

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: December 19, 2006

Anchorage, Alaska
AO 2006-87(S-1)

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.45.080 TO AMEND THE OFF-STREET PARKING STANDARDS AND AMEND PROVISIONS FOR JOINT USE OF OFF-STREET PARKING AREAS.

Planning and Zoning Commission, Case 2006-112.

Section 1. Anchorage Municipal Code section 21.45.080 is hereby amended as follows: (the remainder of the section is not affected and therefore is not set out):

21.45.080 Off street parking requirements.

X. Standards for parking spaces; parking area design. Parking spaces provided in accordance with the requirements of this section shall meet the following standards:

1. Location. All required parking spaces shall be on the same lot as the main building served or on an abutting lot, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use. [SUCH ABUTTING LOT SHALL BE UNDER THE SAME OWNERSHIP AS THAT OF THE BUILDING TO BE SERVED, OR] If parking is provided on an abutting lot, there shall be a parking agreement, approved by the municipality, which provides for parking requirements for the life of the [OCCUPANCY] use, or a time certain period not to be less than ten years. As used in this section, abutting means any parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve, and for other uses shall be within 800 feet of a primary entrance of the uses served. This distance is subject to subsection 21.45.080 X.3.e. in the case of shared parking.
2. Excess parking. Any excess parking spaces provided may be on the same lot as the building served, on abutting or contiguous lots.

or any lot within 300 feet, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use.

[3. JOINT USE. A SINGLE PARKING AREA MAY BE USED TO SERVE MORE THAN ONE ESTABLISHMENT, PROVIDED THAT:

A. THE APPLICANT SHALL SHOW THAT THE PRINCIPAL OPERATING HOURS OF THE STRUCTURES, BUILDINGS OR USES FOR WHICH THE JOINT USE OF PARKING FACILITIES IS PROPOSED DO NOT OVERLAP.

B. THE PARTIES INVOLVED IN THE JOINT USE OF OFF-STREET PARKING FACILITIES SHALL SUBMIT A WRITTEN AGREEMENT IN A FORM TO BE RECORDED FOR SUCH JOINT USE, APPROVED BY THE ADMINISTRATIVE OFFICIAL AS TO FORM AND CONTENT. AN AGREEMENT FOR JOINT PARKING FACILITIES SHALL BE FOR THE LIFE OF THE OCCUPANCY OF THE BUILDING, AND SHALL PROVIDE FOR THE MAINTENANCE OF JOINTLY USED PARKING FACILITIES. THE ADMINISTRATIVE OFFICIAL MAY IMPOSE SUCH CONDITIONS OF APPROVAL AS MAY BE NECESSARY TO ENSURE THE ADEQUACY OF PARKING IN AREAS AFFECTED BY SUCH AN AGREEMENT.

C. THE APPLICANT SHALL DEMONSTRATE THAT THE REDUCED PARKING REQUIREMENT ALLOWED THROUGH A JOINT PARKING AGREEMENT WILL NOT RESULT IN THE SPILLOVER OF PARKING ONTO OTHER PROPERTIES.]

3. Joint use.

a. Purpose and intent. Shared parking allows more of a site to be devoted to buildings (the purpose of the development and the public's reason for visiting the site) and less to parking. Shared parking only functions when the land uses it supports have different periods of peak parking demand. In such circumstances, land uses may share parking facilities without adversely impacting the public's safety or

1 convenience. This subsection regulates and sets standards
2 for shared parking facilities to ensure that the public
3 interest is protected while allowing property owners design
4 flexibility and cost savings. The traffic engineer and
5 planning director may approve alternatives to providing the
6 number of off-street parking spaces required by subsection
7 21.45.080 B. through W. and 21.45.080 AA., in accordance
8 with the following standards.
9

10 b. Shared Parking.

11 Joint use of required parking spaces may occur where two
12 or more uses on the same or separate sites are able to share
13 the same parking spaces because their peak parking
14 demands occur at different times. The traffic engineer and
15 director may approve shared parking facilities for uses with
16 different peak business periods if the shared parking
17 complies with all of the following standards:
18

19 i. Exceptions

20
21 (a) If a use is separated from its shared parking
22 by a local road, it is permitted. Such
23 separation by a road designated as a
24 collector as designated in the Official Streets
25 and Highways Plan shall be subject to
26 approval by the Traffic Engineer. Joint
27 parking is prohibited if the street separating
28 a use from its parking is designated in the
29 Official Streets and Highways plan as a
30 higher designation than a collector.
31

32 (b) Commercial and industrial uses shall not use
33 residential parking areas.
34

35 (c) A non-residential shared parking area that is
36 adjoining a residential zoning district shall
37 be limited to hours of operation from 8:00
38 AM to 10:00 PM.
39

40 ii. Shared Parking Study.

41 Those proposing to use shared parking as a means
42 of satisfying off-street parking requirements shall
43 submit a shared parking analysis to the planning
44 director that demonstrates the feasibility of shared

parking. The study shall be provided in a form established by the traffic engineer and shall be made available to the public. It shall address, at a minimum, the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties or public streets.

iii. Calculation of Parking Spaces Required.

The shared parking study shall follow the most current published procedures of the Urban Land Institute, or the Institute of Transportation Engineers, or other procedures as specifically approved by the traffic engineer, or, the following calculation method under subsection 21.45.080X.3.c may be used to calculate the number of shared parking spaces required for two (2) or more land uses.

c. Alternative calculation method.

i. Multiply the minimum parking normally required for each individual use, as set forth in section 21.45.080 B. through W. and AA, as applicable, to the use, by the appropriate percentage indicated in Table A, Shared Parking Credit, for each of the six (6) designated time periods.

a. Add the resulting sums for each of the designated time period columns.

b. The minimum number of required shared parking spaces shall be determined by totaling the resulting numbers in each time period column. The column total that generates the highest number of parking spaces

then becomes the shared parking requirement. This represents the time period with the highest total parking demand.

c. If one or more of the land uses proposing to make use of shared parking facilities do not conform to the land use classifications in Table A, Shared Parking Calculations, as determined by the planning director, then the applicant shall submit sufficient data to indicate the periods of peak parking demand for the uses. Based on this information, the traffic engineer shall determine the appropriate shared parking requirement.

Table A: Shared Parking Credit

Land Uses	Weekday Time Periods				Weekend Time Periods			
	7 am to 6 pm	6 pm to 1 am	1 am to 3 am	3 am to 7 am	7 am to 6 pm	6 pm to 1 am	1 am to 3 am	3 am to 7 am
Residential	65%	100%	100%	100%	75%	90%	10%	100%
Religious Assembly	25%	50%	0%	0%	100%	50%	0%	0%
Health Services	100%	30%	5%	5%	100%	0%	0%	0%
Assembly	100%	50%	5%	5%	100%	50%	5%	5%
Fitness Center (Health Club)	90%	100%	60%	60%	100%	100	80%	80%
Movie Theater	60%	100%	0%	0%	80%	100%	0%	0%
Bar or Nightclub	40%	100%	90%	0%	50%	100%	90%	0%
Restaurant	80%	100%	50%	50%	85%	100%	25%	25%
Restaurant - Fast Food	100%	90%	15%	15%	100%	80%	15%	15%

Office or Financial	100%	10%	0%	5%	15%	0%	0%	0%
Retail Sales / Services	100%	80%	0%	0%	100%	60%	0%	0%
Visitor Accommodations	75%	100%	100%	100%	75%	100%	100%	100%

d. Agreement for Shared Parking.

The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the traffic engineer and the planning director as to form and content. The agreement shall guarantee the use of the shared parking facilities for the life of the uses, or a time certain period not to be less than ten years, and shall provide for the maintenance of jointly used parking facilities and the owner of land used for jointly used parking facilities shall be responsible for the maintenance of said facilities. The traffic engineer and planning director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a land use or building permit. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of subsections 21.45.080 B. through 21.45.080 W., inclusive and 21.45.080.AA. At the end of the life of the agreement, property owners who are parties to the agreement must comply with other all provisions of this code governing the required number of off-street parking spaces. If an agreement is terminated for any reason prior to the expiration of its term, notice of said termination shall be recorded and a copy provided to the Planning Department.

e. Distance to Parking Spaces.

Shared parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve. Shared spaces for other uses shall be within 800 feet of a primary entrance of the uses served. The traffic engineer and planning director may approve a portion of shared parking spaces at a greater distance based on factors such as the pedestrian environment, availability of valet parking, weather protection and the type of uses served. For the purposes of this section, primary entrance means:

A principal entry through which people, including customers, residents, or members of the public enter a building. For any commercial or institutional establishment which serves the visiting public, a primary entrance is open to the public during all business hours and directly accesses lobby, reception, retail or other interior areas designed to receive the public. Fire exits, service doors, and employee entrances are not primary entrances. A building or establishment may have more than one primary entrance.

f. Pedestrian Connection.

Clear, safe pedestrian walkways shall connect the shared parking facility and the primary entrances of the uses it serves.

g. Instructional Signage.

The shared parking facility shall provide instructional signage on the premises indicating the availability of the facility for patrons of the uses it serves.

h. Shared Parking Plan.

A shared parking plan shall be submitted for review and approval by the traffic engineer and the planning director. The shared parking plan may be combined with other parking plans required by this title.

i. Changes in Use or Shared Parking Facility.

Any subsequent change to the shared parking facility or in use type shall require a review by the planning department for compliance with this section, including proof that sufficient parking will be available.

(GAAB 21.05.060.G; AO No. 77-355; AO No. 78-118; AO No. 81-106; AO No. 81-178(S); AO No. 82-69; AO No. 84-90; AO No. 84-117(S); AO No. 85-91, 10-1-85; AO No. 87-31, 7-18-87; AO No. 89-30; AO No. 90-152(S); AO No. 93-172, § 1, 11-16-93; AO No. 96-68, § 1, 5-28-96; AO No. 99-131, § 12, 10-26-99; AO No. 2004-108(S), § 6, 10-26-04; AO No. 2005-9, § 4, 3-1-05)

Editor's note: The last sentence of subsection A of this section was formerly codified in the 1977 Code as the last sentence of subsection 21.35.020.B.69.

Cross references: Business licenses and regulations, Tit. 10.

Section 2. This ordinance shall be effective immediately upon passage and approval
by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 9th
day of January 200 .

ATTEST:

Dan Sullivan
Chair

Bonnie S. Weinstein
Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2006-87(S-1) Title: Planning and Zoning Commission, Case 2006-112;
recommendation of approval for an ordinance amending
Anchorage Municipal Code Section 21.45.080 to amend the off-
street parking standards and amend provisions for joint use of
off-street parking areas

Sponsor:
Preparing Agency: Planning Department
Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	FY06	FY07	FY08	FY09	
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

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

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the ordinance should have no significant economic impact on the private sector.

Prepared by:	<u>Jerry T. Weaver, Jr.</u>	Telephone: <u>343-7939</u>
Validated by OMB:	<u></u>	Date: <u></u>
Approved by:	<u></u> (Director, Preparing Agency)	Date: <u></u>
Concurred by:	<u></u> (Director, Impacted Agency)	Date: <u></u>
Approved by:	<u></u> (Municipal Manager)	Date: <u></u>



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 885-2006

Meeting Date: December 19, 2006

From: Mayor

Subject: **PLANNING AND ZONING COMMISSION RECOMMENDATION
OF APPROVAL FOR AN ORDINANCE AMENDING
ANCHORAGE MUNICIPAL CODE SECTION 21.45.080 FOR OFF-
STREET PARKING STANDARDS AND AMEND PROVISIONS
FOR JOINT USE OF OFF-STREET PARKING AREAS.**

1 Assemblymember Coffey introduced AO 2006-87 on May 23, 2006, to amend current
2 provisions in Title 21 which allow joint use of parking spaces. Subsequently, a substitute
3 version was drafted by Assembly Counsel. In review of this substitute ordinance, it was
4 noted that there were some issues of concern which needed to be addressed and
5 researched further. Speaking in support of his recommendation to refer his ordinance to
6 the Planning and Zoning Commission, Assemblymember Coffey identified two core
7 issues to be addressed. The first was to clarify the use of the term "abutting" when
8 determining where joint parking could be provided. The second issue was whether or not
9 joint-parking agreements should be required, as they currently do, for the life of the use
10 requiring the joint use parking, or should they be allowed for a certain period of time (for
11 example five or ten years).

12
13 There has been concern in the Municipality for the last several years regarding the excess
14 amounts of parking, mainly in commercial areas. As parking garages are very expensive
15 to construct, the development community has instead relied on vast expanses of parking
16 lots. This has tended to create a negative visual impact in terms of creating seas of
17 asphalt, but also causes other concerns, such as increased impervious surfaces which not
18 only can cause run-off problems, but also decreases the amount of land available to
19 landscaping. Many times, these parking lots are not fully utilized, or not used at all,
20 during non-peak hours.

21
22 As the Municipality has been reviewing the parking standards for various uses, it has
23 been noted that there is an opportunity to take advantage of allowing businesses the
24 option for joint-use (shared) parking in order to reduce the above-noted problem. Shared
25 parking allows more of a site to be devoted to buildings (the purpose of the development
26 and or the public reason for visiting the site) and less to parking. Shared parking only
27 functions when the land uses it supports have different hours of operation, or different

1 periods of peak-parking demand. In such circumstances, land uses may share parking
2 facilities without adversely impacting the safety of the public or convenience.

3
4 In addition to those two issues, staff has identified a third issue. This issue concerns the
5 joint use of parking spaces between or among uses where the hours of operation overlap.
6 The code currently does not allow joint use of parking where principal operating hours
7 overlap. In the course of responding to these three issues, staff proposed amendments to
8 the ordinance.

9
10 On August 7, 2006, the Commission held a public hearing on the alternative ordinance,
11 AO 2006-87(S). After closing the public hearing, the Commission postponed action until
12 August 14, 2006. The Commission directed staff to draft an issue/response paper
13 outlining the major issues and potential actions regarding those issues. Those additional
14 issues were the joint use of parking spaces between or among uses where the hours of
15 operation overlap, distance between uses and shared-parking, whether or not residential
16 uses should be allowed to be a party to shared-parking agreements with non-residential
17 uses, the impact of spill-over parking onto public streets, the need for special
18 consideration or additional standards when non-residential uses participating in shared-
19 parking agreements directly adjoining residential districts, and whether or not shared-
20 parking agreements should be subject to public noticing or public hearings.

21
22 The Department evaluated these issues and determined that the required study for
23 individual applications, or use of the table provided will adequately address overlap of
24 hours of operation, as it relates to peak hours of use. The Department concurred that
25 without appropriate buffers, non-residential uses adjoining residential uses can cause
26 noise, aesthetic and traffic conflicts. In order to avoid exacerbating these problems, the
27 Department added a standard to the ordinance that permits shared parking for non-
28 residential uses adjacent to residential for limited certain hours of the day. The
29 Commission expressed concern that there must be protection for situations that may
30 impact residential uses, as well as in commercial and industrial areas. The Commission
31 founds that certainty would be useful, and the restriction on hours of operation from 8:00
32 A.M. to 10:00 P.M. would force compliance.

33
34 The Commission expressed concern with the closing time of 10:00 PM and thought it
35 should be 8:00 P.M. or 9:00 P.M. The concern is with events that are scheduled to end at
36 9:30 P.M. or 10:00 P.M. and the parking lot is not empty until later. Concern was also
37 expressed regarding the opening time of 8:00 AM, as there are other uses in the morning
38 that could occur at commercial establishments. The other element of that is which
39 businesses would be operating at that earlier hour? Additional discussion concerned
40 whether or not the hours should be different on weekends. The Commission made a
41 finding to advise the Assembly that this concern should be reviewed further.

1 The Commission found that having the agreement be both “for the life of the use” and a
2 time certain agreement was appropriate, and this was approved as an amendment to the
3 draft ordinance. The Commission further found that having a choice could be beneficial
4 to some business owners. Some owners may have future plans for their land, and not
5 want to be bound for the life of the use. The Commission noted that this is part of the
6 calculated risks that a business might take. It is possible that some businesses would be
7 willing to agree to a ten year arrangement instead of no agreement at all.

8
9 The Commission found that AO 2006-87 (S-1) complies with the Comprehensive Plan
10 objectives of compact land use, and walkable city, redevelopment of underutilized land,
11 particularly given that surface parking becomes an inefficient use as an area becomes
12 more densely developed. The Commission found that based on the discussion of
13 administrative review versus the language in the ordinance, the latter served the purpose
14 of protecting areas where residential land abuts commercial land.

15
16 **THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING**
17 **COMMISSION RECOMMENDATION FOR APPROVING THE ORDINANCE**
18 **AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.45.080 TO**
19 **AMEND THE OFF-STREET PARKING STANDARDS AND PROVISIONS FOR**
20 **JOINT USE OF OFF-STREET PARKING AREAS**

21
22 Prepared by: Jerry T. Weaver Jr., Zoning Administrator,
23 Planning Department
24 Concur: Tom Nelson, Director,
25 Planning Department
26 Concur: Mary Jane Michael, Executive Director, Office of
27 Economic and Community Development
28 Concur: Denis C. LeBlanc, Municipal Manager
29 Respectfully submitted, Mark Begich, Mayor

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2006-046

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDMENT AMC 21.45.080 TO AMEND THE OFF-STREET PARKING STANDARDS AND AMEND PROVISIONS FOR JOINT USE OF OFF STREET PARKING AREAS.

(Case 2006-112)

WHEREAS, an ordinance was introduced and referred to the Planning and Zoning Commission by Assemblymembers Coffey and Traini on June 20, 2006, and

WHEREAS, a public hearing was held and closed on August 7, 2006 and the Commission continued deliberations on August 14, 2006.

