he must work around the perimeter. On the second floor, professional medical use is appropriate; on the first floor are retail uses that do not quite fit under the R-O. Mailboxes Etc. and ACS want to locate in this building, but cannot do so under the R-O zoning. There are B-3 setbacks on Golovin and Arlon. He had no objection to building a fence abutting the residential uses. He stated he has two other retail centers that are 100% occupied and have waiting lists. He felt that consideration should be given to the small user.

COMMISSIONER LOTTSFELDT noted asked if Anchorage would ever see a town center like University Village in Seattle. MR. CHAMBERS replied that he has spent time with the Urban Land Institute and found that downtown 4<sup>th</sup> Avenue and possibly midtown have the capacity. However, because of the way Anchorage's perimeter areas are focused, because there are not a good number of days to walk around in good weather, and because Anchorage does not have people who are over 55 with high income, Anchorage meets only one of the five

town center requirements. There are not a sufficient number of people, money, or the weather to support town centers.

COMMISSIONER WIELECHOWSKI noted that the Staff analysis indicates this rezoning might completely eliminate any residential development in this area. When this issue came before the Commission in July 2002 the memo from the Mayor stated that the petition site is one of the integral areas of the Abbott town center. The Department and Abbott town center consultants recommended a mix in both office uses and high density residential would be appropriate for the periphery of the core area of the town center. MR. CHAMBERS stated that residential could be placed behind this building. He was not aware of any residential and commercial mixed use in any geographical area other than a large cosmopolitan city. He stated there is virtually no financing available for residential above commercial in a town of fewer than 250,000 people except for downtown.

COMMISSIONER G. JONES asked what height would be appropriate for the fence on the north side. MR. CHAMBERS replied that 8 feet would be appropriate.

The public hearing was closed.

MS. AUTOR asked that the effective clause be deleted, as the property has already been platted.

COMMISSIONER G. JONES moved for approval of a rezoning to B-3SL subject to the special limitations listed as B.1.a, deleting B.1.b, subject to B.1.c, d, e, f, and adding an item g to state, "The buffer area on the north side of the site shall include an 8-foot sight obscuring fence." and also subject to items B.2 and B.3.

COMMISSIONER LOTTSFELDT seconded.

COMMISSIONER G. JONES felt it would be difficult to develop a town center concept. When this building is redeveloped in the future, the R-5 area will have changed, but how it will have changed cannot be known. He felt it was a mistake to include the provisions for windows and glazing because it is not possible to predict the character that will be desired when this building is redeveloped, so he eliminated B.1.b. He stated that although this is a small area to be rezoned, this area would likely change in small pieces.

COMMISSIONER PEASE was not comfortable rezoning after construction of a building because it does not give a chance for the site to be properly reviewed for the uses. Retail uses will incur more traffic than the initially proposed uses and the parking might be insufficient. She stated that even if the rezone had been considered before the building permit, the Commission does not have the

authority to implement the town center requirement. She felt the Commission did not have the tools to fulfill its responsibility to put a town center in this area. She thought that all the Commission could do to implement the town center is apply requirements with regard to the appearance of the building, and therefore did not agree with deleting B.1.b. She did reluctantly support the motion, however.

COMMISSIONER WIELECHOWSKI had the same concerns as Ms. Pease. He was concerned there are town centers all over Anchorage, but there are no plans for their implementation. The Commission will continue to see rezone applications and does not have the tools to adequately assess those rezones. He also felt it was not fair to punish the developer who has developed this property in good faith who also is not receiving guidance from the Municipality regarding development in this area.

AYE: Isham, Pease, Gibbons, Poulton, G. Jones, Lottsfeldt, Wielechowski  
NAY: None

PASSED

- 4. 2004-158** Maurice K. Matthews. A request to rezone approximately 0.74 acres from R-6 (Suburban Residential) to R-1SL (Single Family Residential with Special Limitations). Skyview Estates, Lot 9 & 10. Located at 2621 and 2641 Mona Avenue.

Staff member ANGELA CHAMBERS stated the approximately half-acre petition site abuts the northwest side of the former Pioneer gravel pit. The Pioneer gravel pit was recently rezoned from R-6 to R-1SL and is currently in the platting process. The proposed density for the site is not much higher than what is allowed under the current R-6 due to the physical constraints of the site. These are two substandard R-6 lots and, if rezoned to R-1, the gross number of lots would be 5.3. However, due to the nature of the location, the roads, and the traffic impact study for the larger gravel pit development, it is unlikely that individual access could be taken onto the road, it would have to be some type of a shared access easement. As a result, the property would likely be developed at less than five lot. The Department finds an R-1 zoning designation for this site is appropriate so long as transition buffering standard requirements are met with any permits or platting actions on the existing northern and westernmost site boundaries. In order to meet Policies #3 and #8 of the Comprehensive Plan and the Hillside Wastewater Management Plan recommendation, urban densities are needed in this southeastern planning area and are recommended for the petition site. The history for the area shows clearly that it is intended that as utilities are extended to

