

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Department of Law
For reading: July 11, 2006

CLERK'S OFFICE

APPROVED

Date: 7-11-06

ANCHORAGE, ALASKA
AO 2006-46 (S)

1 AN ORDINANCE REPEALING ORDINANCE AO 93-183 (S-1) CONCERNING PC
2 (PLANNED COMMUNITY ZONING) AND MASTER PLAN AND ADOPTING A NEW PC
3 (PLANNED COMMUNITY) ZONING AND NEW SHIP CREEK MASTER PLAN FOR A
4 PORTION OF A.R.R. RESERVATION LOCATED IN THE LOWER SHIP CREEK,
5 APPROXIMATELY 102 +/- ACRES, FOR A.R.R. RESERVATION PROPERTY LOCATED
6 AT THE LOWER WEST END OF SHIP CREEK; AND AMENDING THE ZONING MAP
7 AND PROVIDING FOR THE REZONING OF A.R.R. ANCHORAGE TERMINAL
8 RESERVE, LOT 103, WHITNEY ROAD INDUSTRIAL LEASE LOT CONSISTING OF
9 20,815 SQUARE FEET FROM PC (PLANNED COMMUNITY) TO I-1 (LIGHT
10 INDUSTRIAL); AND AMENDING THE ZONING MAP AND PROVIDING FOR THE
11 REZONING OF SHIP CREEK CROSSING, LOT 3, CONSISTING OF 109, 932 SQUARE
12 FEET FROM PC (PLANNED COMMUNITY) AND I-2 (HEAVY INDUSTRIAL) TO I-2
13 (HEAVY INDUSTRIAL; AND AMENDING THE ZONING MAP AND PROVIDING FOR
14 THE REZONING OF SHIP CREEK CROSSING, LOT 4, CONSISTING OF 209,068
15 SQUARE FEET FROM PC (PLANNED COMMUNITY) AND I-2 (HEAVY INDUSTRIAL)
16 TO I-2 (HEAVY INDUSTRIAL); GENERALLY LOCATED AT THE LOWER WEST END
17 OF SHIP CREEK SOUTH OF THE RAILROAD MAINLINE TO SECOND AVENUE AND
18 WEST GAMBELL STREET.

19
20 (GOVERNMENT HILL, DOWNTOWN, FAIRVIEW)(PLANNING CASE 2005-080)

21
22 THE ANCHORAGE ASSEMBLY ORDAINS:
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24 **Section 1.** Anchorage Ordinance 93-183 (S-1)(am) concerning portions of Sections 7 and
25 18, T13N, R3W, S.M. Alaska, and Section 13, T13N, R4W, S.M. Alaska, generally located in
26 the lower Ship Creek valley between the railroad yards and downtown Anchorage, containing
27 127 acres more or less, is hereby repealed.
28

29 **Section 2.** The zoning map shall be amended by designating the following described
30 property as PC (Planned Community District):
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32 A portion of A.R.R. Reservation, located with the Seward Meridian, Township 13
33 North, Range 3 West, and includes southern portions of Section 7, northeast quarter of
34 Section 13, and northern portions of Section 18, by substituting a new PC (Planned
35 Community zoning and master development plan, consisting of approximately 102 +/-
36 acres, as shown on Exhibit A attached, and as described in Exhibit B, listing of legal
37 description and parcel tax identification numbers.

Section 3. The zoning map shall be amended by designating the following described property as I-1 (Light Industrial) District:

A.R.R. Anchorage Terminal Reserve, Lot 103, Whitney Road Industrial Lease Lot (York Steel Lease) consisting of 20,815 square feet from PC (Planned Community) to I-1 (Light Industrial) District, as shown on Exhibit A attached (Planning and Zoning Commission Case 2005-080)

Section 4. The zoning map shall be amended by designating the following described property as I-2 (Heavy Industrial) District:

Ship Creek Crossing, Lot 3 (Wrightway Auto lease) consisting of 109,932 square feet as shown on exhibit A attached (Planning and Zoning commission Case 2005-080)

Section 5. The zoning map shall be amended by designating the following described property as I-2 (Heavy Industrial) District:

Ship Creek Crossing, Lot 4(Power Plant lease) consisting of 209,068 square feet as shown on exhibit A attached (Planning and Zoning commission Case 2005-080)

Section 6. The zoning map amendment designating property as PC (Planned Community), described in section 2 above, shall be subject to the following listed restrictions and design standards. Except as otherwise provided in this ordinance, all development shall comply with the Anchorage Municipal Code:

A. **Intent.** This ordinance sets forth allowable and prohibited land uses, special limitations, and a design review process for the Alaska Railroad's Ship Creek District. These regulations are intended to:

1. Implement the Alaska Railroad Corporation's goals and policies addressing the District.
2. Support broader community re-development and multi-modal transportation goals and policies.
3. Create a pedestrian and transportation-oriented mixed-use development.
4. Attract private investment in commercial and residential development.
5. Provide for predictability in the expectations for development projects.
6. Provide design and infrastructure development standards serving the District and downtown multi-modal users.

7. Make Ship Creek a mixed-use pedestrian-oriented development and visitor destination and enhance the District's build-out capacity with the following uses:

- a. *Commercial Mixed Use*. The area should predominantly feature commercial uses (retail, office, entertainment, hotel, tourism) of an intensity producing a concentration of jobs, shops, meeting facilities, entertainment and restaurants within close proximity to each other.
- b. *Residential*. Appropriate urban residential development should [SHALL] be encouraged, including upper story units above street level businesses.
- c. *Government/Informational Uses*. The District should [SHALL] accommodate governmental and informational services, especially those with walk-in service-orientation, and major civic and public facilities.
- d. *Warehouse/Light Industrial Use*. The District should [SHALL] continue[, AS REQUIRED,] to accommodate a mixture of industrial, commercial and residential uses, with a particular emphasis on workplaces, galleries and dwellings for artists, craftspeople and artisans.
- e. *Kiosks and Vendors*. The District should [SHALL] allow kiosks, outdoor restaurants, mobile vendors, drive-in businesses or coffee shops, or similar uses in order to facilitate incremental growth in the area, where such uses do not negatively impact circulation, safety, or neighboring uses.
- f. *Permitted Accessory Uses*. Uses and structures customarily accessory and clearly incidental to permitted uses and structures should [SHALL] be allowed, including outdoor storage of trolleys, small-tour vehicles, and staging of horses and carriages overnight.
- g. *Railroad Uses*. This ordinance is not intended to apply to permanent or temporary railroad operations within the District.

[IT IS RECOGNIZED ALASKA RAILROAD CORPORATION MAY HAVE NEEDS REQUIRING INTERIM AND TEMPORARY USE OF VACANT LANDS WITHIN THE DISTRICT AND THERE SHALL BE ALLOWANCE FOR THESE USES, AS WELL AS FOR ROUTINE RAILROAD OPERATIONS AND MAINTENANCE ACTIVITIES.]

- B. Applicability. The provisions and restrictions of Section 6 of this ordinance shall apply to all uses and development in the Ship Creek District, depicted on the Master Development Plan (Exhibit A, attached). The site is located within the Township 13 North, Range 4 West, Seward Meridian, and includes southern portions of Section 7, northern portions of Section 18 and the northeast quarter

of Section 13. Areas north of Ship Creek included in AO 93-183 (s-1) are hereby redesignated I-2.

C. Definitions. As used in Section 6 of this ordinance, unless context dictates otherwise, the following definitions shall apply:

1. ***Alteration*** means a physical change to a structure or a site. Alteration does not include normal maintenance and repair or total demolition. Except as otherwise provided in this ordinance, alteration does include any of the following:

- a. Changes to the facade of a building;
- b. Changes to the interior of a building;
- c. Increase or decrease to floor area of a building;
- d. Changes to other structures, including parking garages, on the site or the development of new structures; and/or
- e. Changes to landscaping, off-street parking spaces, and other improvements on a site.

2. ***Development*** means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

3. ***Excessive*** means uses injurious to an unreasonable degree to the public health, safety, welfare or convenience or exceeding the customary manner of operation.

4. ***Normal maintenance*** means physical changes keeping a building, structure, or site, or a portion thereof, in a sound condition and in operation.