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

A. The Commission makes the following findings of fact:

1. There has been concern in the Municipality for the last several years regarding the excess amounts of parking, mainly in commercial areas. As parking garages are very expensive to construct, the development community has instead relied on vast expanses of parking lots. This has tended to create a negative visual impact in terms of creating seas of asphalt, but also causes other concerns, such as increased impervious surfaces which not only can cause runoff problems, but also decreases the amount of land available to landscaping. These parking lots are often barely used, or not used at all, during non-peak hours.
2. As the Municipality has been reviewing the parking standards for various uses, it has been noted that there is an opportunity to take advantage of allowing businesses the option for joint use (shared) parking in order to reduce the above noted problem. Shared parking allows more of a site to be devoted to buildings (the purpose of the development and the public's reason for visiting the site) and less to parking. Shared parking only functions when the land uses it supports have different hours of operation or different periods of peak parking demand. In such circumstances, land uses may share parking facilities without adversely impacting the public's safety or convenience.
3. Assemblymember Coffey has introduced an ordinance amending the current provisions in Title 21 which allow joint use of parking spaces. Subsequently he has drafted a substitute version. In review of this substitute draft ordinance, it was noted that there were some issues of concern which needed to be addressed and researched further. Speaking in support of his recommendation to refer his ordinance to the Planning and Zoning Commission, Assemblymember Coffey identified two core issues that needed to be addressed. The first was to clarify the use of the term "abutting" when determining where joint parking could be provided. The second issue concerns whether or not joint parking agreements should be required, as they


- currently do, for the life of the use requiring the joint use parking, or should they be allowed for a certain period of time (for example 5 or 10 years).
4. In addition to those two issues, staff has identified a third issue. This issue concerns the joint use of parking spaces between or among uses where the hours of operation overlap. The code currently does not allow joint use of parking where principal operating hours overlap. In the course of responding to these three issues, staff proposed an alternative ordinance.
 5. On August 7, 2006, the Commission held a public hearing on the alternative ordinance. After closing the public hearing, the Commission postponed action until August 14. The Commission directed staff to draft an issue/response paper outlining the major issues and potential actions regarding those issues.
 6. At the August 14, 2006 hearing, staff outlined the additional issues that were discussed by the Commission and presented in public testimony. Those additional issues were the joint use of parking spaces between or among uses where the hours of operation overlap, distance between uses and shared parking, whether or not residential uses should be allowed to be a party to shared parking agreements with non-residential uses, the impact of spillover parking onto public streets, the need for special consideration or additional standards when non-residential uses participating in shared parking agreements directly adjoining residential districts, and whether or not shared parking agreements be subject to public noticing or public hearings.
 7. The Department evaluated these issues and determined that the required study for individual applications or use of the table provided will adequately address overlap of hours of operation, as it relates to peak hours of use. The Department concurred that without appropriate buffers, non-residential uses adjoining residential uses can cause noise, aesthetic and traffic conflicts. In order to avoid exacerbating these problems, the Department added a standard to the ordinance that permits shared parking for non-residential uses adjacent to residential for only certain hours of the day. The proposed hours are 8 AM to 10 PM. These hours are during the general day time hours, with some flexibility for later hours for commercial uses, such as some retail stores that are open past general office hours. However, this time frame restricts parking hours from the night time when noise becomes more of an impact. The Department finds that this additional standard is more effective than allowing a public hearing process or additional standards. Spillover parking onto residential streets is also prohibited by this draft ordinance.
 8. The Commission expressed concern that there must be protection for situations that may impact residential uses, as well as in commercial and industrial areas. The Commission discussed options between the alternative amendment provided by staff that would allow for an administrative review versus the standards set out in the ordinance. The Commission finds that certainty would be useful and the restriction on hours of operation from 8:00 AM to 10:00 PM would force compliance.

9. The Commission expressed concern as to the closing time of 10:00 PM and thought perhaps it should be 8:00 PM or 9:00 PM. The concern is with events that are scheduled to end at 9:30 PM or 10:00 PM and the parking lot is not empty until later. If there was an enforcement action, that might not be resolved until 11:00 PM, which is a late hour for a public parking lot outside of a residential neighborhood. Concern was also expressed regarding the opening time of 8:00 AM, as there are other uses in the morning that could occur at commercial establishments. The other element of that is which businesses would be operating at that hour. Additional discussion concerned whether or not the hours should be different on weekends. The Commission directed staff to include this concern as a finding to advise the Assembly that this concern should be reviewed further.
10. The Planning Director clarified to the Commission that the required parking is based upon peak hour use, so when a joint parking agreement is being considered, the applicant will have to show the peak hour spaces and the location of that parking. If that peak hour parking depends on using spaces that adjoin residential property, the agreement will not be approved. The applicant must show that required parking can be met during peak hour use in locations other than adjoining residential areas. There should not be an enforcement issue because of this.
11. The Commission finds that having the agreement be both "for the life of the use" and a time certain agreement was appropriate, and this was approved as an amendment to the draft ordinance. The Commission further finds that having a choice could be beneficial to some business owners. Some owners may have future plans for their land and not want to be bound for the life of the use. The Commission noted that this is an agreement between two parties, with the participation of the MOA, so they willingly understand the pitfalls that the Department was concerned with. The Commission noted that this is part of the calculated risks that a business might take. It is possible that some businesses would be willing to agree to a 10-year arrangement instead of no agreement at all.
12. The Commission finds that this ordinance complies with the Comprehensive Plan objectives of compact land use, and walkable city, redevelopment of under utilized land, particularly given that surface parking becomes an inefficient use as an area becomes more densely developed.
13. The Commission finds that based on the discussion of administrative review versus the language in the ordinance, the latter served the purpose of protecting areas where residential land abuts commercial land.
14. The Commission finds that the ordinance section on calculations is straightforward. If changes are needed, those can be dealt with in the future.
15. Regarding the draft AO 2006-087 (S-1) page 6 of 7 (AMC 21.45.080 X.3.f, the Commission recommends to the Assembly to provide more clarification what are "clear, safe pedestrian walkways" and whether there would be any

requirement to maintain the walkway between the parking and the use it serves.

16. The Commission discussed the majority of the ordinance through a Committee of the Whole, and finds that there was thorough review by the Committee of the Whole, with the major change being an allowance for a 10-year time certain agreement. The Commission incorporated the findings of the Committee of the Whole, which are synopsized in this resolution.
 17. The Commission voted unanimously to recommend approval of this ordinance, as amended.
- B. The Commission recommends to the Anchorage Assembly approval of an amendment to the Anchorage Municipal Code 21.45.080 to amend the off-street parking standards and amend provisions for joint use of off street parking areas.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 14th day of August, 2006.



Tom Nelson
Secretary



Toni Jones
Vice Chair

ac

The business has been operated illegally and he had some concern about that. The property owners in the area have expressed concern. He was not convinced that this is in the best interest of the community.

COMMISSIONER GUMENINIK agreed with Commissioner Wielechowski in the sense that the condominium owners look down at the property at heavy equipment and a business being operated out of their back window. They purchased their property with the belief that the petition site would be residential. She thought a business operating behind them had a negative impact on their property value and quality of life. She noted there is no control over the behavior of the contractors to the business.

VICE CHAIR JONES supported the motion. She stated she has experience with this type of use, as there is one near where she lives. Her residential neighborhood abuts a heavy industrial neighborhood and it was pleasing when some of that industrial property became a use similar to this petition. In her neighborhood that use is relatively passive. She noted that it sounds as though the business operation will be dormant for several months of the year and that is during the time of year that deciduous trees provide less buffering benefit. With the additional conditions regarding the water supply and storage of equipment, she did not have concerns with this petition. She believed this use would create far less impact than a large number of residential units. She noted that there would be a requirement for a replat within 18 months, if this conditional use is permitted.

AYE: Cotten, Jones, Isham, Wang, Debenham, Pease
NAY: Gumennik, Wielechowski

PASSED

6. 2006-112

Municipality of Anchorage. An Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.080, Off-Street Parking Requirements. to clarify Off-Street Parking Standards and amend provisions for joint use of a single parking area.

Staff member ANGELA CHAMBERS explained that in the process of rewriting land use regulations, which is

ongoing, there have been concerns expressed regarding excess parking requirements, particularly surface parking. Because parking garages are expensive, businesses have been relying on surface parking. Surface parking creates impervious surfaces, which can result in run-off problems, and also decrease the amount of usable land for construction and landscaping. Often the parking lots are not used or are under used during non-peak hours. An ordinance has been introduced to address shared parking, which allows more of a site to be devoted to building and less to parking. In such circumstances, land uses may share parking facilities without adversely impacting the public's safety or convenience. This arrangement has functioned well when the land uses the parking supports have different peak hours of parking demand. This arrangement allows for required parking for uses, while reducing the amount of pavement. When the draft ordinance was introduced to the Assembly, a substitute version and identified two issues to be addressed. The first issue was to clarify the use of the term "abutting" when determining where joint parking could be provided. The second issue concerns whether or not joint parking agreements should be required, as they currently do, for the life of the use requiring the joint use parking, or should they be allowed for a certain period of time, such as 5 or 10 year. The Department identified a third issue concerning the joint use of parking spaces between or among uses where the hours of operation overlap. The Department has reviewed these issues and the ordinance and has developed a substitute ordinance. The Department has met with Assemblymember Coffey about this substitute ordinance. MS. CHAMBERS indicated that the Commission had been provided this evening a new draft ordinance that was technically corrected and has been reformatted.

MS. CHAMBERS spoke to the issue was to clarify the use of the term "abutting" when determining where joint parking could be provided. Under current code, a parking lot cannot be used for joint parking if it is across a road from the use that needs it, even if only separated by an alley. The Department and the Traffic Department find that it is not an issue if the pedestrians using the lots only cross a local street. If pedestrians are crossing a road designated a collector, it would require review by the Traffic Engineer. If the road is greater than a collector, it would not be permitted.

The Department also finds that a parking agreement should not be limited to a certain time frame. All entitlements under the code run with the land and not for a certain time frame or owner. The issue is one of land use and whether or not the use or item is appropriate in the district and in the particular location. Assemblymember Coffey felt the time frame would be important because people would be more hesitant to enter into the shared parking agreement because it would tie up their property indefinitely. However, these parking agreements can be renegotiated with the owners. Furthermore, the MOA is party to these agreements to enforce them. The Department also found that having a time frame associated with the parking agreement might be problematic for one of the parties involved. For those reasons, the Department finds that the agreement should run with the use and not be for a specific time frame.

The Department noted that joint parking should be allowed for required parking only when peak hours of operation do not overlap. For example, a church generally uses only 25% of its parking requirement on weekdays from 1 AM to 6 PM, whereas a fitness club has an 80% rate. This presents an opportunity for shared parking. There is also additional implementation clarity in the draft ordinance. Sources used in preparing the ordinance include national literature, studies, model codes and example codes.

MS. CHAMBERS stated that excess parking is only allowed on a lot within 300 feet, so long as that is an allowed use in the zoning district. The draft ordinance allows residential uses to share parking with other uses. The other parcel where parking is located must be within 500 feet of the primary entrance or within 800 feet of the primary entrance of commercial uses. The Traffic Engineer may allow that distance to be greater in certain situations. MS. CHAMBERS referenced the document provided at this meeting entitled "Potential Shared Parking Ordinance Amendments" and explained the primary issue in that document relates to whether or not shared parking agreements should be limited to a time period. The document offers options in this regard, including that the term of the agreement is a minimum of 10 years, or that the term be the same and that there be a noticing clause to the businesses involved. The document also discusses whether or not to

allow prohibition of using residential parking lots. Also laid on the table were calculations for shared parking. Either manuals by the Urban Land Institute or Institute of Traffic Engineers could be used, or a calculation method could be used. MS. CHAMBERS explained she had provided two examples of calculations for shared parking. She noted that if the Commission wishes to include the amendments, the Department asks that it add a condition that allows the Department to refine the language, while retaining the intent. The language would come back in the form of a resolution for the Commission's review and concurrence.

The public hearing was opened.

MIKE HOUSTON, local property owner at 79th Avenue and Old Seward Highway where many think impetus for this ordinance originated, stated that there is a bar in Anchorage, Al's Alaskan Inn, that has a verbal agreement with a commercial building on Old Seward Highway and 79th Avenue to park on that lot in the evenings. This is affecting the entire neighborhood. The bar started as a small neighborhood bar and it has been expanded several times. He stated that variances have been granted for this type of situation up to this point in time and he thought that is what should continue. He stated that the bar use has outgrown the lot on which it sits. He indicated he has communicated with Assemblymembers since last October regarding problems associated with that establishment. MR. HOUSTON explained that one year ago he purchased the eight plex located behind the commercial building. The overflow parking from the bar now parks behind the commercial building. He contacted the bar owner when he started losing tenants and the bar owner indicated his farther had sold that building to the current owner and part of the agreement of the sale was that some of the bar patrons could park on the commercial building site. The parking is occurring in an area where there are no security lights, so there are opportunities for illegal activities. He opposed the ordinance, believing the impetus behind it is the desire of local Assemblymembers and the bar owner to circumvent the current laws.

COMMISSIONER WIELECHOWSKI asked if there have been complaints to the ABC Board. MR. HOUSTON replied there have been complaints to the Police, but not yet to the ABC Board. He noted that the overflow parking is now extending along the residential street. The bar owner now wants to install a railroad car on his property, which will reduce the number of parking spaces on that lot. In order to do that, the bar

owner has to legalize the agreement to use the commercial building parking area as required parking for the bar.

COMMISSIONER ISHAM asked if Mr. Houston believes the variance procedure is the appropriate method for shared parking. MR. HOUSTON believed that on a case-by-case basis businesses are able to share parking without having to implement a broad ordinance of this nature.

COMMISSIONER DEBENHAM noted that if this ordinance does pass it does not necessarily give the property Mr. Houston mentioned the right to share parking; there is a process to secure shared parking. He asked if there is a part of this ordinance that speaks to Mr. Houston's concerns. MR. HOUSTON stated the owner of the bar has an agreement with the commercial property owner. He understood that if this ordinance passes, the bar could use the existing agreement to use parking on the commercial property. There are already overflow parking problems and the bar owner plans to put in a train that reduces the parking spaces on that lot by approximately 30. If this ordinance passes, the bar owner can count the parking spaces on the commercial property to meet his required parking. The parking on the bar site was designed for a small bar. There have been a number of expansions to the bar and now the bar owner proposes to add 50 seats in the area of the existing parking. COMMISSIONER DEBENHAM understood that the bar owner would have to go through the prescribed process and would not automatically have shared parking. He asked if this ordinance ensures that uses are compatible with adjacent residential uses. MS. CHAMBERS stated the purpose and intent statement is clear that "in such circumstances land uses may share parking facilities without adversely impacting the public safety or convenience." This subsection regulate and sets the standards to ensure the public interest is protected, while allowing the property owners design flexibility and cost savings. She explained that it is not currently possible to provide required parking on the required parking of an adjacent lot. Decisions on shared parking are made on a case-by-case basis. She clarified that this ordinance is not about the situation Mr. Houston describes. The owner of the bar in question has been guided to go through the variance process with another public hearing to specifically address these issues, rather than waiting until the Assembly deals with this ordinance. She indicated that she has reviewed that case and invited members of the public to contact her in that regard. COMMISSIONER DEBENHAM clarified that if this ordinance goes into effect, the owner of the bar would have to apply for shared parking and, as part of that

application, he would have to prove the uses are compatible. MS. CHAMBERS stated that the application would need to show no spillover parking onto public streets and other parking lots. MR. HOUSTON stated the problem with the ordinance as proposed is that it does away with public involvement; the applicant is allowed to convince Staff to approve his application without the public being able to comment. COMMISSIONER DEBENHAM asked if agreements for shared parking would be dealt with by the Department rather than the Commission. MS. CHAMBERS replied that the ordinance is written to require review by the Planning Director and Traffic Engineer. Currently, variances are a rare exception when parking is on another lot's excess parking, and in that case no study is done. This ordinance provides more public protection in that it has more stringent requirements.

JOYCE MUNSON, resident on the lot adjacent to Al's Alaskan Inn, stated the ordinance by proposed Planning and Zoning replaced A.O. 2006-87, which was introduced as special interest for Al's Alaskan Inn and was discussed as such at the Assembly meeting. The ordinance allows for shared parking without the need for a variance or a conditional use permit. This would eliminate any public hearing. There has been no public hearing except on that ordinance. For the past several years as Al Choy Jr. took ownership of the bar it went from a neighborhood tavern and motel to six bars and a motel with many parking problems. People park across 79th Avenue and bouncers at the bar direct people across the highway to American Tire. Until she got her street marked "no parking" patrons were parking next to her house and in her driveway. She stated her living room overlooks the parking lot for excess parking. The owner of the bar had an agreement with the commercial building, but the parking overflowed that lot. She stated the parking situation has worsened over the years. This is a quiet pocket neighborhood and people did not complain except to Al. She did not think this ordinance coming at this time was coincidental. She displayed a board with two photographs mounted to show this ordinance would allow the addition of 51 people to a parking area that is already encroaching into the neighborhood and businesses. She thought it also might end up making a residential lot into a parking lot.

COMMISSIONER COTTEN asked to more closely view the photographs Ms. Munson had displayed. MS. MUNSON stated there was no public hearing, although a train is an abnormality instead of an addition to a building.

COMMISSIONER COTTEN understood Ms. Munson was asking that the ordinance require that actions be reviewed by the Planning and Zoning Commission or at least that there be some public hearing. MS. MUNSON responded in the affirmative. She stated she has tried to explain how terrible the parking is. She noted that the owner of the bar has stated in the newspaper and on the Internet that there are 500 people at the bar on weekend evenings. She stated the only reason there is a stop work order on the bar is that the owner would not seek a variance when the railroad car came to the site in March.

MS. MUNSON next spoke on behalf of the community council and stated a council meeting was held where there was a unanimous vote against the ordinance.

VICE CHAIR JONES clarified that this ordinance applies municipal wide from Girdwood to Eklutna.

JOHN SAUGSTAD, resident of Bella Vista Subdivision for 45 or 46 years, stated the concept of shared parking is a good idea, but the ordinance does not address the problem of late-hour parking for a nightclub or bar next to a residential area. This has been an ongoing problem for his subdivision due to Mr. Choy's late night patrons. He asked why do the grandfather rights for Al's Alaskan Inn remain in place for a new addition. He asked what is the purpose of a billboard other than as an attention-getter. An 89-foot double-decker railcar 10 feet in the air next to the Old Seward Highway gets attention. The railcar would be the biggest billboard in Anchorage. The owner plans to add an engine with a bell as well. He thought this could cause accidents on Old Seward Highway. He stated that the Old Seward Highway is looking better, but there is room for more improvement. He asked if grandfather rights mean that Mr. Choy can locate an 89-foot double-decker rail car 10 feet up in the air, with another 15 feet to the top of the car. He questioned how this affects aesthetics. He stated the truth of the matter is that this business has outgrown the building and the parking, and even the shared parking. The bar owner now proposes to add seating for another 50 people in the railcar. He stated that more spillover parking will be the result of this expansion. He hoped that an ordinance could be written that takes into consideration the neighborhood as well as the place of business.

VICE CHAIR JONES suggested that Mr. Saugstad contact Zoning Enforcement to address some of the concerns he expressed.

MARY PERTS spoke against the ordinance. She thought there should be a public hearing and an opportunity for public input regarding shared parking. She asked if the number of spaces for shared parking is determined based on square footage or seating. VICE CHAIR JONES indicated that she would seek a response to this question.

YVONNE SAUGSTAD, resident of Bella Vista Subdivision, stated she understands this ordinance is city-wide, but that causes her concern because she thinks this arrangement should be decided on an individual basis. She did not object to joint parking if the circumstances are compatible with the surrounding area. She stated that in the case of Al's, everything is wrong. She stated the railroad car was brought to the parking lot in the middle of the night and was placed on cribbing 5 feet high in April 2006 without any notification to the residents of the Bella Vista Subdivision or to the community council. Joyce Munson, whose property abuts Mr. Choy's parking lot, awoke and looked out her window to see the unpainted railroad car running the length of the Old Seward Highway. Mr. Choy had lied about having ample parking and now he has taken some of the parking on his lot when he did not have enough to begin with. To the neighbors' amazement, Mr. Choy has done advertising that the car will be raised to 10 feet to attach to the second story of the bar, which currently houses the Voodoo Bar. He stated, "The new addition will provide the only tourist attraction in South Anchorage that will boldly say Alaska and interpret the history of the Alaska Railroad with its structure. It will be the first of its kind anywhere in the world." Anchorage 2020 Policy #53 states "design, construct, and maintain roads to retain and enhance scenic views and improve the general appearance of the road corridor." She stated that Joyce Munson, her husband and she feel that dealing with this has been a part-time job since the railcar appeared in April. She submitted her written testimony for the record.