**PLANNING DEPARTMENT  
PLANNING STAFF ANALYSIS  
REZONING**

**DATE:** November 1, 2004

**CASE NO.:** 2004-157

**APPLICANT:** Seven C Investments, Inc.

**REQUEST:** A request to rezone approximately 0.86 acres (37,630 SF) from R-O SL(Residential-Office) with special limitations to B-3 SL (General Business with Special Limitations)

**LOCATION:** Arlon Subdivision Lots 3A; generally located between Golovin and Arlon Streets, north of Abbott Road.

**SITE ADDRESS:** 9138 Arlon Street

**COMMUNITY COUNCIL:** Abbott Loop

**TAX NUMBER:** 014-294-49

**ATTACHMENTS:**

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

**RECOMMENDATION SUMMARY: Approval of B-3 SL**

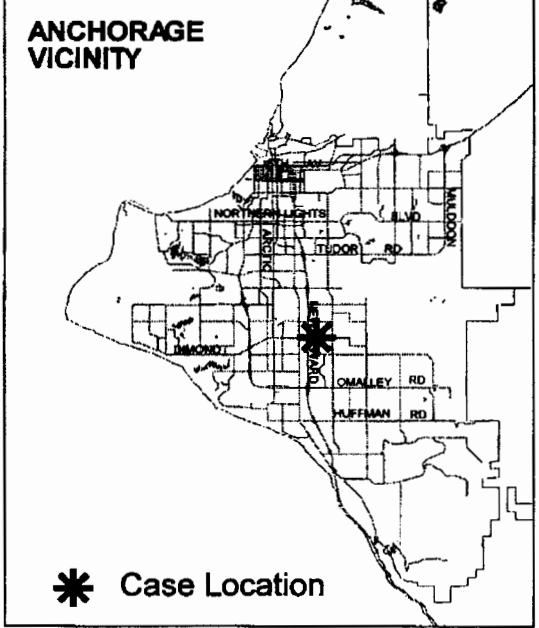
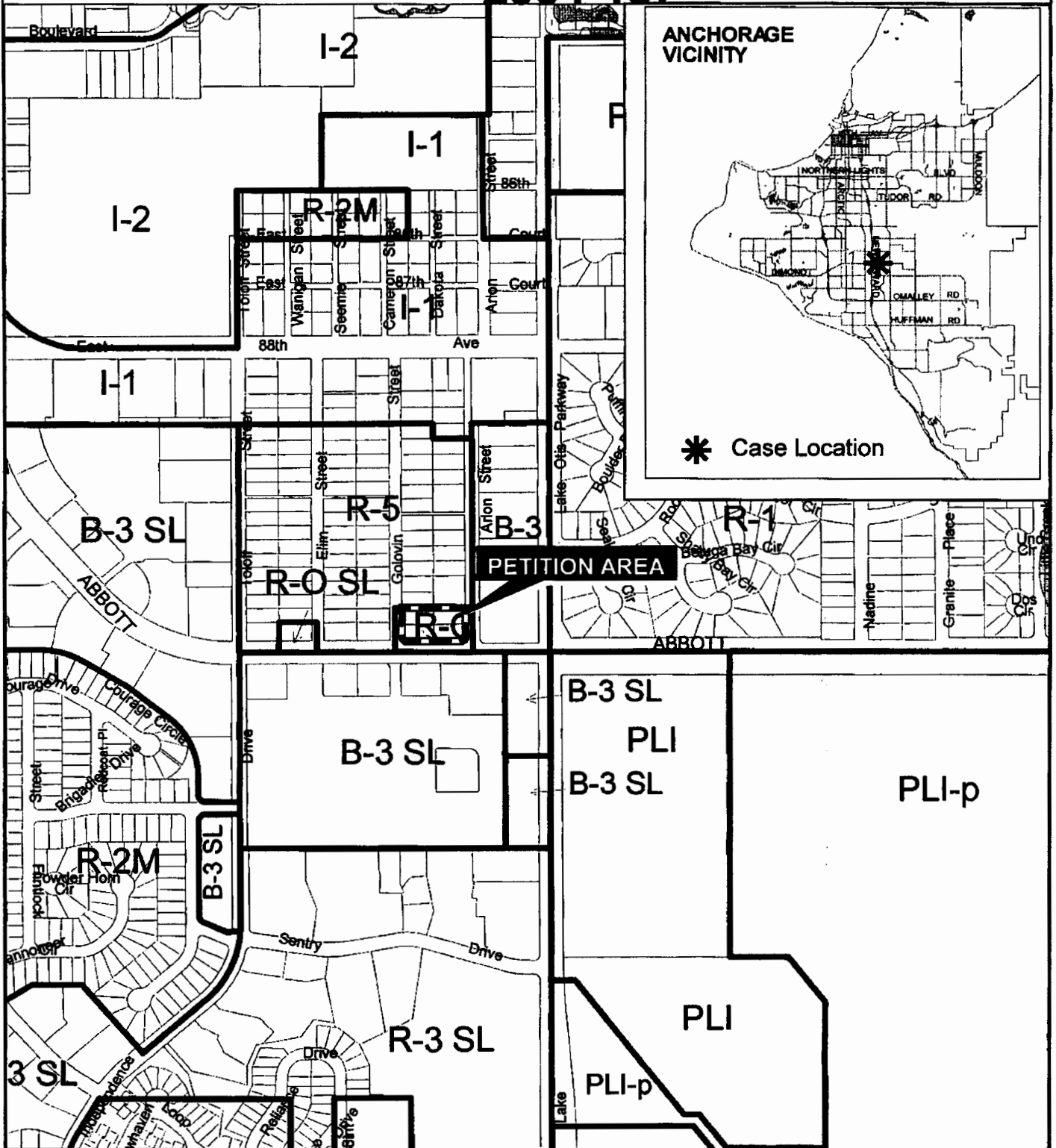
**SITE:**