5. ***Railroad operations*** means all activities and operations commonly associated with operating and maintaining a railroad but excluding those activities commonly also performed by other, non-railroad enterprises. Activities such as operating or constructing warehouses, repair shops, loading and unloading facilities, docks, yards, and facilities for storage, handling and interchange of passengers and cargo, are railroad operations, if the facility is used exclusively for, and by, the railroad. Facilities used in part for railroad activities and in part for non-railroad related activities are not railroad operations for purposes of this ordinance.

6[5]. **Repair** means physical changes to a building, structure, or site, or a portion thereof, to fix or restore to sound condition after damage or deterioration.

7[6]. **Replacement value** means the value of a building as calculated using the latest "*Evaluation Table*" printed in the Building Standards magazine, published by the International Conference of Building Officials, based on existing occupancy and the most closely appropriate type of construction.

8[7]. **Substantial alteration** means alterations within a two (2) year period where:

- a. The total cost, excluding purchase costs of the building, exceeds fifty percent (50%) of the replacement value of a building or structure;
- b. The total cost exceeds fifty percent (50%) of the replacement value of site improvements;
- c. The gross square footage increases by more than fifty percent (50%) of buildings and structures; or
- d. The gross square footage increases by more than fifty percent (50%) of a surface parking lot.

9[8]. **Temporary** means limited in time and extent to less than twelve (12) months and excludes permanent construction, substantial improvements, or substantial alteration of the land.

10. **Total cost** means all costs associated with an alteration incurred from project initiation to project completion, excluding the purchase costs for the building.

D. Permitted Principal Uses and Structures. The following principal uses and structures are allowed in the District:

1. **Railroad Operations and Temporary Uses.** All railroad operational uses, including staging of customers' materials and preparation for transport, temporary storage, and short-term railroad permitted uses are allowed.

2. **Retail:**

- a. Grocery stores, delicatessens and food specialty shops, including open air markets;
- b. Meat and seafood markets, including open air markets;
- c. Retail bakeries or wholesale bakeries with a storefront;

- d. Department or variety stores;
- e. Hardware stores;
- f. Electrical or electronic supply stores;
- g. Furniture stores;
- h. Music and record stores;
- i. Shoe repair and tailor shops;
- j. Bookstores, book binderies, stationery stores and newsstands;
- k. Drugstores;
- l. Beauty shops;
- m. Barber shops;
- n. Restaurants, cafes, and other places serving food and beverages, including sale and dispensing of alcoholic beverages in accordance with [AMC] section 21.50.160;
- o. Photography, dance, music, and other art studios;
- p. Florists;
- q. Tobacco stores;
- r. Clothing, apparel and shoe stores;
- s. Jewelry stores;
- t. Sporting goods stores;
- u. Cameras and photographic stores;
- v. Hobby stores;
- w. Knit shops, yarn shops, fabric shops, dressmaking and notions stores;
- x. Gift, novelty, and souvenir stores;
- y. Picture framing shops;

- z. Art galleries and sales;
- aa. Crafts shops;
- bb. Antique stores;
- cc. Furriers;
- dd. Garden supply stores and nurseries;
- ee. Travel agencies and ticket brokers;
- ff. Motion picture theaters;
- gg. Banking and financial institutions;
- hh. On-site film processing;
- ii. Marine equipment sale;
- jj. Hotels and lodging including bed and breakfasts;
- kk. Aquarium/marine fisheries centers and the like;
- ll. Art and craft studios;
- mm. Farmers markets;
- nn. Outdoor concessionaires including kiosks, restaurants, mobile vendors or similar uses; and
- oo. Laundry and dry cleaning establishments and outlets except large commercial industrial laundry and dry cleaning plants shall be prohibited.

3. ***Offices:***

- a. Insurance and real estate services;
- b. Banking and financial institutions;
- c. Business and professional offices;
- d. Medical, health and legal services;

1 e. Post offices; and

2
3 f. Government and quasi-government offices.

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5 4. ***Light Industrial Uses:***

6 a. Alcoholic and non-alcoholic beverage manufacturing;

7 b. Cabinet and furniture building;

8 c. Blacksmith and metal working shops;

9 d. Woodworking, pottery, weaving, leather and other craft production;

10 e. Retail distribution operations;

11 f. Manufacture, service or repair of light consumer goods, such as
12 appliances, furniture, garments and tourist related items; and

13 g. Outdoor storage of carriages, trolleys, and small-tour vehicles.