VANESSA SUMMER stated she owns property on 79th Avenue and shares a 100-foot property line with Mr. Allen Choy Jr. She stated that when she bought her house 20 years ago hers was a nice neighborhood near Taku Elementary School. There was a motel at the end of the street with a bar in it. In the time she lived there she did not have a single issue with Al's Alaskan Inn. She did not object when the exterior of the building was remodeled, or when the second or third bar was added. Some growth is expected and accommodated, but growth should be within the guidelines of the Planning and Zoning Commission, especially when an establishment of this nature

is directly adjacent to residential zoning. The growth at Al's Alaskan Inn over the past couple of years can only be characterized as unguarded, unrestricted, and unhealthy. It is not unreasonable for residents to expect their neighborhood to remain somewhat stable. The quality of life has gone slowly downhill in recent years. The clientele of Al's Alaskan Inn can be counted on for acts of vandalism that have included smashing mailboxes, destroying ceramic yard art, urinating on strawberry patches, and creating a public nuisance. She stated that while she no longer lives on the street, her elderly tenants are facing these issues. She stated that while it is probably impossible to legislate with regard to public nuisance issues, it is possible to dictate terms with regard to parking issues. Instead of Al's being a motel with a bar, there are now 20 rooms and six bars and the desire to add another 50 seats. She presumed the parking problem would worsen with the addition of more seating. Since there is insufficient parking at Al's people walk across the Old Seward Highway and walk across this major arterial in various states of inebriation. She stated she has seen people walk out in front of oncoming traffic. She stated this is a public safety issue. She stated that clearly Al's Alaskan Inn has outgrown its site, yet Mr. Choy continues to enlarge. She stated this is a perfect example of the chaos that can befall a neighborhood when unrestricted expansion is allowed without regard to proper planning and zoning procedures. To approve this ordinance would mean that situations like this neighborhood's would not have to come before a public hearing and that would be a travesty.

NEIL McCOIN stated he does not live in this area, but he frequently visits Ms. Munson's pottery studio. He felt that adding to a bar in an area where it is hazardous to children and adults should be discouraged. He stated that passing this ordinance would lead to more problems with surplus parking throughout Anchorage. He noted that whenever something is over-capacity, it becomes run down and creates a bad impression for tourists.

JENNIFER STALEY stated she understands the need for sharing parking instead of building additional parking spaces and she also understands the scope of the proposed ordinance, but she felt that if the ordinance reduces the opportunity for public input on these issues, it is not advisable. She felt it was important for the public to be able to provide input. She also felt that shared parking should be decided on a case-by-case basis and that the ordinance should consider the communities in which the request is located.

CAROL DAVIS, area resident for 37 years, had concern that there would be no public review and comment before approval of shared parking agreement under the proposed ordinance.

RANDY HILL, area resident, asked what safeguards exist for the neighborhood in which a shared parking request is located. MS. CHAMBERS stated there is an enforcement action with respect to Al's Alaskan Inn, there has been a site visit and a walk-through, and the Administration is aware of the issues. Mr. Choy has submitted a variance application, potentially to be heard September 14, 2006 before the Zoning Board of Examiners and Appeals. The public is welcome to speak at that hearing. Code Enforcement has also visited the site in the evening so that an unbiased enforcement officer can take photographs.

In response to an earlier question MS. CHAMBERS stated that parking is calculated in a method that is codified dependent on the use and the situation. The calculation might involve square footage, seats, and other considerations.

The public hearing was closed.

MS. CHAMBERS suggested, considering the hour and the issues that have arisen, that the matter could be postponed to August 14, 2006. That would also allow Staff the opportunity to look into the particulars of the adjacent residential neighborhood and safety aspects.

COMMISSIONER GUMENNIK favored Ms. Chambers' suggestion. She felt this would allow the Commission an opportunity to review the ordinance more closely. COMMISSIONER ISHAM asked that Staff also explain on August 14th what is done currently with respect to shared parking. COMMISSIONER DEBENHAM asked that Staff also provide an explanation of the safeguards built into the ordinance.

MS. CHAMBERS indicated that members of the public should feel free to contact her to ask questions.

COMMISSIONER ISHAM moved to postpone case 2006-112 to August 14, 2006. COMMISSIONER WANG seconded.

AYE: Cotten, Gumennik, Jones, Isham, Wang, Wielechowski,
Pease,
Debenham
NAY: None

PASSED

MS. CHAMBERS indicated she could prepare an issue/response summary and provide a presentation as requested for August 14, 2006.

VICE CHAIR JONES noted that an overwhelming amount of the testimony this evening dealt with the public's right to have input with regard to shared parking arrangements. She asked that the Staff address this in their issue/response.

I. REPORTS

1. Chair

VICE CHAIR JONES noted that Staff had circulated an email polling the Commission regarding a work session on August 24, 2006 on Powder Ridge. She encouraged members to respond to Staff so that this work session can be arranged. MR. BARRETT suggested this work session could possibly be held next Monday evening because Cathy Hammond wants to have a brief work session on the Chugiak-Eagle River Comprehensive Plan. VICE CHAIR JONES suggested these work sessions be placed on the agenda and begin at 6:30 PM.

VICE CHAIR JONES noted that Don Poulton has resigned from the Commission, but plans to attend the beginning of the September 11, 2006 meeting to say goodbye. She stated that upon Mr. Poulton's departure she would assume the role of Chair and she would suggest that Art Isham be chosen as Vice Chair in October.

2. Secretary

TOM NELSON stated that Staff has been diligently working to revise Title 21 based on comments on the January 2006 public draft. Meetings are continuing with groups who have a strong interest in the Title 21 Rewrite. There has also been legal analysis looking at the possibility that the magnitude of changes being considered may result in due process claims. The Department is looking at modifying the process for the Title 21 Rewrite

PLANNING AND ZONING COMMISSION MEETING
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
August 14, 2006
6:30 PM

A. ROLL CALL

Present Toni Jones, Vice Chair
Art Isham
Nancy Pease
Lamar Cotten
Cycelia Gumennik

Excused Shaun Debenham
Don Poulton
Thomas Vincent Wang
Bill Wielechowski

Staff Angela Chambers
Cathy Hammond
Van Le

VICE CHAIR JONES explained that municipal regulations state that any action by the Commission require a favorable vote of a majority of the fully constituted Commission, except when others may be excused due to conflicts voiced during disclosure. Therefore, an affirmative vote by 5 of the 5 members present at this meeting is necessary for the approval of any action. If this caused concern, petitioners could request postponement.

B. MINUTES - None

C. SPECIAL ORDER OF BUSINESS

1. Disclosures

VICE CHAIR JONES requested that members make disclosures regarding items on this evening's agenda. There were no disclosures.

D. CONSENT AGENDA

1. Resolutions for Approval: 2006-038 (case 2006-097)

COMMISSIONER ISHAM moved for approval of the Consent Agenda.
COMMISSIONER PEASE seconded.

AYE: Cotten, Pease, Gumennik, Jones, Isham
NAY: None

PASSED

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS

- 1. 2006-112** Municipality of Anchorage. An Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.080, Off-Street Parking Requirements. to clarify Off-Street Parking Standards and amend provisions for joint use of a single parking area.

VICE CHAIR JONES explained that the public hearing on this ordinance was held and closed on August 7, 2006. She asked whether the Commissioners preferred to move forward with a motion or work as a Committee of the Whole. COMMISSIONER ISHAM felt as though a Committee of the Whole format would allow discussion of the implications of the ordinance in a more informal manner.

VICE CHAIR JONES suggested that Staff provide a brief overview of the issues addressed in the Issue/Response Addendum dated August 14, 2006. Staff member ANGELA CHAMBERS explained that she had prepared an overview of the current practice regarding shared parking arrangements. Parking for a use may be located on another lot, provided that the lot on which parking is placed allows parking as a standalone use and there must be sufficient parking on that lot already. The ordinance accommodates shared parking where peak hour needs do not overlap.

Issue #1 is to clarify the use of the term "abutting" when determining where joint parking could be provided. This item has to do with crossing streets and other safety issues. There was not felt to be an issue with

crossing a local road, but crossing of a collector should be reviewed by the Traffic Engineer. Crossings of higher use roads should not be allowed.

Issue #2 is whether or not joint parking agreements should be required for the life of the use requiring the joint use parking, or should they be allowed for a certain period of time (for 10 years). The issue is that some business owners would hesitate to enter into a parking agreement without a certain time frame because of future business plans. However, when businesses are sold or the property owner that needs the parking does not want the agreement to expire in 10 years, there could be issues.

The Department recommends approval of the August 14 draft of the ordinance as written, but has provided optional amendments dealing with the time certain method or a time certain method with some notification requirements.

Issue #3 concerns the joint use of parking spaces between or among uses where the hours of operation overlap. The Department recommends the August 14 draft language. Information is included in the Issue/Response explaining how the calculation is done using the peak hours.

Issue #4 is the distance between uses and shared parking. Staff recommends increasing the maximum distance to the shared parking spaces allowed by-right to 500 feet for residential uses and 800 feet for non-residential. The current code requires a distance of 300 feet and an earlier draft of the Title 21 Rewrite recommended 1,320 feet. Different cities have different standards. Research indicates that 1,320 feet is not an acceptable walking distance. The Urban Land Institute does not indicate that beyond 800 feet is advisable. The Department recommends the wording in the August 14 ordinance.

Issue #5 concerns whether or not residential uses should be allowed to be a party to shared parking agreements with non-residential uses. Members of the public testifying at the last hearing discussed some of this. Especially due to peak hours and overlap and the issue of commercial or industrial parking using residential parking noise and safety conflicts could result. The Department recommends that residential uses

should be able to have shared parking with other residential uses, but commercial and industrial uses should not share parking with residential use property. The August 14 ordinance includes wording to this effect.

Issue #6 concerns the impact of spillover parking onto public streets. The ordinance includes wording that requires a shared parking study to demonstrate that there will be no spillover parking onto other properties or into public streets. If an agreement were approved by the MOA and at some point in the future there was an issue with spillover parking, it could become an enforcement issue.

Issue #7 is whether or not there should be special consideration or additional standards when non-residential uses participating in shared parking agreements directly adjoin residential districts. There are frequently problems with incompatible uses on adjacent lots without an intermediate zoning district or a buffer between the two. These conflicts create problems such as noise, parking, and traffic. The Department finds that joint parking should not be allowed beyond a certain time in the evening in order to mitigate this conflict. The August 14 ordinance requires that shared parking for commercial adjacent to residential should be from 8:00 AM to 10:00 PM only.

Issue #8 is whether shared parking agreements should be subject to public noticing or public hearings. The Department believes the language in the ordinance will address this concern. Most of the joint parking agreements will be commercial areas that are not adjacent to residential uses. Hours of operation limitations for properties adjacent to residential will address uses with peak hours after 10:00 PM. If the Commission feels some public review is needed, the Department recommends an administrative review that requires public notification such as is done for churches, towers, and certain types of bed and breakfasts.

COMMISSIONER PEASE stated it was unclear to her why the time specific agreement is less certain for the business community than the life of the use agreement. She wondered whether the business community had commented on this. MS. CHAMBERS presumed that Assemblymember Coffey had probably had discussions with

the business community. She understood that he feels from his experience that it would be more palatable to the business community to have a time certain set to the use. These are recorded documents, so a buyer of a property would be aware of the agreement. Upon expiration of the agreement the business using the parking would need to provide parking elsewhere. The Department found that the agreement should run with the property so there is assurance that parking is provided. The agreements can be renegotiated with the MOA if one party does not want to continue. COMMISSIONER PEASE noted the current wording is either/or, which she thought was acceptable to all parties. MS. CHAMBERS believed this was the case. COMMISSIONER PEASE asked why in the instance of notification within one year of the expiration date of a time certain lease it would be beneficial for the MOA to bear the notice responsibility and could the MOA be subject to legal action from an aggrieved party if notification is not achieved. MS. CHAMBERS responded that the parking agreement would be a recorded document. Individuals are not notified of conditional use permits or plats expiring; she agreed that notification could be complicated. This suggestion was made to ensure that the property owners were aware of the situation if they were to sell. She stated this is why the MOA recommends the agreements run with the land. COMMISSIONER PEASE asked if there had been consideration of whether the user of the parking agreement might bear the responsibility to notify the parking provider. MS. CHAMBERS responded that the documents are recorded and through due diligence in buying a property, all property owners should be aware of the agreement.

COMMISSIONER PEASE asked for clarification what would constitute residential parking upon which commercial or industrial parking could not be placed. MS. CHAMBERS explained that some residential uses, such as condominium developments, have excess parking. She noted that there has not yet been an issue of a residential use sharing parking with another residential use.

COMMISSIONER PEASE asked with regard to the distances of 500 feet and 800 feet what discussion has occurred over surveillance of that parking. She asked what happens when a car alarm is activated and the owner is perhaps unaware because they are more than 500 feet

away. MS. CHAMBERS replied that this situation currently occurs downtown. COMMISSIONER PEASE asked if thought was given to the distance being contingent on the pedestrian facilities available. MS. CHAMBERS referred to the ordinance page 6 of 7, item "e" and noted that the distance can be greater if the Planning Director and Traffic Engineer approve it based on factors such as the pedestrian environment, availability of valet parking, weather protection, and the type of uses served. A great deal of research was done on the distances and the Department found, based on that research, that 500 and 800 feet are most appropriate. This is a policy decision and each agreement will be decided on a case-by-case basis. COMMISSIONER PEASE noted that Issue #6 as worded says this may become an enforcement issue and she wondered about the burden on the MOA and whether other cities have required a bond for enforcement as part of the parking agreement. MS. CHAMBERS replied there would be a requirement to maintain the parking. There will likely be violations and there is the option to have an enforcement action. The MOA is a party to the agreement so it is aware of any issues. COMMISSIONER PEASE asked whether other cities have had mechanisms so that enforcement does not become a burden on staff. MS. CHAMBERS was not aware whether parking agreement bonds have been required. Bonds are required typically for uses that are egregious and injurious to the public safety. There are not good systems to require bonds or fees in lieu. Even with subdivision improvements, bonds are held for only three years.

COMMISSIONER ISHAM noted that Issue #7 discusses flexibility for later hours for commercial uses that are open past general office hours. He asked whether, as it applies to the testimony that was presented to the Commission, a would tavern, bar, or restaurant would be considered a commercial use with hours until 1 AM and not subject to the 10:00 PM rule. MS. CHAMBERS replied that the 8:00 AM to 10:00 PM is more flexible for some commercial uses. Uses that have peak hours late at night would not be able to enter into such an agreement if they are adjacent to residential.

COMMISSIONER GUMENNIK asked how existing recorded parking agreements would be impacted by this ordinance. MS. CHAMBERS replied they would be in place as they are recorded agreements and would be considered almost grandfathered. This ordinance gives more flexibility

than do existing parking agreements. Under the existing situation, the lot upon which parking is being placed must still provide its required parking in addition to the overflow parking for the other use. COMMISSIONER GUMENNIK asked how this ordinance would affect a situation where a use with late hour peak periods is adjacent to residential uses. MS. CHAMBERS replied that the parking agreement is only valid under the code if the city is a party to it. If there is a private agreement to which the city is not party, especially if it is for required parking, it is a violation of the code. There may be some agreements to which the city is not a party that would be considered nonconforming if they violate the proposed code; she presumed there were few of these and many of them would be retail.

COMMISSIONER ISHAM referred to page 3 of 7 of the ordinance, item "b", the last line, which reads "...if the shared parking complies with all of the following standards," and he assumed those standards are subsections "i," "ii" and "iii." MS. CHAMBERS indicated this is correct.

COMMISSIONER COTTEN asked how this ordinance would apply with respect to the situation of the bar located at Old Seward Highway and 79th Avenue. MS. CHAMBERS replied that the bar in question would not be able to enter into a joint parking agreement with the property next door unless they limit their hours of operation to 10:00 PM. COMMISSIONER COTTEN asked if the limitation is on the operation of the bar or the parking until 10:00 PM. MS. CHAMBERS replied that it is with respect to the parking, however, it would limit the use unless required parking could otherwise be provided. TOM NELSON clarified that the joint parking the bar owner has with the adjoining commercial use is located both in back of the existing commercial building where it abuts residential property and in front where it abuts the Old Seward Highway. They would be able to use the parking abutting the Old Seward Highway, but not the parking that abuts the residential use. The current bar owner has grandfather rights for the current uses on the property, which would remain in effect. If he expands the use, which is proposed, he would have to comply with the parking requirements. MS. CHAMBERS noted that all of the commercial spaces across 79th Avenue, including those to the rear of the building, would be needed because by placing the railcar on the lot in preparation of attaching it to the building, the

bar owner lost grandfather rights for that portion of that lot.

COMMISSIONER PEASE asked if the proposed hours of 8:00 AM to 10:00 PM for parking next to residential areas was researched and is common to other cities. MS. CHAMBERS replied that this was not researched in other cities, but 8:00 AM to 10:00 PM are common retail/commercial hours of operation. COMMISSIONER PEASE referred to page 11 of 12 of the Staff addendum dated August 14, 2006, item "b.ii(b)," which states "Procedure for approval. At least 30 days before acting on a church site plan application..." MS. CHAMBERS explained the reference to a church site plan is a typographical error. She asked that if the Commission approves the ordinance this evening, Staff be allowed to edit the ordinance for such errors.

COMMISSIONER PEASE asked whether an administrative hearing and the potential proposal to give notice to the public would allow written input from the public. MS. CHAMBERS explained that currently public notice is given for administrative reviews to properties within 500 feet of churches and towers in residential districts. The administrative review is also advertised on the website as well and there are alert emails to individuals who sign up for case notifications. The property is not required to be posted. There is a written comment period within 30 days of acting on the review. Members of the public can also discuss the issue with Staff of the Planning Department.

COMMISSIONER ISHAM asked what the optional amendment on page 11 of 12 of the Addendum dated August 14, 2006 replaces or supplements on page 3 of 6 of the ordinance. He further asked whether no shared parking study would be required if the optional language replaces item "b" in its entirety. MS. CHAMBERS indicated it would replace "b.i" on page 3 of 7 and an administrative review would become a new "b.ii" with the remainder of "b" renumbered.