Acres: 37,630 Square Feet/ 0.86 acres  
Vegetation: Spruce and Birch  
Zoning: R-O SL  
Topography: Level  
Existing Use: 2-Story Medical Office Being Constructed  
Soils: Public Sewer and Community Water

**COMPREHENSIVE PLAN:**

Classification: Town Center  
Density: Not Applicable




# REZONING 2004-157



Municipality of Anchorage  
Planning Department



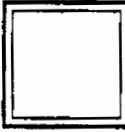
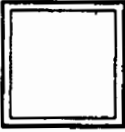
Date: SEPTEMBER 09, 2004

- Flood Limits**
-  100 Year Floodplain
  -  500 Year Floodplain
  -  Floodway



0 500 1000 Feet



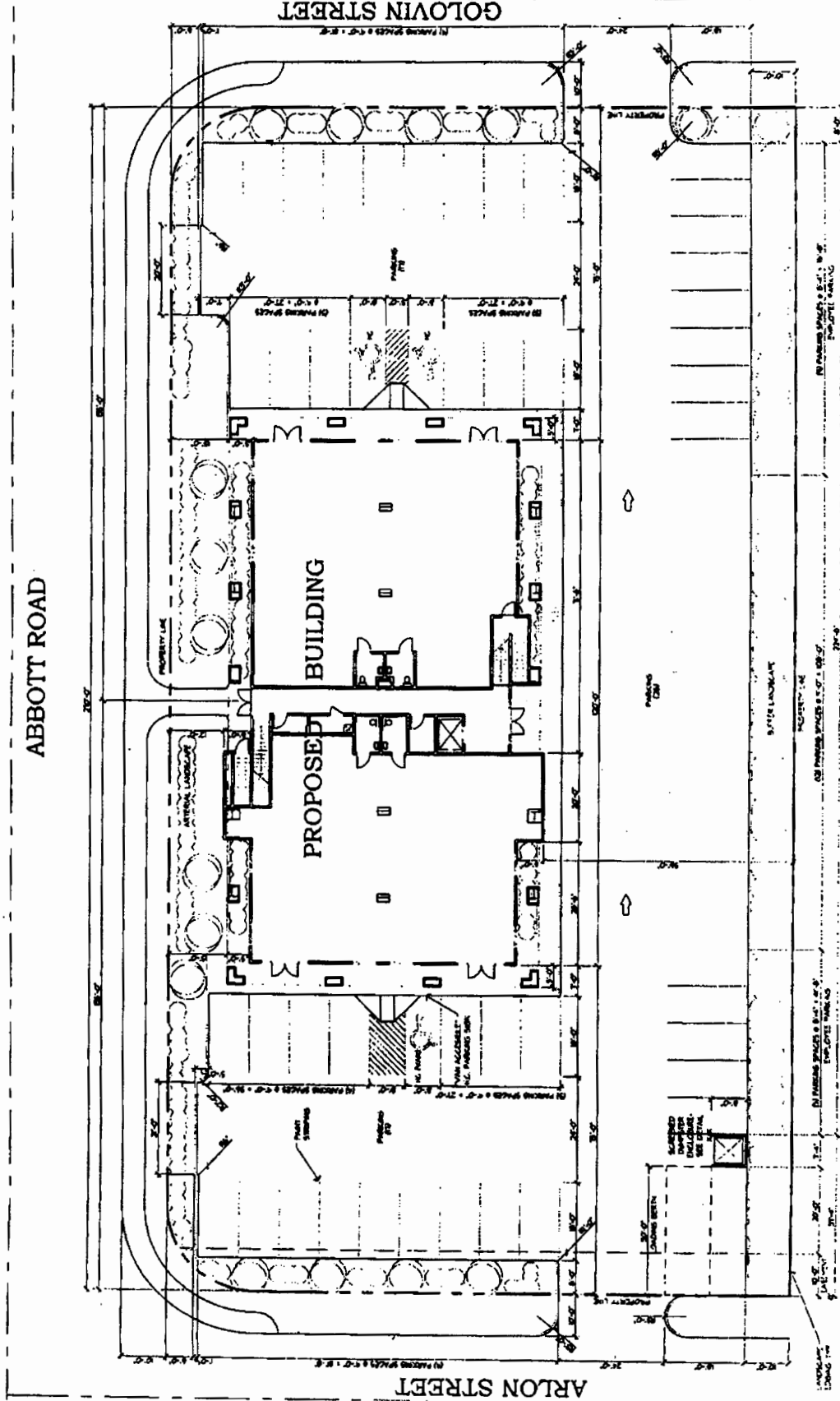


Porath  
Idiom  
ARCHITECTS, LLC

ABBOTT LOOP MEDICAL OFFICES  
LIBERTY VILLAGE  
ANCHORAGE, ALASKA

DATE	DESCRIPTION

A12



① SITE PLAN  
SCALE: 1/8" = 1'-0"

EXHIBIT A  
Page 2 of 3

**APPLICABLE LAND USE REGULATIONS:**

	<u>Proposed B-3 Zoning</u>	<u>Current R-O Zoning</u>
Height limitation:	Unrestricted/FAA	Unrestricted/FAA
Minimum lot size:	6,000 SF/50 feet	6,000 SF/50 feet
Lot coverage:	Unrestricted	30%
Density/acre:	12 DUA minimum	6-10

**SURROUNDING AREA:**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-5	B-3	B-3 SL	R-5/R-O SL
Land Use:	Mixed Residential Housing Types including Mobile Homes	McDonalds Restaurant; Chevron Station; Strip Mall	Fred Meyer Store	Mixed Residential Housing Types including Mobile Homes

**PROPERTY HISTORY:**

R-5	05-17-73	Petition Property zoned R-5. GAAB Ordinance 73-29
Plat	05-22-72	Recorded Plat 72-92 for Lots 1 through 7, Arlon Subdivision (a subdivision of Tract 3C, Morehand Subdivision).
B-3 Denied	04-05-99	Request to rezone petition site from R-5 to B-3 denied by Planning and Zoning Commission.
R-O SL	09-10-02	Assembly approved the site plan and rezoning from R5 to R-O SL AO 2002-115; Case 2002-041/Resolution 2002-030 Note: petitioner had requested B-3 SL which PZC supported
Plat	03-25-03	Recorded Plat 2003-35 for Lot 3A, Arlon Subdivision with easement vacation (resubdivision of Lots 3, 4, 5 and 6 (Plat No. 72-92).
Building Permit	03-18-04	Building Permit # 04-5124 issued for a 7,390 SF, 2-story Medical Office Building

**EXISTING R-O SL – AO 2002-115**

The existing R-O special limitations are the following:

1. All development or redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the following items to the greatest extent possible:

Planning Staff Analysis

Case 2004-157

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- a. **Building orientation – buildings to front onto Abbott Road**
  - b. **Building entries and windows – one primary building entrance shall be located on the Abbot Road frontage, or at the corner of Abbott Road and an adjacent side street. For buildings separated into individual units/stalls, each unit's separate primary entrance should face Abbott Road. Between 30% to 60% of the total ground floor wall surface facing any public right-of way should be glazed with clear glass windows. Upper stories should have 25% to 50% glazed wall surfaces.**
  - c. **Parking. Onsite parking should be placed to the rear (north) of the building. Parking should only be accessed from the side streets, and should be required to connect through to both adjacent side streets.**
  - d. **Building height. The building walls facing Abbott Road should measure at least 18 feet from finished grade to the top of the wall.**
  - e. **Buildings should be built continuously along the frontage of Abbott Road with no more than a 30-foot gap between buildings fronting this road.**
  - f. **Pedestrian accesses should be provided from the walkway along Abbott Road/front of building through to the parking area in the rear of the building.**
  - g. **Where the foregoing conditions conflict with the site in plan in Exhibit F, the site plan in Exhibit "F" will control.**
  - h. **The facility shall be designed to serve mixed uses providing consumer oriented services in a retail and office setting.**
  - i. **The facility shall include a second level office area, not exceeding 35 feet in height.**
  - j. **Parking should be accessed form the side streets, Golovin and Arlon should connect internally to the adjacent side street entries.**
  - k. **Pedestrian access shall be provided from the adjacent public rights-of-way.**
2. **Signs: Pole signs are prohibited. Free standing site signage shall consist of architectural monument signs.**
  3. **Prohibited Uses:**
    - a. **Any use involving sale, dispensing, or service of alcoholic beverages.**
    - b. **Hotel lodging**