14 h. All light industrial uses shall be encouraged to provide public tours or
15 public viewing of operations without charge.

16
17 5. ***Other Uses:***

18 a. Multi-family dwellings;

19 b. Dwellings in non-residential structures;

20 c. Parks and playgrounds;

21 d. Historic and cultural centers and exhibits;

22 e. Day care;

23 f. Public libraries;

24 g. Museums;

25 h. Interior galleries connecting two or more buildings;

26 i. Convention centers;

27 j. Car, bike, or other transportation rental agencies;

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k. Parking structures and multi-modal transfer facilities;

l. Arenas;

m. Exhibition centers;

n. One transmission tower less than seventy-five (75) feet in height;

o. Kiosks, outdoor restaurants, mobile vendors, or similar uses on railroad land or in a public right-of-way; and

p. Stabling of horses in support of retail, entertainment, or transportation purposes.

E. Permitted accessory uses and structures. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are allowed.

F. Conditional uses. Subject to the requirements of the conditional use standards and procedures of this ordinance, the following uses may be permitted:

1. Commercial recreation establishments, including pool halls, amusement arcades, and the like;

2. Liquor or package stores, in accordance with [AMC] section 21.50.160;

3. Drive-in banks;

4. Utility substations and telephone exchanges;

5. Quasi-institutional houses as defined in [AMC] section 21.35.020; or

6. Heliports.

G. Nonconforming Uses. Existing uses at the time this ordinance is adopted shall be grandfathered until such a time as the existing use changes and/or substantial alterations to a structure, site, or use are proposed.

H. Prohibited Uses. The following uses are expressly prohibited:

1. Adult-oriented retail and entertainment;

2. Jails and correctional facilities;

3. Work release facilities;

4. Plumbing and heating services and dealers;
5. Building material sales;
6. Gasoline service stations;
7. Automotive parts and equipment sales;
8. Automotive display lots;
9. Mobile home display lots;
10. Car washes;
11. Outdoor storage and display of any scrap, junk, salvaged or secondhand materials, or any salvage yard or salvage operation excepting temporary storage by ARRC;
12. Manufacture or packaging of cement products, feed, fertilizer, glue, paint, petroleum products, soap, turpentine, varnish, or charcoal;
13. Manufacture, service, or repair of trucks, automobiles or aircraft;
14. Open storage of cinders, coal, feed, grain, gravel, manure, peat, sand, or topsoil, except the use of community gardens and landscape nursery operations or in railroad operations;
15. Any use causing or reasonably expected to cause, excessive noise, vibrations, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat or glare; and
16. Community correctional residential centers.

I. Minimum Lot Requirements: None

J. Minimum Yard Requirements: None

K. Maximum Height of Structures.

1. West of the centerline of H Street right-of-way extended and east of the centerline of Cordova Street right-of-way extended, the maximum structure height from mean sea level shall be eighty-five (85) feet, with a maximum height up to one hundred twenty (120) feet through the conditional use permit process; and

2. Between the centerline of H Street right-of-way extended and the centerline of Cordova Street right-of-way extended, the maximum height structure height from mean sea level shall be one hundred twenty (120) feet, with a maximum height up to one hundred fifty (150) feet through the conditional use process.

[A MAXIMUM BUILDING HEIGHT FROM MEAN SEA LEVEL (MSL) TO ROOF TOP OF STRUCTURES SHALL BE ONE HUNDRED TWENTY (120) FEET, WITH A PROCEDURE FOR A MAXIMUM BUILDING HEIGHT OF ONE HUNDRED FIFTY (150) FEET MSL, THROUGH A CONDITIONAL USE PERMIT PROCESS.]

L. Bulk regulations and maximum lot coverage. Buildings may be constructed within the full limits of the lot, up to three (3) stories in height. Building construction above three stories in height shall conform to the bulk requirements under [AMC] section 21.40.160H.