COMMISSIONER COTTEN asked if "b.i(c)" requiring limitations on hours of operation would be deleted. MS. CHAMBERS replied that this would be deleted because an administrative site plan review would provide an opportunity to review situations such as abutting residential uses. COMMISSIONER COTTEN asked if the administrative review would necessarily include the

standard in "b.i(c)." MS. CHAMBERS replied that the review would be situational and this specific standard would not be in the ordinance. COMMISSIONER COTTEN asked how the interests of those concerned with the impact of parking on an adjacent residential use would be addressed through an administrative review. MS. CHAMBERS explained that the Department is recommending the language as it is shown in the ordinance rather than the optional language. She further noted that an administrative review would also take a longer time on the part of Staff. It is advisable to have clear standards that applicants and the public can understand.

COMMISSIONER ISHAM moved to convene a Committee of the Whole. COMMISSIONER PEASE seconded.

AYE: Cotten, Pease, Gumennik, Jones, Isham
NAY: None

PASSED

COMMISSIONER ISHAM was concerned that, if approved as written, the ordinance would be a by-right allowance for parties to enter into a shared parking agreement. As such, there must be protection for situations that may impact residential uses, as well as in commercial and industrial areas. He was undecided between the alternative amendment that would allow for an administrative review versus the standards set out in the ordinance. He thought that certainty would be useful and the restriction on hours of operation to 8:00 AM to 10:00 PM would force compliance. He thought this would most effectively address the situation of the bar at Old Seward Highway and 79th Avenue.

COMMISSIONER PEASE stated if there is not to be an administrative review, she would appreciate comment from other Commissioners on the 10:00 PM closing time; she thought perhaps it should be 8:00 PM or 9:00 PM. Her concern is with events that are scheduled to end at 9:30 PM or 10:00 PM and the parking lot is not empty until later. If there was an enforcement action, that might not be resolved until 11:00 PM, which is a late hour for a public parking lot outside of a residential neighborhood. The other element of that is which businesses would be operating at that hour.

COMMISSIONER COTTEN thought the provisions that explicitly state 10:00 PM address the issue. He thought 10:00 PM was a reasonable hour and Staff has indicated that it would reduce

the use of some areas adjacent to residential property. This would curtail the use of those lots because of the difficulty of ensuring compliance by patrons to not park in those spaces after 10:00 PM. MS. CHAMBERS stated that there has to be the number of parking spaces required to meet the peak hour needs of both businesses. A shared parking agreement would not be approved in the case that a certain number of spaces that were meeting required parking would be lost because they could not be used after 10:00 PM. The hours of operation of the business using the parking spaces would have to either end at 10:00 PM or another property identified for that parking. COMMISSIONER COTTEN agreed with the 10:00 PM provision, given the explanation offered by Ms. Chambers.

VICE CHAIR JONES noted that there are other uses, such as weekend morning uses, that could occur in commercial establishments. She was aware that sports bars are at times quite full on weekend mornings. MS. CHAMBERS noted the situation of the Alaska Club East that shared parking with the building next door and has busy early morning hours. She explained that in the Department has attempted to take into account the interest of the city as a whole in the ordinance.

COMMISSIONER GUMENNIK asked for discussion of enforcement should someone park adjacent to residential property after 10:00 PM. MS. CHAMBERS replied that Code Enforcement is complaint driven. Typically a neighbor will call the city to make a complaint. Code Enforcement either sends out a letter indicating they will investigate or, in more egregious cases, would visit the operation. Code Enforcement would then work with the violator to remedy the violation. COMMISSIONER PEASE asked if parking enforcement would be of lesser concern than a health issue or are all enforcement issues given attention in the order received. MS. CHAMBERS understood that enforcement issues are given attention in the order received unless there is a safety issue, which is a priority. There are a limited number of enforcement officers available to address violations. MR. NELSON added that the required parking is based upon peak hour use, so when a joint parking agreement is being considered, the applicant will have to show the peak hour spaces and the location of that parking. If that peak hour parking depends on using spaces that adjoin residential property, the agreement will not be approved. The applicant must show that required parking can be met during peak hour use in locations other than adjoining residential areas. There should not be an enforcement issue because of this.

COMMISSIONER GUMENNIK suggested that the hours of operation be changed to 8:00 AM to 10:00 PM during the week with earlier closing hours on the weekend. MS. CHAMBERS indicated the Commission can make whatever recommendation it desires to the Assembly.

COMMISSIONER PEASE thought the idea of having a joint parking agreement is that peak hour parking would overflow the user's lot and there is a need for that parking to locate on another lot during those hours. MS. CHAMBERS explained the agreement allows each of the parties to have less than the required parking on their lot, but peak parking demand must be met on a property not adjacent to a residential property after 10:00 PM and before 8:00 AM.

COMMISSIONER ISHAM understood that the Table A Shared Parking Credit should apply percentages and that is then applied to the 8:00 AM to 10:00 PM period. Then, if the spaces do not fall within the parameters at all times, the application would not be approved. MS. CHAMBERS stated this is correct. She reviewed an example of shared parking between a bar and a health service, which was depicted on page 013 of the Staff Addendum dated August 14, 2006. COMMISSIONER ISHAM understood that an agreement can not be struck if there are insufficient spaces during peak hours. MS. CHAMBERS stated this is correct. COMMISSIONER ISHAM asked if there is another code section that sets the required number of parking spaces. MS. CHAMBERS indicated that AMC 21.45.080 sets out the number of required parking spaces for a particular use. COMMISSIONER ISHAM asked the source of the percentages used in Table A. MS. CHAMBERS replied that research was done and these percentages come from Minneapolis.

VICE CHAIR JONES reviewed the ordinance by section.

AO 2006-087 (S-1) page 1 of 7 (AMC 21.45.080 X.1 and 2)

COMMISSIONER PEASE favored having both "for the life of the use" and a time certain agreement. She thought that having a choice could be beneficial to some business owners. Some owners may have future plans for their land and not want to be bound for the life of the use. Without having the input of the business community, she thought leaving that option open might be good. She agreed with the language on page 5 of 12 the Staff analysis that states "for the life of the use, or a time certain period not to be less than ten years." MR. NELSON explained that Staff's biggest concern related to time limits is that it might create future

problems. If a business is allowed based on parking that has a time certain of 10 years, there is concern what happens if the owner of the parking decides to no longer provide it; it becomes a zoning enforcement problem or the business could have to close. The Department does not support this amendment, believing that the certainty of the parking agreement is better in the long-run for the community. COMMISSIONER PEASE asked what would happen if the owner of the parking lot being used by another operation dies and their heir plans another use. MS. CHAMBERS explained that the parking agreement would be renegotiated with the MOA and the other operation. MR. NELSON stated these agreements go with the land, not the individuals, so heirs would have to honor the agreement until the agreement is changed. COMMISSIONER PEASE thought that this would mean the business owner is held to the parking arrangement so long as the other operation is operating. VICE CHAIR JONES stated she reviews commercial documents daily and a lender that is lending a business money looks at things such as adequacy of parking and permanency of parking. If the parking permit expires in a time certain, the bank might question whether the business could continue to thrive. These agreements would run with the land. COMMISSIONER PEASE understood that regardless of change in ownership, the use of the area under the parking agreement would continue. MS. CHAMBERS noted that frequently there are private arrangements between the property owners in order to get the two parties to sign a parking agreement before the matter comes to the city. COMMISSIONER PEASE questioned how long-term parking agreements fit with the Comprehensive Plan as it seems to have the potential for locking certain land into a use as surface parking. She asked if this comport with the Comprehensive Plan objectives of compact land use, walkable city, redevelopment of under utilized land, particularly given that surface parking becomes an inefficient use as an area becomes more densely developed. She continued to have reservations about not allowing a business to enter into a time certain agreement.

VICE CHAIR JONES noted that it appeared there would not be consensus on this section and perhaps it was not beneficial to continue with the ordinance this evening given that there are only five members in attendance and the affirmative vote of all is required for a motion to pass. COMMISSIONER ISHAM suggested that the remainder of the ordinance be reviewed to see if there are other areas of contention. COMMISSIONER ISHAM asked whether Commissioner Pease was suggesting that a joint parking agreement be either time certain or indefinite. COMMISSIONER PEASE explained she was suggesting

that the ordinance allow for either. COMMISSIONER COTTEN noted that this is an agreement between two parties, with the participation of the MOA, so they willingly understand the pitfalls that Mr. Nelson described. He thought perhaps this is part of the calculated risks that a business might take. It is possible that some businesses would be willing to agree to a 10-year arrangement instead of no agreement at all. COMMISSIONER PEASE thought this might even create a greater short-term supply of parking.

VICE CHAIR JONES asked if there is consensus to the change as proposed by Commissioner Pease. COMMISSIONER ISHAM felt comfortable adding ", or a time certain period not to be less than ten years." COMMISSIONERS GUMENNIK and COTTEN agreed to this change. MS. CHAMBERS suggested the change to the wording should be as shown on pages 004 and 005 for X.1 and X.3.d. ***There was consensus to make this change.***

AO 2006-087 (S-1) page 2 of 7 (AMC 21.45.080 X.3)

COMMISSIONER PEASE noted that Staff had proposed a maximum distance of 500 and 800 feet, but this section refers to a distance of 300 feet. MS. CHAMBERS stated that the section should have amended the language to these distances. MR. NELSON explained this section deals with excess parking, not required parking. The language proposed is the same as contained in the code currently and no change is being recommended.

AO 2006-087 (S-1) page 3 of 7 (AMC 21.45.080 X.3.b)

MS. CHAMBERS explained that if the Commission prefers providing a public input process, an amendment is proposed on page 11 of 12 and 12 of 12 of the Addendum that would eliminate the hours of operation and require instead an administrative review. COMMISSIONER ISHAM stated that based on the discussion of administrative review versus the language in the ordinance, he felt the latter served the purpose of protecting areas where residential land abuts commercial land. He favored adopting the language in the ordinance that sets forth hours of 8:00 AM to 10:00 PM. He further suggested that hours not vary for weekends versus weekdays.

COMMISSIONER PEASE proposed the hours of operation 8:00 AM to 8:00 PM or to 9:00 PM because she did not think the parking lot would empty at 10:00 PM and it is respectful to residential neighbors that it be quiet on weekday evenings. COMMISSIONER COTTEN appreciated the intent behind Commissioner Pease's suggestion, but he was comfortable with the existing language. COMMISSIONER PEASE stated, in the

interest of moving the ordinance forward, she would be willing to leave the hours as shown. She asked that the findings reflect a concern whether, if the desire is to have quiet in residential neighborhoods by 10:00 PM, it is appropriate to allow parking until 10:00 PM. ..

AO 2006-087 (S-1) page 4 of 7 (AMC 21.45.080.X.3.b.iii and c)

COMMISSIONER ISHAM thought the section on calculations is straightforward. If changes are needed, those can be dealt with in the future.

AO 2006-087 (S-1) page 5 of 7 (AMC 21.45.080 X.3.c - d)
Amended as shown on page 005 of the Addendum dated August 14, 2006.

AO 2006-087 (S-1) page 6 of 7 (AMC 21.45.080 X.3.d - h)
COMMISSIONER PEASE suggested a finding regarding X.3.f to provide more clarification what are "clear, safe pedestrian walkways" and whether there would be any requirement to maintain the walkway between the parking and the use it serves.

AO 2006-087 (S-1) page 7 of 7 (AMC 21.45.080 X.3.i)
No changes

COMMISSIONER ISHAM moved to adjourn the Committee of the Whole. COMMISSIONER PEASE seconded.

COMMISSIONER ISHAM moved for approval of AO 2006-087 (S-1) dated August 14, 2006 as amended by the Committee of the Whole: replacing X.1 with paragraph X.1 on pages 004 and 005 of the Addendum dated August 14, 2006, and replacing X.3.d with paragraph X.3.d on page 005 of the Addendum dated August 14, 2006. COMMISSIONER PEASE seconded.

COMMISSIONER ISHAM thought there was thorough review by the Committee of the Whole, with the major change being an allowance for a 10-year time certain agreement. He asked that there be findings regarding the pedestrian connection between the parking and the use it serves and whether the intent is to have the use of the parking end at 10:00 PM or that the residential area be unaffected so the parking use might end before that time. He incorporated the findings of the Committee of the Whole.

AYE: Cotten, Pease, Gumennik, Jones, Isham
NAY: None

PASSED

F. REGULAR AGENDA

5. Other

**a. 2006-069 Work Session on the Chugiak-Eagle
River Comprehensive Plan Update**

Staff member CATHY HAMMOND introduced Van Le, Associate Planner with the Planning Department. MS. HAMMOND indicated the packet provided to the Commission includes the Issue/Response Summary addressing 55 issues. She wished to review the organization of the packet and some of the major issues. She suggested that a work session be scheduled prior to the September 11, 2006 hearing. This Issue/Response Summary focuses on comments submitted from review of the public hearing draft of the Comprehensive Plan and testimony presented at the joint Assembly/Planning and Zoning Commission public hearing. The Issue/Response Summary focuses on recommendations or suggestions that are different from or that were not addressed in the Plan Update. The issues are organized by elements of the Plan Update. Key elements of the comments are paraphrased by issues, in most cases. The detailed written comments and approved minutes from the June 22, 2006 public hearing have been provided. The source of comments is also indicated. Also in the packet is an Issue/Response Map, which is the recommended Land Use Plan Map with numbered issue areas corresponding to issues in the Issue/Response Summary. Comments in the packet include those were received from Eklutna Inc. on August 2, 2006. It was not possible to respond to all 17 issues in that correspondence by tonight. Responses are anticipated to be available next week.


MS. HAMMOND stated a comment was received asking about the authority of the Plan and use of words like "should" and "shall" throughout the Guidelines for Growth. The Department has suggested that use of those words could cause some confusion and has suggested that all of the statements in the Guidelines for Growth begin with action words. Most of the issues under Guidelines for Growth are agreed to by the Department. One of the major issues that came out of the Guidelines for Growth is Issue 11 regarding the maximum height for downtown commercial structures. The Guidelines for Growth include a policy strategy limiting residential


MUNICIPALITY OF ANCHORAGE PLANNING DEPARTMENT

MEMORANDUM

DATE: August 14, 2006

TO: Planning and Zoning Commission

THRU:  Tom Nelson, Director

FROM:  Angela C. Chambers, AICP, Senior Planner

SUBJECT: Case 2006-112: Draft Ordinance AO 2006-087 (S-1)
Shared Parking; Issue/Response Addendum to the Staff
Report

BACKGROUND:

There has been concern in the Municipality for the last several years regarding the excess amounts of parking, mainly in commercial areas. As parking garages are very expensive to construct, the development community has instead relied on vast expanses of parking lots. This has tended to create a negative visual impact in terms of creating seas of asphalt, but also causes other concerns, such as increased impervious surfaces which not only can cause runoff problems, but also decreases the amount of land available to landscaping. These parking lots are often barely used, or not used at all, during non-peak hours.

As the Municipality has been reviewing the parking standards for various uses, it has been noted that there is an opportunity to take advantage of allowing businesses the option for joint use (shared) parking in order to reduce the above noted problem. Shared parking allows more of a site to be devoted to buildings (the purpose of the development and the public's reason for visiting the site) and less to parking. Shared parking only functions when the land uses it supports have different hours of operation or different periods of peak parking demand. In such circumstances, land uses may share parking facilities without adversely impacting the public's safety or convenience.

Assemblymember Coffey has introduced an ordinance amending the current provisions in Title 21 which allow joint use of parking spaces. Subsequently he has drafted a substitute version. In review of this

substitute draft ordinance, it was noted that there were some issues of concern which needed to be addressed and researched further. Speaking in support of his recommendation to refer his ordinance to the Planning and Zoning Commission, Assemblymember Coffey identified two core issues that needed to be addressed. The first was to clarify the use of the term "abutting" when determining where joint parking could be provided. The second issue concerns whether or not joint parking agreements should be required, as they currently do, for the life of the use requiring the joint use parking, or should they be allowed for a certain period of time (for example 5 or 10 years).

In addition to those two issues, staff has identified a third issue. This issue concerns the joint use of parking spaces between or among uses where the hours of operation overlap. The code currently does not allow joint use of parking where principal operating hours overlap. In the course of responding to these three issues, staff proposed an alternative ordinance.

On August 7, 2006, the Commission held a public hearing on the alternative ordinance. After closing the public hearing, the Commission postponed action until August 14. The Commission directed staff to draft an issue/response paper outlining the major issues and potential actions regarding those issues.

OVERVIEW OF CURRENT SHARED PARKING PROCEDURES:

Current land use regulations allow for excess parking spaces to be on the lot on which the use is, or on any lot that is directly abutting the use lot, or any lot within 300 feet. That is provided that the lot used for excess parking allows parking as a permitted stand-alone use.

If a property owner cannot accommodate all of their required parking on their lot, then they have three options. The first is that they can place it on an abutting lot, which means a lot sharing a lot line with the subject parcel. However, that lot's zoning must first allow for off-street parking as a principal use, and it must also have sufficient room to provide its own parking on its site. The second is to apply for a joint parking agreement (discussed below). The third is to find a non-abutting lot on which to place the required parking and apply for a variance to be able to do that. The fourth is to obtain a variance for a reduced amount of required parking. Variances have strict standards and are not easy to obtain.

Joint parking permits a single parking area to be used to serve more than one establishment. However, the applicant must show that the operating hours for the different uses do not overlap, and that this will

not result in spillover parking onto other properties. If this can be shown, the administrative official can permit a reduced amount of required parking, and the applicant and property owner, along with the administrative official, would be party to a recorded joint parking agreement. This agreement is for the life of the use unless renegotiated with the property owners and the Municipality. However, this does not allow for sharing parking based on peak operating hours.

ISSUE/RESPONSE:

Issue #1: Clarify the use of the term “abutting” when determining where joint parking could be provided.

Response:

The Department agrees that the issue of clarifying “abutting” needs to be addressed. Under current code, a parking lot cannot be used for joint parking if it is across a road from the use that needs it, even if only separated by an alley. The Department and the Traffic Department find that it is not an issue if the pedestrians using the lots only cross a local street. If they are crossing a road designated as a Collector in the Official Streets and Highways Plan (OS&HP), it would need special review by the Traffic Engineer. If the road was a greater designation than that, it would be prohibited.

Recommendation:

Approval of the wording in the draft ordinance proposed by the Department, dated August 14, 2006. This ordinance has only minor technical changes from the August 7 draft.

Issue #2: Whether or not joint parking agreements should be required for the life of the use requiring the joint use parking, or should they be allowed for a certain period of time (for example 5 or 10 years).

Response:

The Department also finds that a parking agreement should not be limited to a certain time frame. It is understood that by not having the agreements time-certain, some property owners would be more hesitant to agree to them as they would not want their property tied up indefinitely with the agreement. For example, it might make it more difficult for one of the property owners to plan redevelopment of their lot

due to not having a certain end time to the agreement. In such a case with a time certain agreement, there has also been concern that if one of the properties are sold, the new owner may not be as aware of the time certain nature of the agreement. Thus, there may be the need for a mechanism for the Municipality to notify the parties of the upcoming expiration of the agreement.