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

**PROPOSAL:**

This is a request to rezone the petition site from R-O SL to B-3 SL, and the following special limitations:

1. The Construction of the Liberty Village Building shall be completed in conformance with the site plan and architectural plans as submitted under building permit 04-5124.
2. Drive-up facilities are prohibited.
3. The facility shall serve mixed uses providing consumer oriented services in retail and office setting.
4. Prohibited uses are:
  - a. Gasoline service and related auto repair and maintenance
  - b. Car washes
  - c. Vehicle rental or sales
  - d. Onsite dry cleaning
  - e. Bars or taverns
  - f. Video or amusement arcades or pool halls
  - g. "Adult" style entertainment
  - h. Mini-storage
  - i. Transmission towers
  - j. Taxidermists, meat or game processing lockers
  - k. Pawn shops
  - l. Hotel, lodging or other residential use.

**SITE DESCRIPTION**

The petition site is located at the southeast corner of two R-5 zoned subdivisions' (Morehand and Arlon) that are classified as Commercial/ Industrial in the Comprehensive Plan. North of the R-5 neighborhood is I-1 property that fronts onto East 88<sup>th</sup> Avenue. To the east of the site is a strip mall zoned B-3, containing a McDonalds Restaurant, a Chevron Gas Station and other retail stores. To the west of the R-5 is the Independence Park Shopping Village Subdivision, zoned B-3 SL and is only partially developed as commercial retail. To the south of the site is the Fred Meyer grocery/retail store, which includes a gasoline pump station.

This site is located within the Abbott Town Center area, and is less than one-quarter mile from the Lake Otis Transit Supportive Development Corridor as shown on the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*. A town center plan has not been developed.

The Official Streets and Highways Plan classify Abbott Road as a Class III Major Arterial. Golovin and Arlon are residential streets.

**COMMUNITY COMMENTS:**

At the time this report was written, there were 21 returned public hearing notices (PHN) received out of 254 public hearing notices mailed out, with one in favor, four against, and sixteen returned undeliverable. The Abbott Loop Community Council, at its January 31, 2002 meeting, voted to recommend denial of this request, as it is not compatible with the surrounding area.

**FINDINGS:**

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

**A. Conformance to the Comprehensive Plan.**

*Anchorage 2020* Anchorage Bowl Comprehensive Plan Land Use Policy Map designates this area as a Town Center, and is less than one-quarter mile from the Lake Otis Transit Supportive Development Corridor.

Town centers are to function as the focus of community activity for smaller subareas of Anchorage. They are intended to include a mix of retail shopping and services, public facilities and medium- to high-density residential uses. They are intended to be located 2-4 miles apart, with each encompassing an area that services 30,000 to 40,000 people. Town centers are generally one-half to one mile in diameter. Necessary to their design is an efficient pedestrian-access network connecting the core uses, residential neighborhoods, and transit facilities.

Transit-supportive development corridors are intended to tie major elements of the Land Use Policy Map together. Most of the town centers are linked to one or more major employment centers by transit-supportive development corridors. These corridors represent optimal locations for more intensive commercial and residential land use patterns that will support and encourage higher levels of transit service. These corridors are not intended to represent a transit route map, but illustrate where new medium- to high-density housing development will occur.

Along with *Anchorage 2020* Policy numbers 9, 24, 30, 34 and 37, which guide these two Policy areas, there are also other Policies that are related directly to this proposal.

Policy 1: The Land Use Policy Map shall guide land use decisions until such time as other strategies are adopted that provide more specific guidance.

This rezoning request is adjacent to a Transit Supportive Development Corridor, and those related policies shall guide development in these areas. This site is also located within a Town Center area. *Anchorage 2020* calls for specific area plans to be created to guide the development of Town Centers. However, preliminary efforts to develop an Abbott Town Center plan have been superceded by events and development that make its implementation, based upon the previous planning effort, unlikely. A GCI Customer Service retail store was completed this summer, a 5-story credit union building and a 3-story medical-office building are presently under construction at the curve of Abbott Road.

Policy 2: This Policy requires Land Use and Generalized Residential Intensity Maps to be developed with each Neighborhood or District Plan. These maps will incorporate elements of the Land Use Policy Map and shall guide land use decisions. Until such time as an Abbott Town Center plan is reassessed or some other land use mechanism is established for this area, such as an overlay district or modifications are made to the a revised land use map, the exact locations determined through this planning process will not be determined. This request is to rezone an area in the Town Center from R-O (Residential Office) to B-3 (General Commercial), and while B-3 does allow residential use at a high density, the building is constructed for office use and the proposed use is that of commercial only.

Policies 4-7: These policies all relate to the necessity of rezonings and uses to be consistent with adopted area plans and *Anchorage 2020*, for zoning map updates as required for plan implementations, and to ensure avoidance of incompatible uses. Until new plans are adopted, AMC 21.05.080 B. and C. guides the Commission to rely on zoning decisions on the adopted 1982 Anchorage Comprehensive Plan.