M. Total Dwelling Units. The allowable, but not probable, maximum number of housing units is four hundred (400) and may include:

1. Urban multiple-family dwellings;
2. Row-houses built to a common wall at side lease lines;
3. Combined living quarters and work studios;
4. Upper story residential units above office, street level retail, and off-street parking structures; or
5. Other types of dwellings consistent with the intent of the District.

N. Maximum limit for Commercial, Industrial, Office Floor Area. The allowable but not probable floor area for new commercial, industrial, and office development is 3.5 million square feet, not counting floor area obtained through tower development under conditional use permits.

O. Parking. No off-street parking need be provided, but any off-street parking provided shall be landscaped in accordance with the design guidelines. Individual projects creating office space of 15,000 square feet or larger shall address whether parking existing within the District and areas within walking distance (1000 feet) are sufficient to meet occupancy demands as part of the Site Plan Review.

P. Site Plan Review. Projects, including construction or substantial alteration, shall be submitted to the Department of Community Planning and Development consistent with [AMC] section 21.15.030. Plans shall be subject to a Level 1 or Level 2 development review, as required by this ordinance. Prior to the issuance of any building permits, persons proposing development of areas within the

District shall submit for approval a site plan as defined by [AMC] section 21.35.020, prepared by a licensed architect or landscape architect.

1. There shall be a Ship Creek District Review Board with the following responsibilities:

a. Advise the mayor and assembly regarding matters affecting the Ship Creek District.

b. Review and make recommendations to the Planning and Zoning Commission on land use matters where the Commission has purview.

c. Review and make findings regarding land use matters where the Board has purview.

d. Review and make recommendations to the Planning and Zoning Commission for the update of design guidelines as appropriate to maintain currency with respect to land use trends.

2. The Ship Creek District Review Board shall consist of:

a. Three individuals appointed by the Alaska Railroad Corporation with professional qualifications in real estate, design or a relevant field.

b. One MOA planning staff member, appointed by the MOA planning Director; and

c. One member of the Anchorage Planning and Zoning Commission.

3. Development Approval Procedures. Projects in the Ship Creek District requiring construction or substantial alteration shall be subject to a Level 1 or Level 2 Development Review, according to the following procedures:

a. Level 1 Development Review. Level 1 applies to construction or substantial alteration projects of permitted uses and generally lower construction values. The Ship Creek District Review Board maintains authority for approval of Level 1 development through a non-public hearing site plan review process. Approval may be provided by the Ship Creek District Review Board during review if:

i. The Board finds the application is complete; and

ii. The proposed development addresses and complies with the applicable requirements of this ordinance, including the Design Guidelines.

1 iii. The Board may choose to provide concept level approval and require
2 re-submittal of plans for final approval. Upon the Review Board's
3 approval of the applicant's plans, developments may proceed by right
4 and shall not require further municipal Planning and Zoning Site Plan
5 Review.
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7 iv. Unless appealed, the approval of the Ship Creek District Review
8 Board shall be final. Development shall be consistent with the
9 findings of the Board determined at the final site plan review.
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11 v. Ship Creek District Review Board resolutions of approval and
12 accompanying site plans shall be given a reference number and filed with
13 the District Recorder's Office and a copy provided to the municipal
14 Planning Department.
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16 b. Level 2 Development Review. Projects meeting any one or more of
17 the three criteria below are subject to Level 2 Development site review
18 and application requirements, as outlined in this subsection:
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20 i. Projects with a construction value in excess of two (2) million dollars
21 as defined in 2006 [2004] dollars, adjusted annually per the
22 Anchorage Consumer Price Index;
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24 ii. Conditional uses; and
25

26 iii. An appeal of the Ship Creek District Review Board findings.
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28 iv. Developments meeting i. or ii. of the above criteria require
29 approval by both the Ship Creek District Review Board and the
30 municipal Planning and Zoning Commission as follows:
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32 (1) Developers shall submit a concept site plan to the Ship Creek
33 District Review Board for a non-public hearing.
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35 (2) Upon concept site plan approval by the Ship Creek District
36 Review Board, a public hearing before the municipal
37 Planning and Zoning Commission is required. In addition to
38 the standards and procedures of [AMC] sections 21.15.030
39 and 21.50.200, the Planning and Zoning Commission shall
40 consider the following:
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42 (a) An evaluation of the proposal by the Geotechnical
43 Advisory Commission.
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45 (b) A traffic impact analysis with suggested mitigation
46 proposals to correct any issues found in the site plan or

deficiencies in the street system serving the proposed project.