However, these agreements can be fluid and renegotiated between the parties involved and the Municipality if the uses in the structures on the lots change. It is found to generally be best if the agreement runs with the life of the uses involved. An illustration of this reason to not have time-certain agreements is as follows:

Owner A wants to expand his business but needs additional parking, which he does not have. He enters into a joint parking agreement with Owner B for five years to gain the additional parking he needs. So what happens after five years if the parking agreement expires and Owner B does not want to renew it because he has different plans for the property? Does Owner A have to reduce the use of his building or cut back on his business to meet required parking? Time-certain agreements have a stronger potential for causing difficulties with business planning than by allowing more fluid agreements which are not time certain, but which can be re-negotiated.

Recommendation:

Approval of the wording in the draft ordinance proposed by the Department, dated August 14, 2006. This ordinance has only minor technical changes from the August 7 draft.

Optional amendment if Commission prefers the time certain method:

To Amend AMC 21.45.080 X.1

1. Location. All required parking spaces shall be on the same lot as the main building served or on an abutting lot, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use. [SUCH ABUTTING LOT SHALL BE UNDER THE SAME OWNERSHIP AS THAT OF THE BUILDING TO BE SERVED, OR] If parking is provided on an abutting lot, there shall be a parking agreement, approved by the

municipality, which provides for parking requirements for the life of the [OCCUPANCY] use, or a time certain period not to be less than ten years. As used in this section, abutting means any parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve, and for other uses shall be within 800 feet of a primary entrance of the uses served. This distance is subject to subsection 21.45.080X3.e. in the case of shared parking.

To Amend AMC 21.45.080 X.3.d.

- d. Agreement for Shared Parking.
The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the traffic engineer and the planning director as to form and content. The agreement shall guarantee the use of the shared parking facilities for the life of the use, or a time certain period not to be less than ten years, and shall provide for the maintenance of jointly used parking facilities. The traffic engineer and planning director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a land use or building permit. A shared parking agreement may be terminated only if all required off-street parking spaces will be provided in accordance with the requirements of subsections 21.45.080 B. through 21.45.080 W., inclusive and 21.45.080 AA. At the end of the life of the agreement, property owners who are parties to the agreement must comply with all other provisions of this code governing the required number of off-street parking spaces.

Optional amendment if Commission prefers the time certain method with a notification requirement:

To Amend AMC 21.45.080 X.1

1. Location. All required parking spaces shall be on the same lot as the main building served or on an abutting lot, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use. [SUCH

ABUTTING LOT SHALL BE UNDER THE SAME OWNERSHIP AS THAT OF THE BUILDING TO BE SERVED, OR] If parking is provided on an abutting lot, there shall be a parking agreement, approved by the municipality, which provides for parking requirements for the life of the [OCCUPANCY] use, or a time certain period not to be less than ten years. As used in this section, abutting means any parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve, and for other uses shall be within 800 feet of a primary entrance of the uses served. This distance is subject to subsection 21.45.080X3.e. in the case of shared parking.

To Amend AMC 21.45.080 X.3.d.

- d. Agreement for Shared Parking.
The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the traffic engineer and the planning director as to form and content. The agreement shall guarantee the use of the shared parking facilities for the life of the use, or a time certain period not to be less than ten years, and shall provide for the maintenance of jointly used parking facilities. The traffic engineer and planning director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a land use or building permit. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of subsections 21.45.080 B. through 21.45.080W., inclusive and .AA. At the end of the life of the agreement, property owners who are a party to the agreement must comply with all other provisions of this code governing the required number of off-street parking spaces. The Planning Department shall notify the parties to the agreement one year prior to expiration of the permit. If the agreement is not renewed, it is deemed expired. If the agreement expires, the uses must meet their required parking through other allowable means, or will be in violation of the code.

Issue #3: This issue concerns the joint use of parking spaces between or among uses where the hours of operation overlap.

Response:

In reviewing the draft, staff also noted joint parking for required parking should be allowed when peak hours of operation do not overlap. For example, a church generally uses only 25% of its parking requirement on weekdays from 1 AM to 6 PM, whereas a fitness club has an 80% rate. If a fitness club was to move onto a lot near a church, they would not need to provide as much required pavement and could reduce the amount of impervious surface on site if they could work a joint parking agreement with the church.

The ordinance drafted by the Department also provides additional implementation clarity and calculation methodologies. This substitute ordinance regulates and sets standards for shared parking facilities to insure that the public interest is protected while allowing developers design flexibility and cost savings. Sources used in drafting the ordinance include national literature, studies, model codes and example codes. The field seems to be growing and some literature became available only very recently.

Recommendation:

Approval of the wording in the draft ordinance proposed by the Department, dated August 14, 2006. This ordinance has only minor technical changes from the August 7 draft.

See attached example of how the alternative method of using the peak hours table works.

Issue #4: Distance between uses and shared parking.

Response:

Staff recommends increasing the maximum distance to the shared parking spaces allowed by-right (without a discretionary approval by traffic engineer and director) to 500 feet for residential uses and to 800 feet for non-residential uses. Previously it was 300 feet, and must rely on a conditional use approval unless it was a commercial

zoning district. Earlier drafts in the Title 21 rewrite had this number at 1,320 feet, which has been found to not work. The best way to support shared parking is to provide more realistic parameters that will ensure its success. Research clearly indicates that 1320 feet is not realistically an acceptable walking distance that will yield a good level-of-service for a shared parking facility. For example, Portland area study found that the uses on average should be within 450 feet, with residential uses within 300 feet. Urban Land Institute documentation indicates level of service conditions for walking distances to parking are no longer good beyond 800 feet. Seattle requires shared parking to be within 800 feet. Other cities allow up to only 500 or 600 feet.

Recommendation:

Approval of the wording in the draft ordinance proposed by the Department, dated August 14, 2006. This ordinance has only minor technical changes from the August 7 draft.

However, these distances are a policy decision.

Issue #5: This issue concerns whether or not residential uses should be allowed to be a party to shared parking agreements with non-residential uses.

Response:

There has been concern in the Department and with the public regarding conflicts between non-residential parking immediately adjacent to residential uses. This is primarily a zoning issue, in terms of in the past having approved non-residential zoning adjacent to residential districts without providing a buffer between the two. The conflicts are primarily in regards to noise, aesthetics and higher levels of traffic. However, in addressing the issue of shared parking, it has become apparent that the conflicts associated with this could be exacerbated by allowing non-residential uses to share parking with residential uses.

Recommendation:

Approval of the wording in the draft ordinance proposed by the Department, dated August 14, 2006. This ordinance has only minor technical changes from the August 7 draft, but

includes wording that disallows non-residential uses from sharing parking with residential uses.

Issue #6: This issue concerns the impact of spillover parking onto public streets.

Response:

The August 14 draft ordinance includes wording that requires a shared parking study. A condition of this is that the applicant must also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties or public streets. If an agreement was approved by the Municipality, but at a point in the future there was spillover parking, this would become an enforcement issue.

Recommendation:

Approval of the wording in the draft ordinance proposed by the Department, dated August 14, 2006. This ordinance has only minor technical changes from the August 7 draft.

Issue #7: Should there be special consideration or additional standards when non-residential uses participating in shared parking agreements directly adjoining residential districts?

Response:

There has been concern in the Department and voiced by the public at the August 7, 2006 public hearing regarding this issue. As noted above, without appropriate buffers, non-residential uses adjoining residential uses can cause noise, aesthetic and traffic conflicts. In order to avoid exacerbating these problems, the Department has added a standard to the ordinance that permits shared parking for non-residential uses adjacent to residential for only certain hours of the day. The proposed hours are 8 AM to 10 PM. These hours are during the general day time hours, with some flexibility for later hours for commercial uses, such as some retail stores that are open past general office hours. However, this time frame restricts parking hours from the night time when noise becomes more of an impact.

Recommendation:

Approval of the wording in the draft ordinance proposed by the Department, dated August 14, 2006. This ordinance has only minor technical changes from the August 7 draft, but includes wording regarding this time frame limitation.

Issue #8: Should shared parking agreements be subject to public noticing or public hearings?

Response:

At the August 7, 2006, public hearing on this ordinance, there was testimony from the public regarding the need for public input on shared parking agreements. The concern stemmed around a case where a business operating late into the night was adjacent to residential uses. This caused noise and traffic/parking conflicts with the neighborhood. The Department has added wording to the ordinance restricting shared parking hours to 8 AM to 10 PM in order to mitigate this conflict. The issue is primarily a zoning issue where non-residential zoning was permitted next to residential, or vice versa, without appropriate buffers. However, the Department finds that this additional standard is more effective than allowing a public hearing process. The majority of the shared parking agreements most likely will be in non-residential areas, and a public hearing process would cause additional time, expense and staff work. The Department finds that hours of operation restriction would more effectively mitigate conflicts.

Recommendation:

Approval of the wording in the draft ordinance proposed by the Department, dated August 14, 2006. This ordinance has only minor technical changes from the August 7 draft, with inclusion of restriction of hours for shared parking for non-residential uses adjacent to residential.

Optional amendment if Commission prefers providing a public input process:

To Amend AMC 21.45.080 X.3.b.

b. Shared Parking.

Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their peak parking demands occur at different times.

i. Exceptions

(a) If a use is separated from its shared parking by a local road, it is permitted. Such separation by a road designated as a collector as designated in the Official Streets and Highways Plan shall be subject to approval by the Traffic Engineer. Joint parking is prohibited if the street separating a use from its parking is designated in the Official Streets and Highways plan as a higher designation than a collector.

(b) Commercial and industrial uses shall not use residential parking areas.

ii. Administrative site plan review

(a) An administrative site plan review is required if non-residential shared parking area is proposed to be adjoining a residentially zoned district.

(b) Site plan.
A site plan must be prepared and approved by the director of community planning and development or his designee which demonstrates that the joint parking area will not have a permanent or negative impact on the adjoining residential district.

(c). Procedure for approval. At least 30 days before acting on a church site plan application under this section, the director of the planning department shall publish notice of the application in a newspaper of

general circulation in the municipality. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the church site and to owners of property within 500 feet of the proposed site. The director of community planning and development shall take action on the site plan within 40 days of the site plan application submission date.

- (d) Appeals. A decision of the planning director or his designee under the authority set forth in this subsection G is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the joint parking site. In the event of appeal, the planning and zoning commission shall, in accordance with Section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with Section 21.30.010.B.

FINAL ACTION RECOMMENDATION:

The Planning Department recommends approval of 2006-87 (S-1), dated August 14, 2006, as written.

Shared Parking Calculation Example

Owner A's Use = Bar/Nightclub

Owner B's Use = Health Service

A is required to have 100 parking spaces on its lot.

B is required to have 40 parking spaces on its lot.

Total required combined is 140 parking spaces.

B's use is existing, and has 40 parking spaces on its use lot.

A is getting ready to build the bar use, but cannot provide all of the 100 spaces, and thus wants to enter into a shared parking agreement with B across the street to allow for patrons to use that parking during peak hours.

Step 1: Multiply A's 100 spaces by the percentage noted in each of the six time frames in the Bar/Nightclub row. Collect each of these calculations separately.

Table A Shared Parking Credit						
Land Uses	Weekday Time Periods			Weekend Time Periods		
	1:00 am to 7:00 am	7:00 am to 6:00 pm	6:00 pm to 1:00 am	1:00 a.m. to 7:00 a.m.	7:00 am to 6:00 pm	6:00 pm to 1:00 am
Bar or Nightclub	0%	40%	100%	0%	50%	100%
	0	40	100	0	50	100

Step 2: Follow step 1 for B's 40 spaces according to the Health Services row.

Table A Shared Parking Credit						
Land Uses	Weekday Time Periods			Weekend Time Periods		
	1:00 am to 7:00 am	7:00 am to 6:00 pm	6:00 pm to 1:00 am	1:00 a.m. to 7:00 a.m.	7:00 am to 6:00 pm	6:00 pm to 1:00 am
Health Services	5%	100%	30%	0%	100%	0%
	2	40	12	0	40	0

Step 3: Add the combined required parking spaces for BOTH A and B for each time column. The number in the column that generates the highest number of parking spaces then becomes the shared parking requirement, as this is the time period with the highest parking demand.

1:00 am to 7:00 am	7:00 am to 6:00 pm	6:00 pm to 1:00 am	1:00 a.m. to 7:00 a.m.	7:00 am to 6:00 pm	6:00 pm to 1:00 am
--------------------------	--------------------------	--------------------------	------------------------------	--------------------------	--------------------------

2 80 112 0 90 100

The 6:00 PM to 1:00 AM time period has the highest number of parking spaces. This number, 112, is now the shared parking requirement.

Result:

B has 40 existing spaces. If A and B want to enter into a shared parking agreement as A cannot provide all of its required parking on its own lot, a combined total of 112 spaces need to be provided between the two sites. Thus, $112 - \text{the } 40 \text{ B has} = 72$. Thus, A needs to have 72 spaces on the site to enter into this agreement.

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

Anchorage, Alaska
AO 2006-087 (S-1)

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.45.080
TO AMEND THE OFF-STREET PARKING STANDARDS AND AMEND PROVISIONS
FOR JOINT USE OF OFF STREET PARKING AREAS.

Section 1. Anchorage Municipal Code section 21.45.080 is hereby amended as follows:
(the remainder of the section is not affected and therefore is not set out):

21.45.080 **Off street parking requirements.**

X. Standards for parking spaces; parking area design. Parking spaces provided in accordance with the requirements of this section shall meet the following standards:

1. Location. All required parking spaces shall be on the same lot as the main building served or on an abutting lot, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use. [SUCH ABUTTING LOT SHALL BE UNDER THE SAME OWNERSHIP AS THAT OF THE BUILDING TO BE SERVED, OR] If parking is provided on an abutting lot, there shall be a parking agreement, approved by the municipality, which provides for parking requirements for the life of the [OCCUPANCY] use. As used in this section, abutting means any parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve, and for other uses shall be within 800 feet of a primary entrance of the uses served. This distance is subject to subsection 21.45.080 X.3.e. in the case of shared parking.
2. Excess parking. Any excess parking spaces provided may be on the same lot as the building served, on abutting or contiguous lots, or any lot within 300 feet, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use.

1 [3. JOINT USE. A SINGLE PARKING AREA MAY BE USED TO
2 SERVE MORE THAN ONE ESTABLISHMENT, PROVIDED
3 THAT:

4
5 A. THE APPLICANT SHALL SHOW THAT THE PRINCIPAL
6 OPERATING HOURS OF THE STRUCTURES, BUILDINGS
7 OR USES FOR WHICH THE JOINT USE OF PARKING
8 FACILITIES IS PROPOSED DO NOT OVERLAP.

9
10 B. THE PARTIES INVOLVED IN THE JOINT USE OF OFF-
11 STREET PARKING FACILITIES SHALL SUBMIT A
12 WRITTEN AGREEMENT IN A FORM TO BE RECORDED
13 FOR SUCH JOINT USE, APPROVED BY THE
14 ADMINISTRATIVE OFFICIAL AS TO FORM AND
15 CONTENT. AN AGREEMENT FOR JOINT PARKING
16 FACILITIES SHALL BE FOR THE LIFE OF THE
17 OCCUPANCY OF THE BUILDING, AND SHALL PROVIDE
18 FOR THE MAINTENANCE OF JOINTLY USED PARKING
19 FACILITIES. THE ADMINISTRATIVE OFFICIAL MAY
20 IMPOSE SUCH CONDITIONS OF APPROVAL AS MAY BE
21 NECESSARY TO ENSURE THE ADEQUACY OF
22 PARKING IN AREAS AFFECTED BY SUCH AN
23 AGREEMENT.

24
25 C. THE APPLICANT SHALL DEMONSTRATE THAT THE
26 REDUCED PARKING REQUIREMENT ALLOWED
27 THROUGH A JOINT PARKING AGREEMENT WILL NOT
28 RESULT IN THE SPILLOVER OF PARKING ONTO OTHER
29 PROPERTIES.]

30 3. Joint use.

31
32 a. Purpose and intent. Shared parking allows more of a site to be
33 devoted to buildings (the purpose of the development and the
34 public's reason for visiting the site) and less to parking. Shared
35 parking only functions when the land uses it supports have
36 different periods of peak parking demand. In such
37 circumstances, land uses may share parking facilities without
38 adversely impacting the public's safety or convenience. This
39 subsection regulates and sets standards for shared parking
40 facilities to ensure that the public interest is protected while
41 allowing property owners design flexibility and cost savings.
42 The traffic engineer and planning director may approve
43 alternatives to providing the number of off-street parking spaces
44 required by subsection 21.45.080 B. through W. and 21.45.080
45 AA., in accordance with the following standards.

b. Shared Parking.

Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their peak parking demands occur at different times. The traffic engineer and director may approve shared parking facilities for uses with different peak business periods if the shared parking complies with all of the following standards:

i. Exceptions

- (a) If a use is separated from its shared parking by a local road, it is permitted. Such separation by a road designated as a collector as designated in the Official Streets and Highways Plan shall be subject to approval by the Traffic Engineer. Joint parking is prohibited if the street separating a use from its parking is designated in the Official Streets and Highways plan as a higher designation than a collector.
- (b) Commercial and industrial uses shall not use residential parking areas.
- (c) A non-residential shared parking area that is adjoining a residential zoning district shall be limited to hours of operation from 8:00 AM to 10:00 PM.

ii. Shared Parking Study.

Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the planning director that demonstrates the feasibility of shared parking. The study shall be provided in a form established by the traffic engineer and shall be made available to the public. It shall address, at a minimum, the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the

spillover of parking onto other properties or public streets.

iii. Calculation of Parking Spaces Required.

The shared parking study shall follow the most current published procedures of the Urban Land Institute, or the Institute of Transportation Engineers, or other procedures as specifically approved by the traffic engineer, or, the following calculation method under subsection 21.45.080X.3.c may be used to calculate the number of shared parking spaces required for two (2) or more land uses.

c. Alternative calculation method.

i. Multiply the minimum parking normally required for each individual use, as set forth in section 21.45.080 B. through W. and AA, as applicable, to the use, by the appropriate percentage indicated in Table A, Shared Parking Credit, for each of the six (6) designated time periods.

a. Add the resulting sums for each of the designated time period columns.

b. The minimum number of required shared parking spaces shall be determined by totaling the resulting numbers in each time period column. The column total that generates the highest number of parking spaces then becomes the shared parking requirement. This represents the time period with the highest total parking demand.

c. If one or more of the land uses proposing to make use of shared parking facilities do not conform to the land use classifications in Table A, Shared Parking Calculations, as determined by the planning director, then the applicant shall submit sufficient data to indicate the periods of peak parking demand for the uses. Based on this information, the

traffic engineer shall determine the appropriate shared parking requirement.