Policies 10 and 14: These policies call for the encouragement of mixed-use development in Town Center areas, and place a high priority on conservation of residential lands. The 2002 rezoning to R-O SL technically did not remove this property from residential, but for all practical purposes, the type of construction that has been approved is for commercial only and does not include any residential. This rezoning request appears to not meet these Policies.

However, one of the special limitations of the existing R-O dealt with design concepts for town centers, such as pulling the building closer to the street and parking to the rear. Building

construction adhered to the town center commercial design concepts embodied in the special limitation, and is not now an issue.

The Department does have a concern, however, that B-3 even with special limitations will encourage subsequent strip commercial development and retail uses along the north side of Abbott. The petitioner applied for the same rezoning request for this site in 1999 and in 2002, via case 99-061 and 2002-041. The Commission recommended denial on this the first request and supported the second request, which was later "downzoned" from B-3 SL to R-O SL by the Assembly. At that time, the petitioner did not have a development plan, and the Department recommended the following: *"Based only on the fact that there is a more than adequate supply of B-3 SL and B-3 zoned land in the immediate area, and that there is no identified use or conceptual site design for the petition site to determine the adequacy of the size of the land to the proposed use, the Department cannot support B-3 zoning at this time. Moreover, until the present revision to the comprehensive plan presents a "big-picture" evaluation of southeast Anchorage regarding the adequacy, and supply and demand of residential, commercial and industrial uses and land, and in particular this corridor of land between Lake Otis and the Seward Highway, and Abbott Road and Dowling, B-3 zoning at this location is premature at best. Finally, the application admits that this B-3 zoning request is speculative, to be ready for development when the Fred Meyer store is open."*

However, the petitioner has developed the site in accordance with the *Anchorage 2020* policies regarding the Transit-supportive development corridor and policies 24 and 34 regarding orienting commercial development to the street with parking on the side or rear of the building where possible, as well as policies calling for a pedestrian-oriented environment. Although the Department is concerned that a proposed rezoning to B-3 could lead to subsequent rezoning requests to B-3 in this area, the Department supports this proposal since the orientation of buildings and parking is consistent with the comprehensive plan and would support a town center in the future. However, the Department recommends amending the applicant's proposed special limitations by adding a special limitation which prohibits uses involving drive-up windows, queuing of vehicular traffic, or outdoor display of products.

**AMC 21.05.080.C. provides zoning map amendments shall conform to the land use classification maps, except where the approving authority finds one of the following:**

- **Existing uses that do not conform to the land use classification maps are integrated compatibly into the area;**

See discussion under *Anchorage 2020* Policies 10, 14 and 21 above.

- **The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning, or**

The special limitations proposed by the petitioner include limiting construction to conformance with the existing approved site plan, and prohibiting the following uses: drive up facilities, gasoline service stations, auto repair or maintenance, car wash, vehicle rental or sales, on-site dry cleaning, bars and taverns, video or amusement arcades and pool halls, adult entertainment, transmission towers, mini storage, taxidermist and meat or game processing and lockers, pawn shops, hotel, lodging or other residential use.

If B-3 SL zoning were approved, the Department finds that the rezoning should require the addition of a special limitation that would prohibit uses involving drive-up windows, queuing of vehicular traffic, or outdoor display of products, in order to ensure any potential future redevelopment of the site will also comply with the Policies of *Anchorage 2020* discussed above.

**The proposed use does not conflict with the Anchorage Bowl Comprehensive Plan goals and policies pertaining to the surrounding neighborhood or the general area. Zoning map amendments at a boundary between land use categories shall be subject to design standards that will make the zoning map amendment compatible with land uses in the adjacent land use category.**

See discussion of Comprehensive Plan Policies above. The Department supports this proposal since the orientation of buildings and parking is consistent with the comprehensive plan and would support a town center in the future.

- 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 residential 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 as commercial/industrial to the west and north in the 1982 Anchorage Bowl Comprehensive Plan (zoned R-5) but is developed as residential with single family, predominately trailer homes. Property to the east is classified as commercial (zoned B-3) and developed with commercial retail (McDonalds Restaurant, Chevron Station, Subway Restaurant, video store and tanning salon). Property to the south, across Abbott Road, is classified as commercial, is zoned B-3 SL and is the site of a Fred Meyer's Store.

Following the Assembly approval of the 2002 R-O SL zoning for the petition site, the Assembly also approved R-O SL zoning for a single lot for use as a professional photography business, located at the northwest corner of Elim and Abbott.