(c) Compliance of the submitted plans with the District's land use requirements and Design Guidelines.

(3) Following site plan approval of the concept site plan by the Commission, the applicant shall submit final plans for approval at a non-public hearing with the Ship Creek District Review Board. Applicants shall illustrate compliance with the Planning and Zoning Commission findings and shall address requirements of the Design Guidelines.

4. The Planning and Zoning Commission and the Ship Creek District Review Board may impose conditions as required for the proposed development to be compatible with District, adjacent land uses, and Design Guidelines. Conditions imposed by the Board may be more stringent than those of the Commission, but may not be less stringent. In no event is the Board authorized to overturn findings of the Commission.

5. The Planning and Zoning Commission shall hear appeals from decisions of the Ship Creek District Review Board regarding the disapproval or conditions of approval of a development in the District. The decision of the Board may not be reversed unless the Commission finds all of the following are supported by substantial evidence:

- a. Special circumstances make strict adherence to the requirements of the Board clearly impractical, unreasonable, or undesirable to the general public.
- b. The granting of an exception to the Board-imposed conditions is not detrimental to Alaska Railroad Corporation operations.
- c. The granting of an exception does not nullify the intent of the Design Guidelines for the Ship Creek District; and
- d. Undue hardship results from strict compliance with the specific provisions of the Board's findings.

Q. Design Guidelines. Projects submitted for review shall comply with the Design Guidelines for the Ship Creek District.

R. Tenants Association. All new tenants within the District are required to become members of a maintenance association prescribed by ARRC. The Association's duties shall include:


1. Maintaining and repairing all recreational facilities, paths, fences and other property whose construction was funded by the Association or its members for recreational or other community purposes;
2. Planting or caring for trees, shrubbery or flowers and cutting of grass on parkways; and
3. Doing such other things as may be determined by the Association as necessary, advisable or proper to keep the District in neat and good order and to promote the attractiveness of the District.
4. The Association may also include special programs, marketing strategies, special events and festivals. The Association may finance its maintenance work by establishing a dues structure for each tenant within the District.

S. Effective Date and Severability. This ordinance shall be effective upon passage and approval, and the Director of the Department of Community Planning and Development shall amend the zoning map accordingly. In the event any section, clause, or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 7. The amendments referenced in Sections 2, 3, 4, 5, and 6 above shall become effective immediately upon passage and approval.

Section 8. The Director of the Planning Department shall amend the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of July, 2006.


Chair of the Assembly

ATTEST:


Municipal Clerk

(Planning Case Number 2005-080)
(Tax Identification Numbers attached)

Content Information**Content ID :** 004133**Type:** Ordinance - AOAN ORDINANCE REPEALING ORDINANCE AO 93-183 (S-1)
CONCERNING PC (PLANNED COMMUNITY ZONING) AND MASTER**Title:** PLAN AND ADOPTING A NEW PC (PLANNED COMMUNITY)
ZONING AND NEW SHIP CREEK MASTER PLAN FOR A PORTION
OF A.R.R. RESERVATION LOCATED IN THE LOWER SHIP CREEK,**Author:** fehlenrl**Initiating Dept:** Legal**Review Depts:** MuniManager**Description:** AO 2006-46(S)- MOA and ARRC negotiated amendments, and repeal
of AO 93-183(S-1)**Keywords:** Alaska Railroad, Ship Creek Master Plan, Ship Creek Rezone, AO 93-
183(S-1)**Date Prepared:** 7/6/06 4:19 PM**Director Name:** Frederick H. Boness**Assembly****Meeting Date** 7/11/06**MM/DD/YY:****Public Hearing****Date** 7/11/06**MM/DD/YY:****Workflow History**

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Legal_SubWorkflow	7/6/06 4:23 PM	Approve	fehlenrl	Public	004133
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M.O.A.
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 CLERKS OFFICE

Addendum - OLD BUSINESS