Table A Shared Parking Credit

Land Uses	Weekday Time Periods			Weekend Time Periods		
	1:00 am to 7:00 am	7:00 am to 6:00 pm	6:00 pm to 1:00 am	1:00 a.m. to 7:00 a.m.	7:00 am to 6:00 pm	6:00 pm to 1:00 am
Residential	100%	65%	100%	100%	75%	90%
Religious Assembly	0%	25%	50%	0%	100%	50%
Health Services	5%	100%	30%	0%	100%	0%
Assembly	5%	100%	50%	5%	100%	50%
Fitness Center (Health Club)	60%	90%	100%	80%	100%	100
Movie Theater	0%	60%	100%	0%	80%	100%
Bar or Nightclub	0%	40%	100%	0%	50%	100%
Restaurant	50%	80%	100%	25%	85%	100%
Restaurant - Fast Food	15%	100%	90%	15%	100%	80%
Office or Financial	5%	100%	10%	0%	15%	0%
Retail Sales / Services	0%	100%	80%	0%	100%	60%
Visitor Accommodations	100%	75%	100%	100%	75%	100%

d. Agreement for Shared Parking.

The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the traffic engineer and the planning director as to form and content. The agreement shall guarantee the use of the shared

1 parking facilities for the life of the uses, and shall provide for the
2 maintenance of jointly used parking facilities. The traffic engineer and
3 planning director may impose such conditions of approval as may be
4 necessary to ensure the adequacy of parking in areas affected by such
5 an agreement. Recordation of the agreement shall take place before
6 issuance of a land use or building permit. A shared parking agreement
7 may be revoked only if all required off-street parking spaces will be
8 provided in accordance with the requirements of subsections 21.45.080
9 B. through 21.45.080W., inclusive and 21.45.080.AA. At the end of
10 the life of the agreement, property owners who are parties to the
11 agreement must comply with other provisions of this code governing
12 the required number of off-street parking spaces.

13
14 e. Distance to Parking Spaces.

15 Shared parking spaces for residential units shall be located within 500
16 feet of the dwelling unit entrances they serve. Shared spaces for other
17 uses shall be within 800 feet of a primary entrance of the uses served.
18 The traffic engineer and planning director may approve a portion of
19 shared parking spaces at a greater distance based on factors such as the
20 pedestrian environment, availability of valet parking, weather
21 protection and the type of uses served. For the purposes of this section,
22 primary entrance means:

23
24 A principal entry through which people, including customers, residents,
25 or members of the public enter a building. For any commercial or
26 institutional establishment which serves the visiting public, a primary
27 entrance is open to the public during all business hours and directly
28 accesses lobby, reception, retail or other interior areas designed to
29 receive the public. Fire exits, service doors, and employee entrances
30 are not primary entrances. A building or establishment may have more
31 than one primary entrance.

32
33 f. Pedestrian Connection.

34 Clear, safe pedestrian walkways shall connect the shared parking
35 facility and the primary entrances of the uses it serves.

36
37 g. Instructional Signage.

38 The shared parking facility shall provide instructional signage on the
39 premises indicating the availability of the facility for patrons of the uses
40 it serves.

41
42 h. Shared Parking Plan.

43 A shared parking plan shall be submitted for review and approval by
44 the traffic engineer and the planning director. The shared parking plan
45 may be combined with other parking plans required by this title.

- i. Changes in Use or Shared Parking Facility.
Any subsequent change to the shared parking facility or in use type shall require a review by the planning department for compliance with this section, including proof that sufficient parking will be available.

(GAAB 21.05.060.G; AO No. 77-355; AO No. 78-118; AO No. 81-106; AO No. 81-178(S); AO No. 82-69; AO No. 84-90; AO No. 84-117(S); AO No. 85-91, 10-1-85; AO No. 87-31, 7-18-87; AO No. 89-30; AO No. 90-152(S); AO No. 93-172, § 1, 11-16-93; AO No. 96-68, § 1, 5-28-96; AO No. 99-131, § 12, 10-26-99; AO No. 2004-108(S), § 6, 10-26-04; AO No. 2005-9, § 4, 3-1-05)

Editor's note: The last sentence of subsection A of this section was formerly codified in the 1977 Code as the last sentence of subsection 21.35.020.B.69.

Cross references: Business licenses and regulations, Tit. 10.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day
of _____ 2006.

ATTEST:

Chair

Municipal Clerk

..

**PLANNING & ZONING
COMMISSION
MEETING
August 14, 2006**

Supplemental Comments

**E.1. Case 2006-112
Ordinance - Off Street Parking**

Double-sided

Chambers, Angela C.

From: Vanessa Summers [vanessa_summers@dot.state.ak.us]
Sent: Tuesday, August 08, 2006 3:46 PM
To: Chambers, Angela C.
Subject: Case 2006-112



Planning&Zoning.doc
c (32 KB)

Dear Angela,

Please find enclosed my comments from the Planning & Zoning Commission meeting last night, August 7, 2006. Please pass these comments along to the members of the commission per Ms. Jones' instructions to me. Thank you.

Thank you, also, for your work on behalf of the public. We are not implying that you and your staff would not do a good job of reviewing each case, we simply wish to retain the opportunity to have open, public hearings on the issues facing us in our neighborhood.

Sincerely,
Vanessa Summers

Madame Chair and members of the Planning and Zoning Commission, thank you for this opportunity to address you with our concerns for our neighborhood.

My name is Vanessa Summers. I own property on East 79th Avenue and, in fact, share a 100 foot property line with Mr. Allen Choy, Jr.

When I bought my house twenty years ago, ours was a nice little pocket neighborhood that fed into Taku Elementary School. We just happened to have a motel at the end of the street that just happened to have a bar in it. In all the time I lived there, I don't recall ever having a single issue with Al's Alaskan Inn.

Indeed, we didn't have a problem when they remodeled the outside of the building or when they added the 2nd bar or even the 3rd bar. *Some* growth is fine. *Some* growth is to be expected, even accommodated. But growth needs to be within the guidelines of the Planning and Zoning Commission especially when an establishment of this nature is directly adjacent to residential zoning.

The growth we've seen at Al's Alaskan Inn over the past couple of years can only be characterized and unbridled, unrestricted and unhealthy. It's not *unreasonable* for us to expect our neighborhood to remain *somewhat* stable.

We've watched for several years now, the quality of life in our neighborhood go slowly downhill. The clientele of Al's Alaskan Inn can be counted on for acts of vandalism including smashing mailboxes, destroying ceramic yard art, urinating on strawberry patches and creating an overall public nuisance. Although I no longer live there, these are all issues that my elderly tenants are facing. You name it, they've seen it.

Now, instead of Al's being a motel with a bar or 2 bars or even 3 bars, there are 20 motel rooms and 6 bars and oh, by the way, they would like to add another 50 seats. While it's probably impossible to legislate with regard to public nuisance issues, it *is* possible to dictate terms with regard to parking issues. This is the only tool that we as a neighborhood have at our disposal to fight the unbridled expansion we've seen at Al's Alaskan Inn.

If parking is a problem now, how much more of a problem will it be by adding another 50 seats? More people mean more vehicles. It's already hazardous as it is to drive by Al's Alaskan Inn on a Friday or Saturday night let alone try to make the turn onto East 79th and drive into our neighborhood. Since there is insufficient parking at Al's, people make a habit of parking across the Old Seward Highway and walking across this major arterial road in various states of inebriation. I've seen people walk right out in front of oncoming traffic. This is a public safety issue. It's just a matter of time before a tragedy occurs.

Clearly, Al's Alaskan Inn has outgrown its own site. And yet, Mr. Choy continues to enlarge his establishment even after it has become obvious to all of us in the neighborhood (including his own clientele) that he has insufficient parking. And now

he's asking that we the public let him expand even more. It seems to me that if there is insufficient parking for the establishment, further expansion is simply a "no go". Period.

This is a perfect example of the chaos that can befall a neighborhood when unrestricted expansion is allowed without regard for proper planning and zoning procedures.

To approve this ordinance would mean that situations like ours would *not* have to come before a public hearing. That would be a travesty.

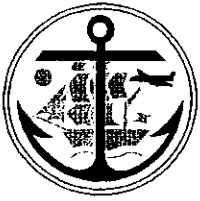
Thank you for your time.

**PLANNING & ZONING
COMMISSION
MEETING**

August 14, 2006

**Supplemental Comments
Received at the August 7
Meeting**

**E.1. Case 2006-112
Ordinance Joint Use Off-Street
Parking**



MUNICIPALITY OF ANCHORAGE

ALL PERSONS ARE HEREBY ORDERED TO AT ONCE

STOP WORK

PERTAINING TO CONSTRUCTION, ALTERATIONS,
REPAIRS, WIRING, GRADING, OR REGULATED
EQUIPMENT OR LAND USE

On these premises at Bella Vista #1, 7830 Old Seward Highway

This order is issued because Stop work on entire project.

Obtain all proper approvals from MOA. \$1,000 fine per the Building
Official for unlawful continuance - AMC 23.10.202.4.1.

Third notice - DO NOT REMOVE - FINES AND CITATIONS MAY BE
ISSUED

By: For the Building Official
Phillip Calhoun

Date: June 19, 2006 Time: 3 p.m.

WARNING

AMC 23.10.202.4.1 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

I am
Yvonne Sangstad
Bella Vista
Sub

①

It should be noted that I am not objecting to joint parking if the circumstances are compatible with the surrounding area. This is a case where everything is wrong.

Going back to the history of how the R.R. car managed to get parked where it is.

Mr. Chang had it brought to his parking lot in the middle of the night & had it placed on crubbing 5 ft high in April 66 without any notification to the Bella Vista residents or the Community Council.

Joyce Murrison whose property abuts Mr. Chang's parking lot woke up & looked out her bay window in the living room & saw nothing but this ugly unpainted 5 ft high R.R. car running the length of the Old Seward Highway. He had lied about having ample parking & now he ~~has~~ obviously taken up a good section of his parking space that he didn't have enough to start with. Because this monstrosity is over 5 ft tall the cars started parking under it. To our amazement he has done a lot of admitting that the R.R. car will be raised 10 ft. to ~~be~~ attached ~~to the~~ ^{to the} second story of his building.

The information he gave Mr. Griffin, the Director of Alcohol Beverage Control board is I quote Mr. Chou

(2)

The new addition will provide the only tourist attraction in South Anchorage that will boldly say "Alaska" & interpret the history of the Alaska R.R. with its structure. It will be the first of its kind anywhere in the world (unique)

He has illusions of grandeur.

Mr. Chey has constantly gone against building rules. He bought in heavy equipment to raise the R.R. Cars without permission. It was reported and stopped. The inspectors have put 3 stop work orders on the Car but he was given permission by the mayor to paint, Read - stop work rules.

My biggest concern is because of the lack of parking on his own lot. He is now parking also on 2 different lots across ^{79th} the street.

This means we have people who have had too much to drink crossing the road, coming & going late at night.

I watched one couple in the roadway calling to another couple to hurry across the streets with cars stopping to decide where they should park. In the past he has also used parking across the old Seward highway ~~on 79th street~~.

The loud music,³ Car doors slamming,
loud stereos, parties laughing & shouting,
motorcycles & cars revving up their motor.
Why do we ^{as neighbors} have to put up with this
so one person can expand his business
that is already too big.

Mr. Choy had advertised on page 276 in
the telephone yellow pages in bold black
letters - Extended train Bar. He already
has 6 bars & 3 dance floors.

There is a 8 plex apt. house close by across
the street ^{19th} with young children. Is this where
you would like to live? Does this devalue
our homes.

In the Anchorage Comprehensive Plan,
page 83 policy 53 - design, construct &
maintain roads to retain or
enhance scenic views & improve the general
appearance of the road corridor.

Page 72 policy 7 avoid incompatible
uses adjoining one another.

Page 72 Policy 6 areas designated
for specific uses on the zoning map
shall be protected from encroachment
by incompatible land uses.


11 (C)


Joyce Munson, my husband + I feel this
has been a part time job since the
B.B. Car appeared in April. The rules
change constantly + usually not in our
favor. J. + I are in our 80's + had to
Confer w Angela ^{Chambers} if it was safe to go
fishing. We in the past have had
many surprises with different ordinances
showing up


**MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
MEMORANDUM**

DATE: August 7, 2006

TO: Planning and Zoning Commission

THRU:  Tom Nelson, Director, Planning Department

THRU:  Jerry T. Weaver, Jr., Division Administrator

FROM:  Angela C. Chambers, AICP, Senior Planner

SUBJECT: 2006-112 An Ordinance Amending AMC Title 21 Regarding Joint Use Parking Standards

PROPOSED REQUEST:

The Municipality has prepared an amendment to the Anchorage Municipal Code Title 21 *Land Use Planning* regarding standards for joint parking agreements.

BACKGROUND AND DISCUSSION

There has been concern in the Municipality for the last several years regarding the excess amounts of parking, mainly in commercial areas. As parking garages are very expensive to construct, the development community has instead relied on vast expanses of parking lots. This has tended to create a negative visual impact in terms of creating seas of asphalt, but also causes other concerns, such as increased impervious surfaces which not only can cause runoff problems, but also decreases the amount of land available to landscaping. These parking lots are often barely used, or not used at all, during non-peak hours.

As the Municipality has been reviewing the parking standards for various uses, it has been noted that there is an opportunity to take advantage of allowing businesses the option for joint use (shared) parking in order to reduce the above noted problem. Shared parking allows more of a site to be devoted to buildings (the purpose of the development and the public's reason for visiting the site) and less to parking. Shared parking only functions when the land uses it supports have different hours of operation or different periods of peak parking demand. In such circumstances, land uses may share parking facilities without adversely impacting the public's safety or convenience.

Assemblymember Coffey has introduced an ordinance amending the current provisions in Title 21 which allow joint use of parking spaces. Subsequently he has drafted a substitute version. In review of this substitute draft ordinance, it was noted that there were some issues of concern which needed to be addressed and researched further. Speaking in support of his recommendation to refer his ordinance to the Planning and Zoning Commission, Assemblymember Coffey identified two core issues that needed to be addressed. The first was to clarify the use of the term “abutting” when determining where joint parking could be provided. The second issue concerns whether or not joint parking agreements should be required, as they currently do, for the life of the use requiring the joint use parking, or should they be allowed for a certain period of time (for example 5 or 10 years).

In addition to those two issues, staff has identified a third issue. This issue concerns the joint use of parking spaces between or among uses where the hours of operation overlap. The code currently does not allow joint use of parking where principal operating hours overlap.

In the course of responding to these three issues, staff proposed an alternative ordinance. The Department agrees that the issue of clarifying “abutting” needs to be addressed. Under current code, a parking lot cannot be used for joint parking if it is across a road from the use that needs it, even if only separated by an alley. The Department and the Traffic Department find that it is not an issue if the pedestrians using the lots only cross a local street. If they are crossing a road designated as a Collector in the Official Streets and Highways Plan (OS&HP), it would need special review by the Traffic Engineer. If the road was a greater designation than that, it would be prohibited.

The Department also finds that a parking agreement should not be limited to a certain time frame. It is understood that by not having the agreements time-certain, some property owners would be more hesitant to agree to them as they would not want their property tied up indefinitely with the agreement. For example, it might make it more difficult for one of the property owners to plan redevelopment of their lot due to not having a certain end time to the agreement.

However, these agreements can be fluid and renegotiated between the parties involved and the Municipality if the uses in the structures on the lots change. It is found to generally be best if the agreement runs with the life of the uses involved. An illustration of this reason to not have time-certain agreements is as follows:

Owner A wants to expand his business but needs additional parking, which he does not have. He enters into a joint parking

agreement with Owner B for five years to gain the additional parking he needs. So what happens after five years if the parking agreement expires and Owner B does not want to renew it because he has different plans for the property? Does Owner A have to reduce the use of his building or cut back on his business to meet required parking? Time-certain agreements have a stronger potential for causing difficulties with business planning than by allowing more fluid agreements which are not time certain, but which can be re-negotiated.

In reviewing the draft, staff also noted joint parking for required parking should be allowed when peak hours of operation do not overlap. For example, a church generally uses only 25% of its parking requirement on weekdays from 1 AM to 6 PM, whereas a fitness club has an 80% rate. If a fitness club was to move onto a lot near a church, they would not need to provide as much required pavement and could reduce the amount of impervious surface on site if they could work a joint parking agreement with the church.

The ordinance drafted by the Department also provides additional implementation clarity and calculation methodologies. This substitute ordinance regulates and sets standards for shared parking facilities to insure that the public interest is protected while allowing developers design flexibility and cost savings. Sources used in drafting the ordinance include national literature, studies, model codes and example codes. The field seems to be growing and some literature became available only very recently.

Summary of draft Planning Department ordinance:

- Offers a shared parking calculation method in conjunction with a shared parking study.
- Parking across a local street would be allowed. Across a Collector would require Traffic Engineer review and approval, and no joint parking allowed across a higher designated street.
- Provides a table of well researched peak hour credits to demonstrate what parking reductions are possible to users who may not otherwise undertake a shared parking study. As done in other cities, this optional method is simplified to allow for ease of use.

- Increases the maximum distance to the shared parking spaces allowed by-right (without a discretionary approval by traffic engineer and director) to 500 feet for residential uses and to 800 feet for non-residential uses. Previously it was 300 feet, and must rely on a conditional use approval unless it was a commercial zoning district. Earlier drafts in the Title 21 rewrite had this number at 1,320 feet, which has been found to not work. The best way to support shared parking is to provide more realistic parameters that will ensure its success. Research clearly indicates that 1320 feet is not realistically an acceptable walking distance that will yield a good level-of-service for a shared parking facility. For example, Portland area study found that the uses on average should be within 450 feet, with residential uses within 300 feet. Urban Land Institute documentation indicates level of service conditions for walking distances to parking are no longer good beyond 800 feet. Seattle requires shared parking to be within 800 feet. Other cities allow up to only 500 or 600 feet.
- Additional minimum ground-rules for the site plan are provided, based on multiple research sources and model codes and example codes on conditions necessary for public safety and accessibility. These include provisions recommended in the literature and codes for clear and safe pedestrian connections and directional signage. While a few cities such as Portland, OR take a more open-ended approach, it is better to have clear minimum guidelines in a community like Anchorage with less experience in shared parking.

RECOMMENDATION:

The Department recommends approval of the amended ordinance provided by the Department, dated July 26, 2006 and labeled AO 2006-87 (S-1), as written.

However, if the Commission finds that the substitute version of the ordinance, AO 2006-087 S, is more appropriate, the Department has provided an amended version of that ordinance for the Commission's use. These annotated changes are to clarify some of the provisions, such as requiring the Municipality to be a party to the agreement, and to ensure that streets designated as a higher classification than a collector in the OS&HP may not separate uses for the purpose of joint parking.

1 a. The applicant shall show that the principal operating hours of
2 the structures, buildings or uses for which the joint use of parking
3 facilities is proposed do not overlap and the number of available
4 spaces meets the requirements of this section.