However, since the 2002 rezoning was approved, there has been a lot of commercial construction that has taken place or is in process of construction. The new Carrs-Safeway store was completed at the northeast corner of East 88<sup>th</sup> Avenue and Abbott Road, with Chili's Restaurant located on the southeast corner. South of Chili's on the inside of the Abbott Road curve is a new GCI Customer Service building that was finished this summer. The 5 story Credit Union One headquarters building is under construction located next to the GCI building. There is a new medical office building under construction located on Abbott Road between Vanguard and Toloff Street. A new KFC Restaurant is under construction on one of the commercial fragment lots at the Carrs Safeway site. A Home Depot store is planned for construction on the north side of the Carrs store.

Based on the above it is clear that the core commercial retail is developing as an anchor between Dimond Boulevard to the north, south to Toloff.

**Transportation/Drainage**

The property fronts onto Abbott Road, across the street from the Fred Meyer Store site that also includes a gas station, and fast food and video stores. The Official Streets and Highways Plan classify Abbott Road as a Class III Major Arterial. A 50 feet from centerline development setback is required. Abbott is a state owned road, maintained by the Municipality.

In 1997 Abbott Road carried approximately 10,600 vehicles per day. The Traffic Impact Analysis (TIA) completed for the Fred Meyer development to the south of the petition site in 1999. This TIA was for afternoon peak hour only, and showed the volume on Abbott Road during this time at about 1,800 trips at Arlon Street.

The Alaska Department of Transportation and Public Facilities (ADOT&PF) and Traffic have no comment on this rezoning. However, in the previous rezoning case 2002-041, Transportation Planning recommended waiting until there was a Town Center plan completed before acting on a rezoning request for B-3. In general, Transportation Planning does not recommend approval of strip commercial development along major arterial streets since the turning movements associated with strip commercial development tends to reduce the capacity of arterials.

**Public Services and Facilities**

**Roads:** The petition site is located within the Anchorage Roads and Drainage Service Area (ARDSA).

**Utilities:** public sewer, gas and electrical utilities are available to this property. However, the petition property is outside the AWWU certificated water service area, and is served by a community well.

**Schools:** The petition site is located in the attendance boundaries for Abbott Loop Elementary, Hanshew Middle School and Service Senior High. There appears to be no change in the impact to the affected schools as a result of a change in zoning to B-3, as this site is currently zoned R-O SL and the building under constructions is for office use and does not include any residential development.

**Parks:** The 1997 Areawide Trails Plan indicates an existing multi-use paved trail along the south side of Abbott Road from Independence Drive to Lake Otis. Rezoning to B-3 will not impact the park and/or trail systems.

**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 did 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 Southeast 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 Southeast there were 35 acres of vacant B-1A, 76 acres of vacant B-3, 13 acres of vacant B-4, 41 acres of vacant PC, and 26 acres of vacant R-O.

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.

Because the building is under construction, lease of the internal spaces would be available upon once the final certificate of occupancy is issued.

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.

The 2002 staff review recommended special design limitations for the building itself and where the building should be located on the lot based on the concepts being discussed for a town center plan. The petitioner agreed to these special limitations, and they in fact designed a building consistent with those special limitations for mixed R-O office uses.

Following on the heels of the 2002 Assembly approval of R-O SL for this property, the Assembly later approved R-O SL zoning (AO 2003-81) for another business at the northwest corner of Elim Street and Abbott.

Since the lot did not have 1.75 acres the petitioner could only apply for B-3 since technically the lot boundary abutted the B-3 to the south.

However, the Department has concern, regardless of whether there is or isn't a town center plan in place, that because the petition site fronts onto Abbott, a change to B-3 zoning will begin the commercial stripping of the north side of Abbott from Lake Otis west toward Toloff where it links up with B-3, a 3-block area. The R-O district is a transitional zone between commercial and residential uses. The area is still residential albeit next to a major street (Abbott) with B-3 across the street. B-3 zoning allows many uses that are not compatible with a residential area such as restaurants, cafes or bars serving liquor, package stores, drive-through business such as restaurants or banks, business that are open in the evenings such as video stores, retail uses that have high traffic turnover, off street parking lots or garages, hotels, gas stations, etc.

Another concern is that should Abbott continue to be strip zoned to B-3, that future continuity of development design and setbacks be developed with similar town center design standards as were created by the R-O SL ordinance AO 2002-115.

Finally, there is an additional issue of lot size associated with creating a developable parcel in B-3 large enough to accommodate required parking, landscaping, and other characteristics of use as required in the Supplementary District Standards of AMC Title 21. To have a useable commercial lot would require, at a minimum, assembly of at 2-lots deep, possibly more such as is required by the Spenard Commercial District Development Strategy plan. The petition parcel was created out of four lots (two lots deep from Abbott). Other rezoning proposals to B-3 would also need to be larger than a single lot fronting Abbott. Prior to the petition lot being replatted there were six R-5 lots between Toloff and Arlon Streets. Out of the original 6 lots fronting Abbott between Toloff and Arlon, only 3 single R-5 lots remain.

**DISCUSSION:**

As proposed the petitioner would eliminate the previous special limitations of AO 2002-115 and replace them with those outlined on page 4 of this report.