5
6 b. The parties involved in the joint use of off-street parking
7 facilities shall submit a written agreement in a form to be recorded
8 for such joint parking [USE], approved by the ~~administrative official~~
9 ~~planning director~~ as to form and content. *The Municipality shall be*
10 *a party to the agreement, if approved by the planning director.* If a
11 single parking area is offered to meet the number of parking spaces
12 required by this section for more than one establishment, a[A]n
13 agreement for joint parking must be maintained [FACILITIES
14 SHALL BE] for the life of the use of each establishment. Unless
15 otherwise specified in the recorded joint parking agreement, each
16 property owner who is party to the joint parking agreement shall be
17 deemed jointly and severally responsible [OCCUPANCY OF THE
18 BUILDING, AND SHALL PROVIDE] for the maintenance of joint
19 [JOINTLY USED] parking facilities. Upon expiration of the joint
20 parking agreement, the establishment land use which requires the
21 joint parking agreement shall cease unless the parking
22 requirements are met. The ~~administrative official~~ *planning director*
23 may impose such conditions of approval as may be necessary to
24 ensure the adequacy of parking in areas affected by such an
25 agreement. A joint parking agreement shall be for a term certain;
26 the minimum term shall be ten years absent specific approval by
27 the administrative official the life of the uses on the properties,
28 unless the agreement is renegotiated or is terminated by all parties
29 who are signatory to the agreement. If the agreement is
30 terminated, the property owners who are party to the agreement
31 must provide sufficient on-site parking for the uses on their
32 properties.

33
34 [c.] [THE APPLICANT SHALL DEMONSTRATE THAT THE
35 REDUCED PARKING REQUIREMENT ALLOWED THROUGH A
36 JOINT PARKING AGREEMENT WILL NOT RESULT IN THE
37 SPILLOVER OF PARKING ONTO OTHER PROPERTIES.]

38
39 c. The applicant(s) shall demonstrate that the agreement will
40 not result in the spillover of parking onto public streets.
41

1 **Section 2.** ~~AMC 21.10.015 notwithstanding, this amendment to AMC 21.45.080 does~~
2 ~~not require Planning and Zoning Commission review.~~
3

4 **Section 3 2.** This ordinance shall become effective immediately upon its passage and
5 approval by the Assembly.
6

7 PASSED AND APPROVED by the Anchorage Assembly this ____ day of
8 _____, 2006.
9

10 _____
Chair

11 ATTEST:
12

13 _____
14 Municipal Clerk
15

b. The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint parking [USE], approved by the administrative official as to form and content. If a single parking area is offered to meet the number of parking spaces required by this section for more than one establishment, a[n] agreement for joint parking must be maintained [FACILITIES SHALL BE] for the life of the use of each establishment. Unless otherwise specified in the recorded joint parking agreement, each party to the joint parking agreement shall be deemed jointly and severally responsible [OCCUPANCY OF THE BUILDING, AND SHALL PROVIDE] for the maintenance of joint [JOINTLY USED] parking facilities. Upon expiration of the joint parking agreement, the establishment land use which requires the joint parking agreement shall cease unless the parking requirements are met. The administrative official may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. A joint parking agreement shall be for a term certain; the minimum term shall be ten years absent specific approval by the administrative official.

[c.] [THE APPLICANT SHALL DEMONSTRATE THAT THE REDUCED PARKING REQUIREMENT ALLOWED THROUGH A JOINT PARKING AGREEMENT WILL NOT RESULT IN THE SPILLOVER OF PARKING ONTO OTHER PROPERTIES.]

Section 2. AMC 21.10.015 notwithstanding, this amendment to AMC 21.45.080 does not require Planning and Zoning Commission review.

Section 3. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2006.

Chair

ATTEST:

Municipal Clerk

1 otherwise specified in the recorded joint use agreement, each party
2 to the joint use agreement shall be deemed jointly and severally
3 responsible [OCCUPANCY OF THE BUILDING, AND SHALL
4 PROVIDE] for the maintenance of jointly used parking facilities.
5 [THE ADMINISTRATIVE OFFICIAL MAY IMPOSE SUCH
6 CONDITIONS OF APPROVAL AS MAY BE NECESSARY TO
7 ENSURE THE ADEQUACY OF PARKING IN AREAS AFFECTED
8 BY SUCH AN AGREEMENT].

9
10 [c. THE APPLICANT SHALL DEMONSTRATE THAT THE
11 REDUCED PARKING REQUIREMENT ALLOWED THROUGH A
12 JOINT PARKING AGREEMENT WILL NOT RESULT IN THE
13 SPILLOVER OF PARKING ONTO OTHER PROPERTIES.]

14
15 4. Unclassified local roads and classified collector streets of CLASS I
16 shall not be considered intervening land in determining if lots are abutting
17 under these standards.

18
19 **Section 2.** AMC 21.10.015 notwithstanding, this amendment to AMC 21.45.080 does
20 not require Planning and Zoning Commission review.

21
22 **Section 3.** This ordinance shall become effective immediately upon its passage and
23 approval by the Assembly.

24
25 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
26 _____, 2006.

27
28
29
30 _____
31 Chair

32
33 ATTEST:

34
35
36
37 _____
38 Municipal Clerk
39

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

AO 2006- 87

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT AMEND AMC 21.45.080 - OFF-STREET PARKING	DATE PREPARED 5/19/06
	REQUIREMENTS	
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Dan Sullivan, Chair
	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker - Assembly Counsel	HIS/HER PHONE NUMBER 343-4419
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations	
	Municipal Manager	
	Cultural & Recreational Services	
	Fire	
	Health & Human Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Public Works	
	Solid Waste Services	
	Transit	
	Water & Wastewater Utility	
	Executive Manager	
	Community Planning & Development	
	Finance, Chief Fiscal Officer	
	Heritage Land Bank	
	Management Information Services	
	Property & Facility Management	
	Purchasing	
	Other	
5	Special Instructions/Comments	
	Addendum - Consent Agenda - Introduction	
6	ASSEMBLY HEARING DATE REQUESTED 5/23/06	7 PUBLIC HEARING DATE REQUESTED 7/25/06

2006 MAY 19 PM 12:10
 CLERK'S OFFICE
 M.O.A.

67



MUNICIPALITY OF ANCHORAGE
PARKS & RECREATION DEPARTMENT
MEMORANDUM



DATE: July 24, 2006
TO: Jerry T. Weaver, Zoning Div. Administrator
FROM: Tom Korosei, Park Planner
SUBJECT: Planning and Zoning Case Reviews

RECEIVED

JUL 25 2006

Municipality of Anchorage
Zoning Division

Parks and Recreation has the following comments:

CASE NO. **CASE**

2006-105 **Zoning conditional use for a nursery.**

As indicated on the *Areawide Trails Plan* a multi-use paved trail parallels adjoining Dimond Blvd. Parks and Recreation would support appropriate precautions that may be taken so that trail users, in particular, would not be exposed to use of potentially harmful materials such as pesticides or herbicides in operation of the commercial nursery.

2006-107 **Zoning conditional use for a hotel.**

The *Areawide Trails Plan* shows a multi-use unpaved trail along adjoining Hightower Rd., and planned multi-use unpaved trail west of the site in the vicinity of California Creek. Parks and Recreation believes that adequate on-site parking is appropriate to reduce traffic congestion for safety and convenience.

Visually, the proposed development appears complementary to the natural surroundings and existing development.

2006-112

Ordinance amending Title 21 for off-street parking (AO 2006-87(S)).

No comment.

Pierce, Eileen A

From: Staff, Alton R.
Sent: Tuesday, July 25, 2006 10:56 AM
To: Pierce, Eileen A; Stewart, Gloria I.
Cc: Taylor, Gary A.
Subject: Zoning and Plat Case Reviews

RECEIVED

JUL 25 2006

The Public Transportation Department has no comment on the following plats:

Municipality of Anchorage
Zoning Division

S11174-3
S11484-2
S11487-1
S11489-1
S11490-1
S11496-1
S11497-1
S11504-1
S11505-1
S11506-1
S11507-1
S11508-1
S11509-1
S11511-1
S11512-1
S11513-1
S11514-1
S11518-1
S11135-2
S11516-1
S11517-1
S11518-1
S11521-1
S11522-1
S11523-1

The Public Transportation Department has no comment on the following zoning cases:

2006 -091
-097
-098
-100
-105
-112
-115
-116
-118
-119
-123
-124
-125
-126

Thank you for the opportunity to review.

Alton Staff, Operations Supervisor
Public Transportation Department
People Mover
907-343-8230
Right Fax 907-249-7492

RECEIVED

JUL 18 2006

Municipality of Anchorage
Zoning Division

**Municipality of Anchorage
MEMORANDUM**

DATE: July 18, 2006

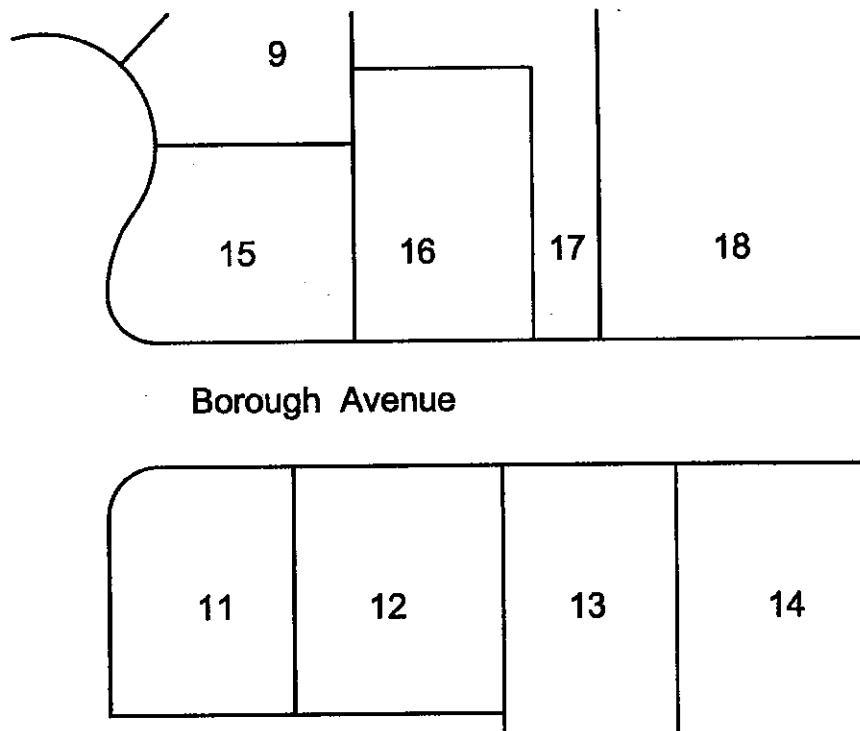
TO: Jerry Weaver, Manager, Zoning and Platting Division

FROM: Brian Dean, Code Enforcement Manager

SUBJECT: Land Use Enforcement Review Comments, Planning and Zoning Commission case for the meeting of August 7, 2006.

Case #: 2006-112

Type: Ordinance amending Title 21 for Off-Street Parking



1. Land Use Enforcement has no adverse comments on the change in how the term “abutting” is applied, but notes that unless lots are *directly across the street from each other* the change will have no effect. In the example above, Lot 16 would abut Lots 12 and 13 across Borough Avenue, since they would touch if Borough Avenue did not exist. Lot 16 would *not* abut Lots 11 or 14. Under both the existing and proposed code provisions, the flagpole portion of Lot 17 would constitute intervening land between Lots 16 and 18.

2. This ordinance preserves municipal oversight of parking agreements, and requires that they be "approved by the administrative official as to form and content."
3. Land Use Enforcement suggests that Page 2, Line 14 should read either "the establishment or land use ..." or "the land use"

(Reviewer: Don Dolenc)

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

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

RECEIVED

July 10, 2006

RE: MOA Zoning Review

JUL 11 2006

Municipality of Anchorage
Zoning Division

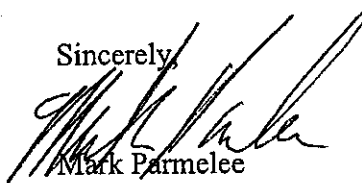
Mr. Jerry Weaver, Platting Officer
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, has reviewed the following platting cases and has no comment:

- 2006-085, Request for Variance, Eklund Subdivision, Robert Krenselok
- 2006-087, Request for Variance, Town & Country Estates, Klaus Reich
- 2006-093, Request for Variance, Center Subdivision, Susan Metcalf
- 2006-094, Request for Variance, Eagle Glenn Subdivision, Heidi Winters
- 2006-095, Conditional Use, Final Approval, Alcohol, Maurice MacDonald
- 2006-106, Request for Variance, Alpine Meadows Avenue, Lisa Smithson
- 2006-107, Conditional Use, Hotel, Glacier City Development LLC
- 2006-111, Request for Variance, Nettleton Acres, William D. Geest
- 2006-112, Ordinance Amendment, Title 21, Off-Street Parking
- 2006-115, Conditional Use, Rooming House, Bill Madsen
- 2006-116, Variance, Hocker Subdivision, Timothy Connolly
- 2006-118, Variance, Parking Multifamily, Robert Johnseine
- 2006-119, Variance, Lot 40, Section 33, T12N, R3W, SM, Daniel King

Sincerely,



Mark Parmelee
Area Planner

/em

cc: Chuck Swenor, Anchorage M&O Superintendent
Louise Hooyer, RLS, Engineering and Survey Supervisor, Right of Way
Tucker Hurn, Right of Way Agent, Right of Way
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities

"Providing for the movement of people and goods and the delivery of state services."



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



MEMORANDUM

RECEIVED

DATE: July 10, 2006
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *L*
FROM: Lynn McGee, Senior Plan Reviewer *L*
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of August 7, 2006.

JUL 10 2006

Municipality of Anchorage
Zoning Division

Right of Way has reviewed the following case(s) due July 10, 2006.

- 06-105** **Chester H. Lloyd, Lot 46, West 237', grid 2326**
 (Conditional Use, Tree Nursery)
 Right of Way Division has no comments at this time.
 Review time 15 minutes.
- 06-107** **Girdwood Elementary School, Tract E3, grid SE 4715**
 (Conditional Use, Hotel)
 Right of Way Division has no comments at this time.
 Review time 15 minutes.
- 06-112** **Ordinance Amendment**
 (Title 21 for Off-Street Parking)
 Right of Way Division has no comments at this time.
 Review time 15 minutes.



**Municipality of Anchorage
Development Services Department
Building Safety Division**



MEMORANDUM

RECEIVED

DATE: July 6, 2006

JUL 06 2006

TO: Jerry Weaver, Jr., Platting Officer, CPD

**Municipality of Anchorage
Zoning Division**

FROM: *DR* Daniel Roth, Program Manager, On-Site Water and Wastewater Program

SUBJECT: Comments on Cases due July 10, 2006

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

2006 – 105 Zoning conditional use for a nursery

No objection

2006 – 107 Zoning conditional use for a hotel

No objection

2006 – 112 An ordinance amending Tille 21 for off-street parking

No objection

MUNICIPALITY OF ANCHORAGE
Anchorage Water & Wastewater Utility

M E M O R A N D U M

RECEIVED

JUL 10 2006

Municipality of Anchorage
Zoning Division

DATE: July 10, 2006

TO: Jerry Weaver, Zoning Division Administrator, Planning Department

FROM: Sandy Notestine, Engineering Technician, AWWU

SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing August 7, 2006
AGENCY COMMENTS DUE July 10, 2006

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

2006-112 Title 21 Amendment - AMC 21.45.080

1. A sign noting responsible contact persons and phone numbers needs to be clearly posted in the parking areas, in case vehicle removal is needed for cars parked over easements.

If you have questions pertinent to public water and sanitary sewer service, you may call me at 564-2757 or the AWWU Planning Section at 564-2739, or email sandy.notestine@awwu.biz.

06-112

Title 21 Ordinance amending off-street parking

Traffic and Transportation Planning have no comments.

06-111

Nettleton Acres #1; Enforcement Order Appeal

Traffic and Transportation Planning have no comments.



JUN 26 2006

FLOOD HAZARD REVIEW SHEET for PLATS

Reviewed by: [Signature]
Date: [Signature]

Date: 06-26-06

Case: 2006-112

Flood Hazard Zone: na

Map Number: na

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

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

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

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

☒ I have no comments on this case.

Reviewer: Jack Puff

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for the cases ****

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

RECEIVED
JUL 26 2006

1. Select a Case: [View Comments](#)

2. View Comments:

Municipality of Anchorage
Zoning Division

Case Num: 2006-112

An ordinance amending Title 21 for off-Street Parking

Site Address: MUNICIPALITY OF ANCHORAGE

Location: A Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.080, Off-Street Parking Requirements. to clarify Off-Street Parking Standards and amend provisions for joint use of a single parking area.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

7/25/06

Randall Hill
850 East 79th Ave
Anchorage Ak 99518

As a resident of 79th ave for the past 47 years I have seen the growth of South Anchorage as a kid and later as an adult. I was born literally on the property where I live, my father delivered me much against his will but later delite. Over the past few years as Al's has grown we have had to put up with more traffic, garbage, drug abuse, drunks, and damage to our property. It was not until extreme measures were taken that we were able as a community to get no parking signs put up to clear our street and drive ways enough so that we could return to our residences if we left home on Friday or Saturday nights. Even with the no parking signs we are still harassed by Al's hired goons or security force as they call them selves when we turn onto 79th ave to try and go home, they yell and slap there hands on your cars and tell you you cannot go down 79th because there is no parking. This raises a question to why I am forced to pay taxes and be harrassed in this way. The fact that 79th ave is not a standard sized street, meaning no gutters and very narrow, raises another problem which no one has brought up. Once we get the first snow and later the city plows the the street it becomes even more narrow, now add to the mix the 100 or so people trying to find parking at Al's and trying to funnel past his parking lot all of a sudden you have all of these cars zooming down a narrow street at a high rate of speed. Next comes the noise level because everyone has to have their stereo turned up as loud as humanly possible and you have our typical Friday and Saturday night. By allowing Al's to use the parking at the Alpine Building you open the door to even more people driving up and down our street. If you allow this ordinance to pass Al is just one step away from using a second piece of property which is right behind Joyce Munson's home that has a access road that also comes out on 79th

ave. If the ordinance passes wont he be able to use this as off street parking too? If so he can add another 100 parking spots that would be close to 550 or 600 patrons he could have in his bar, now just stop and imagine the level of noise, would you want to live anywhere near a place like this. My wife Denice Hill and I are using our computer to send this message for our neighbors who are all over 70 so are not really into computers. Harold and Elizabeth Weber, 820 East 79th ave. Donnald and Mary Kranz, 875 East 79th ave. We all live less than 1/2 block from Al's bar, if we do not get a vote in this who does?

7/25/06

Dick Odgers

I oppose this ordinance. This opens the door for other businesses to outgrow thier parking areas and flow into unsuspecting neighborhoods. We do not stand alone, those who live near the Bear Tooth and the Mooses Tooth are experiencing the same affect that those behind Al's Bar are experiencing.