1. Now that the site is developed consistent with the development standard concepts of a town center, the department would not object to eliminating AO 2002-115 Section 3, Special Limitation #1. *This SL could be eliminated.*
2. Special limitation #2 prohibited pole signs: the Department finds this special limitation should be retained. Given the close proximity of the building to the roadway, and desire to minimize sign clutter in a town center area, this special limitation should remain.

3. Special limitation #3 prohibits any use involving sale, dispensing, or service of alcoholic beverages, and hotel lodging. The Department finds that this special limitation should be modified to allow restaurant/eating place and beverage dispensary licenses, but prohibit package stores and other licenses for alcohol sales that may be more industrial or traffic generating in nature. A restaurant or food service is generally associated with the restaurant and beverage dispensary license, and other uses associated with these licenses do tend to strongly serve local neighborhood areas. However, a package store is more of a traffic-generating use, and not necessarily in concert with a town center concept. Similarly, a brewery license may cause an industrial intrusion into a town center area.
4. The Department has no objection to eliminating Special limitation #4 addressing a "business offering solely onsite a copying, internet access, computer word processing or related services as a permitted principal use."

Based on the legislative action taken by the Assembly to approve R-O SL, it may be arguable that the R-O is more commercial than residential, and therefore legislatively already classified as commercial. If one sets aside the concern of strip zoning for the moment, the Department could only support a very narrow set of uses and not the broad generic category of "any legal business" use allowed by straight B-3 zoning.

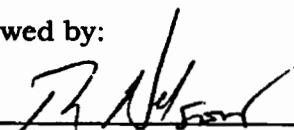
**RECOMMENDATION:**

The Department recommends approval of rezoning to B-3 SL, subject to the following effective clause and special limitations:

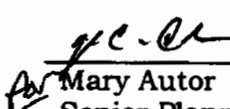
- A. Effective clause.
  1. Zoning shall become effective upon recordation of a replat to a single parcel.
- B. Special Limitations:
  1. All development or redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the following items to the greatest extent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

- c. **Parking** – Onsite parking should be placed to the rear (north) of the building. Parking should only be accessed from the side streets, and should be required to connect through to both adjacent side streets.
  - d. **Building height** – The building walls facing Abbott Road should measure at least 18 feet from finished grade to the top of wall.
  - e. **Buildings** should be built continuously along the frontage of Abbott Road, with no more than a 30-foot gap between buildings fronting this road.
  - f. **Pedestrian accesses** should be provided from walkway along Abbott Road/front of building through to the parking area in the rear of the building.
2. **Signs:** Pole signs are prohibited.
3. **Prohibited Uses:**
- a. **Uses prohibited in the R-O (Residential-Office) zoning district.**
  - b. **Drive-in services and windows, such as drive-in banks and restaurants.**
  - c. **Uses requiring queuing of vehicular traffic.**
  - d. **Outdoor display of products.**
  - e. **Uses requiring a liquor license other than a restaurant/eating place or beverage dispensary.**

Reviewed by:

  
\_\_\_\_\_  
Tom Nelson  
Director

Prepared by:

  
\_\_\_\_\_  
Mary Autor  
Senior Planner

(014-294-49)

**Content Information****Content ID :** 002453**Type:** Ordinance - AO

**Title:** Planning and Zoning Commission Recommendation of Approval to rezone 37,630 square feet (0.86 acres) from R-O SL to B-3 SL for Lot 3A, Arlon Subdivision; generally located on the north side of Abbott Road, between Golovin Street and Arlon Street.

**Author:** weaverjt**Initiating Dept:** Planning

**Description:** Planning and Zoning Commission Recommendation of Approval to rezone 37,630 square feet (0.86 acres) from R-O SL to B-3 SL for Lot 3A, Arlon Subdivision; generally located on the north side of Abbott Road, between Golovin Street and Arlon Street.

**Date Prepared:** 12/13/04 9:49 AM**Director Name:** Tom Nelson**Assembly****Meeting Date** 1/11/05**MM/DD/YY:****Public Hearing****Date MM/DD/YY:** 2/1/05**Workflow History**

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
AllOrdinanceWorkflow	12/13/04 9:53 AM	Checkin	weaverjt	Public	002453
Planning_SubWorkflow	12/13/04 1:33 PM	Approve	nelsontp	Public	002453
ECD_SubWorkflow	12/13/04 2:14 PM	Approve	thomasm	Public	002453
OMB_SubWorkflow	12/14/04 12:04 PM	Approve	pearcydl	Public	002453
Legal_SubWorkflow	12/14/04 1:36 PM	Approve	fehlenrl	Public	002453
MuniManager_SubWorkflow	12/30/04 10:57 AM	Approve	leblancdc	Public	002453
MuniMgrCoord_SubWorkflow	1/3/05 12:27 PM	Approve	abbottmk	Public	002453

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