7/25/06

Joyce Munson

I oppose the parking ordinance, case num. 2006-112, entitled off street parking. I live on the adjacent lot to Al's Alaskan Inn and this is a prime example of what can happen if this ordinance is enacted. For the past 5 years as the ownership of the bar and motel was transferred from father to son, it has been transformed from a motel and neighborhood pub to a club with 6 bars. An agreement was recorded between the owner of the bar and the Alpine Building owner for shared parking but no variance was asked for even though the building was located across 79th Avenue. The neighbors did not realize this was illegal. As his expansion grew the problems continued to grow and parking became a bigger issue as well as impacting the neighborhood in all another areas. This over flow is everywhere and the bar owner solved the problem by sending the people across the Seward Highway to park at American Tire Co without an agreement. This encroachment must be stopped. With no oversight from planning and zoning the public will have no recourse except for the police. "What is a Variance: Zoning regulations apply to all property uniformly within the same zoning district. If the regulations were not uniformly applied and special favors were granted to those who applied for them, the administration of the zoning code would become a sham."

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for the cases ****

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

RECEIVED

1. Select a Case:

[View Comments](#)

JUL 25 2006

2. View Comments:

Municipality of Anchorage
Zoning Division

Case Num: 2006-112

An ordinance amending Title 21 for off-Street Parking

Site Address: MUNICIPALITY OF ANCHORAGE

Location: A Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.080, Off-Street Parking Requirements. to clarify Off-Street Parking Standards and amend provisions for joint use of a single parking area.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

7/25/06

Wendy McKinnon
Anchorage AK 99518

I live in the neighborhood behind Al's Bar and very often travel home when there's plenty of activity at Al's Alaskan Inn. There have been a few instances where I have been "rerouted" by the parking lot attendant who won't allow me to turn down E 79th (from Old Seward) because either there are people crossing the street from Al's to the parking area across the street or there are cars turning around in the street or the attendant is helping a patron to get out of a parking spot and is blocking the road to keep it clear. Obviously, as a resident, I should not be waved away by a bar employee with a flashlight just because that bar's patrons are clogging up the area. And I shouldn't have to holler out my window that I live down that road just to get the employee out of the way. To increase the parking capacity in the vicinity of Al's would cause further problems such as this. Can you imagine, if the parking is allowed to increase, how many more people will be crossing the side streets and - worse - the Old Seward Highway? I don't have an issue with a business expanding its clientele if it can handle the increase on its own turf, but it's clear to me that the interest Al's generates has outgrown his property line. Please consider these comments when you are weighing the effects this parking ordinance may have within the local community.

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for the cases**

RECEIVED

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

JUL 25 2006

1. Select a Case: [View Comments](#)

Municipality of Anchorage
Zoning Division

2. View Comments:

Case Num: 2006-112

An ordinance amending Title 21 for off-Street Parking

Site Address: MUNICIPALITY OF ANCHORAGE

Location: A Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.080, Off-Street Parking Requirements, to clarify Off-Street Parking Standards and amend provisions for joint use of a single parking area.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

7/24/06

Wanda Dale

PO Box 200309

Anchorage AK 99520

I am against this ordinance and I am against any special permits that allow growth at Al's Bar. In reference to Al's Bar and the "train" on that property, I have watched this bar grow and grow with lack of concern for the residents or neighborhood. With many calls from those who live on E. 79th, residents finally had "no parking signs" installed along the street to help keep Al's Bar patrons from parking on homeowner's lawns, in their yards and across/in their driveways. From 10pm until 3am his patrons are in the parking lot yelling and screaming. They urinate in their yards and toss beer bottles in their yards. Al's Bar patrons race up and down E. 79th Avenue all night long, and at times, gunshots are heard firing off at the bar. With the expansion of the bar and it's relationship to the neighborhood consisting of "young" children, it won't be long before drunk patrons end up assaulting some innocent child or children. I repeat, I am against this ordinance and I am against any special permits that allow growth at Al's Bar.

Zoning and Platting Cases On-line

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**** These comments were submitted by citizens and are part of the public record for the case.**

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

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JUL 24 2006

Municipality of Anchorage
Zoning Division

1. Select a Case:

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Case Num: 2006-112

An ordinance amending Title 21 for off-Street Parking

Site Address: MUNICIPALITY OF ANCHORAGE

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[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

7/22/06

Janie Odgers

POB 488

Sterling AK 99672

As the daughter of Joyce Munson, who owns the property directly behind Al's Bar, I spend many weekends with my mother and I have watched as this bar has grown and grown with lack of concern for the neighbors or neighborhood. With many calls from those who live on E. 79th (and myself) we finally had no parking signs installed along the street to help keep Al's Bar clientele from parking on our lawns, in our yards and across our driveways. From 10pm until 3am his clientele are in the parking lot(s) hollering and raising cane, they are urinating in our yards, tossing beer bottles in our yards, knocking down mailboxes (recently the statute in my mom's yard was backed over) and racing up and down E. 79th Avenue. The last time I called the police it was because of 3-4 gunshots fired! This ordinance reinforces an agreement that is already between Rod Udd and Al Choy that is unfortunate for the property directly behind Mr. Udd's property - an apartment complex with working families and children (there is no fence between these two parking lots to protect their property from the drunks at all hours of the night). From what I can tell this ordinance not only allows Al's Bar to expand beyond his capacity of proper parking but also opens it up to everyone in the City to overflow into any adjacent (or near) parking lot. So existing businesses can continue to grow even though they do not have sufficient parking, which impacts neighbors (be it a neighborhood or a neighboring business) without any regards to controlled growth. Now if you are a new business you have to have proper parking spaces! Al claims he has 27 employees, 20 motel rooms and 400-500 bar patrons a night. Seems he would have to have 47 dedicated parking spaces just for employees and motel guests, then how many does he need for the bar patrons? This is a nice neighborhood. E. 79th has people living in these homes

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that have lived there for 50 years, or their children or grandchildren have bought the homes and now live in them - my husband and I were planning on doing the same with my moms home - but maybe we should just see her sell out for the noisy bar can expand and ruin the whole neighborhood. If you have watched the progress of this project, a stop work order was in place a few weeks back (I just happened to be in town) when he brought in a crane company to go ahead and put up the train. It was a late Friday afternoon when the cranes started to arrive, when we went and quizzed the guys they said that they were hired to put up the train the following day. When we called the crane company they said they didn't know anything about a stop work order and that they were hired to do a job. We then called the Muni enforcer who came out to see what was going on and they told us if he started to put it up to call the police (the permit was missing from the train) we stated that without that permit in place on the train why would the police believe us. So they called and another person brought out a stop work order and finally with many more phone calls on my part put it back up. The crane company shut down and left. Now they are busy painting it! I am against this ordinance and I am against any special permits that allow growth at Al's Bar - he definitely is not a respectful neighbor!

7/22/06

Janie Odgers

~ Blank comment submitted

7/21/06

jeffry schmitz

911 fairwood drive

anchorage ak 99518

I have concerns with the manner in which *AO 2006-87* seeks to address the issue of "Joint Use" of a non adjacent parking facility; I see what the concept is but at first blush a few things leap out here - Al's Alaska Inn case being somewhat of an example of why not to go forward. An ordinance change gives him a parking space blessing here but not a lot else..It would be likely logical to think that since he has an existing agreement with Rod Udd that it is already being used and there are still problems persisting. The adverse impact issues remain due to a venue that is inappropriate in the first place for the clientèle loading and neighborhood. I also have the following concerns regarding the proposed change per AO 2006-87: 1. P&Z is excluded from this amendment process_ by AO 2006-87 Sec 2, (Excluding P&Z from reviewing this amendment). That in and of itself takes out a set of checks and balances and bothers me for the reasons below. If I as a layman citizen have the concerns I do, what does P&Z with experienced, knowledgeable professionals have to say about it? 2. While I have seen some cases of off premise parking work in practice, using the case of Al's Alaska Inn of noisy, alcohol imbibing patrons for example crossing neighborhood streets to get back to cars makes my eyes dart.... 3. Once you go for non contiguous, you also open the door to remote - I saw no distance limitation in the copy of AO 2006-87 that I read other than a vague reference to Collector Class and unclassified roads. Who and how would decide that the lot referenced is too far away? 4. If you allow for non contiguous parking, where is the upper limit then for the facility size in question? Can we keep adding train cars for example if we find a "joint use" parking lot big enough? My take is that property size tends to limit patron count to reasonable levels. Again referring to

the issue at hand, it would seem that the patron count the community can support is also relative to the parking available. 5. Altering existing code creates a "murky layer" to the parking question that would have to be resolved each time the question came up. We already have a real problem getting existing code issues either looked into, resolved, enforced or all of the above. It usually falls to the community to hound these things; the Freds Towing debacle a mile to the North of Al's was a classic case that drug on forever. And he was in extensive, clear violations of his conditional use permit. 6. The removal of AMC 21.45.080 X 3c is another case where code provisions for early problem identification and resolution is removed from the process, transferring it once more to the backs of the community to identify and seek resolution after the permits are issued and the problems are recognized. Bottom line is that this might work in very narrow circumstances (Peanut Farm comes to mind) but it needs to be codified as such and has to have strong community protection built in that does not require a lot of resources to kick in and work. Something along the lines of a conditional use permit that revokes the option if there are significant community problems. AO 2006-87, in my opinion, is much to blunt an instrument to a problem that requires a lot more precision to be fair and effective as intended. It may "address" one problem in the short term but creates others in the long run. Best Regards, Jeff Schmitz Former Chair, Taku Campbell Community Council

[Zoning & Platting Cases On-line website](#)

Rabbit Creek Community Council

P.O. Box 112354, Anchorage, AK 99511-2354

July 26, 2006

Planning and Zoning Commission
Municipality of Anchorage
PO Box 196650
Anchorage, AK 99519



RECEIVED

JUL 27 2006

**Municipality of Anchorage
Zoning Division**

RE: 2006-112 Title 21 amendment for off-street parking

The Council discussed this case at the July, 2006 meeting. The Board voted to support the joint use of parking lots, but opposes separating them by collector streets.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Skidmore". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wayne Skidmore, Vice Chair

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Municipality of Anchorage
Zoning Division

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Public Comments

7/26/06

Judy Alderson

7811 Evander Drive

--All members of the assembly need to look carefully at this proposed ordinance to evaluate the impacts it may have in their areas. It appears that this proposal has been drafted to resolve a problem for an individual business owner (Al's Alaskan Bar on Old Seward) without reflecting on the effects it may have in other parts of Anchorage. In attempting to resolve one problem, we often create problems in other areas. --I am concerned about the growth of the business at the corner of 79th and the Old Seward (Al's Alaskan Bar) over the past few years. I have lived on Evander Drive (two blocks away) for 15 years and for many years the business there was a quiet neighborhood type of bar. More recently the business has expanded and the type and numbers of patrons attracted to Al's has significantly changed. With the expansion of the business, it is easy to understand why there is inadequate parking for the attraction that is well advertised (I just heard an ad on the radio today advertising the train car and specials on rum and cokes, etc.) to include 6 bars, karayoke, dancing, and deals on drinks. The solution to this neighborhood issue is not to pass an ordinance that would expand the parking options resulting in allowing more and more patrons into this facility, but rather to work with the Planning and Zoning commission, the community council and city P&Z staff to find a balance between the grandfathered business, the capacity of the specific location and the compatibility of it's location next to a residential neighborhood. --I object to removing the involvement of P&Z through the language of this draft ordinance. --The neighborhood deserves some clear answers and explanations from the city regarding decisions made on permitting the recent expansion to include a train car (arctic entrance?) at Al's Alaskan Bar. There seem to be more questions than answers.

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Municipality of Anchorage
Zoning Division

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Public Comments

7/27/06

Mike Huston

17335 Juanita Spur

Eagle River Ak 99577

Ms. Shamberg, please see the correspondence regarding Al's bar ----- Original Message ----- From: "Ossiander, Debbie A." To: "Mike Huston, Totem Equipment" Sent: Saturday, June 24, 2006 11:49 AM Subject: RE: Al's Alaskan Inn > No decision was made that directly impacts Als. A new version of the > shared parking agreement ordinance was introduced and sent to Planning and > Zoning. We should deal with that one this fall. > > -----Original Message----- > From: Mike Huston, Totem Equipment [mailto:toteminc@alaska.net] > Sent: Thu 6/22/2006 8:24 AM > To: Ossiander, Debbie A. > Cc: > Subject: Re: Al's Alaskan Inn > > > > Hi Ms Ossiander, I could not make the assembly meeting. Was a decision > made > regarding Al's? > ----- Original Message ----- > From: "Ossiander, Debbie A." > To: "Mike Huston, Totem Equipment" > Sent: Tuesday, June 20, 2006 1:03 PM > Subject: RE: Al's Alaskan Inn > > > > hmm, thanks for the information....I had not heard complaints about how > > this business operated. Most of what I've been hearing have been > > concerns > > about the appearance of the railroad car. Debbie Ossiander > > > > -----Original Message----- > > From: Mike Huston, Totem Equipment [mailto:toteminc@alaska.net] > > Sent: Mon 6/19/2006 4:25 PM > > To: Ossiander, Debbie A. > > Cc: > > Subject: Fw: Al's Alaskan Inn > > > > > > > Hi Ms. Ossiander, please see the letter below I have sent to Anna. I > > would > > appreciate you taking into account the following when you make your > > decision > > regarding the expansion of Als Alaska Inn. > > Thanks Mike Huston > > day 276-2858 > > eve 696-8478 > > ----- Original Message ----- > > From: "Mike Huston, Totem Equipment" > > To: > > Sent: Monday, June 19, 2006 1:26 PM > > Subject: Re: Al's Alaskan Inn > > > > > > > Hi Anna, Please see the enclosed complaint

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from last Jan. I initiated > > > to > > > complaint 1st Nov 05 but you were out of town. Things have not really > > > changed much and my tenants are still complaining. I have trouble > > > trying > > > to get anyone to renew there leases and the only real complaint I ever > > > get > > > is "the bar noise,fights drug deals" etc. I noticed Mr. Choy now wants > > > to > > > ad on to his bar and take away from the little amount of parking > > > "other > > > than my property" he has now. It would just mulitply the existing > > > problems > > > we have by adding the train and deleting more parking. The bar already > > > is > > > not well situated adjacent to a relatively quiet residential > > > neighborhood. > > > The other issue that jumped out at me is does the City really want a > > > bunch > > > of drunks wandering back and forth across The Old Seward Highway. > > > I would encourage you to oppose letting "Al's Alaskan Inn" expand. > > > Thank You > > > Mike Huston > > > 696-8478 > > > PS :I don't know if you remember me I coached Garret's football team > > > > > > > > > ----- Original Message ----- > > > From: > > > To: > > > Cc: "Mike Huston, Totem Equipment" > > > Sent: Monday, January 16, 2006 6:22 PM > > > Subject: Re: Al's Alaskan Inn > > > > > > > Deputy Chief Holloway: > > > > > > Could you please review the Email below from Anna Fairclough's > > > constituent and offer some solutions to help relieve some of the > > > inconveniences that Mr. Huston is experiencing with Al's Alaskan > > > Inn? > > > > > > Thank you for your time and consideration in this regard. > > > > > > Sincerely, > > > > > > Hunter Burton > > > Legislative Aide to Anna Fairclough > > > > > > ----- Original Message ----- > > > From: "Mike Huston, Totem Equipment" > > > Date: Friday, November 18, 2005 12:50 pm > > > Subject: Re: Bar problems > > > > > > > Hi Hunter, thanks for your response. The Bar is Als Alaskan Inn > > > on > > > Old > > > Seward and 79th. It seems to be pretty much Chilkoots > > > southside. > > > Loud, lots > > > of fights and drug deals. I own an 8 plex kitty corner from the > > > bar > > > and my > > > tenants are really complaining and I've lost a couple already. > > > To make matters worse the bar has an agreement with the owner > > > of > > > the > > > building right in front of mine to allow overflow parking in the > > > evenings. > > > This parking lot is right in front of the front access doors for my > > > tenants. > > > Since this is not right outside the bar it appears to be where a > > > lot of the > > > drug deals take place. I complained to the owner of the bar, I > > > believe his > > > name is "Ling", He told me that the bar had been there 1st. > > > The police have told me that they are really to busy on Friday > > > and > > > Saturday > > > nights to even go by there. I have hired a towing co but that only > > > works to > > > get them out of the tenant parking. > > > I would appreciate any suggestions or help you might come up > > > with. > > > Thank you Mike Huston > > > ----- Original Message ----- > > > From: > > > To: "Mike Huston, Totem Equipment" > > > Sent: Friday, November 18, 2005 8:54 AM > > > Subject: Re: Bar problems > > > > > > > > > Mike- > > > > > > > Anna is out of town until Monday, November 21st and I am > > > checking her Emails until she returns. Could you tell me which > > > bar > > > it is and what the problems are? I can begin looking into this > > > for > > > you and have some information ready for her when she gets > > > back > > > in to Anchorage. > > > > > > Thank you, > > > > > > Hunter Burton > > > > > > Legislative Aide to Anna Fairclough > > > > > > ----- Original Message ----- > > > From: "Mike Huston, Totem Equipment" > > > Date: Thursday, November 17, 2005 2:27 pm > > > Subject: Bar

problems > > >>> > > >>> >> Hi Anna, I don't know if you can help me or
not but I'm > > >> having > > >>> >> problems with a bar near one of my
rental properties. I know > > >>> > some > > >>> >> people got some action
on " The Call of the Wild" bar. Please > > >> give > > >>> >> me a call at
your convenience. > > >>> >> hm 696-8478 > > >>> >> wk 276-2858 > >
>>> >> cell 529-0335 > > >>> >> Thanks Mike Huston > > >>> >

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Public Comments

7/27/06

Mary Pirtz

9806 Reliance Drive

Anchorage AK 99507

I am writing as a concerned south Anchorage resident. Our city has through the years made huge strides to make our city an inviting place to live and visit with the back bone of P&Z. The off-street parking ord.2006-112 as written removes P&Z, where does that leave our residents? This ordinance has come to pass, as it seems by special interest of Al's Bar. Prior to the salvage train being placed in the parking lot, (which is another issue into itself) parking was already overflowing into the neighborhoods. This in turn has put the burden onto the neighborhood to insure their property and children are safe from the over-indulging patrons that race through the neighborhood, urinate on their private property, loud music, drug use and intoxicated patrons wondering through the streets. This once neighborhood bar seems to have growing pains that the neighborhood can no longer indure. The P&Z must be involved to protect our neighborhoods to insure the safety for our residents. How many patrons can one establishment handle? We have numerous businesses in Anchorage that have simillar parking encroachments into the neighborhoods and we need to insure "all" residents are protected and establishments have proper parking for their patrons. I object to the removal of P&Z in this ordinance the way it is written. Special interest is 'not' in the best interest for all.

Chambers, Angela C.

From: Nelson, Tom P. (Planning Department)
Sent: Monday, July 24, 2006 1:59 PM
To: Weaver Jr., Jerry T.; Chambers, Angela C.
Subject: FW: AO 2006-87 Proposed Parking

FYI.

-----Original Message-----

From: Ronald Jordan [mailto:akrljordan@hotmail.com]
Sent: Sunday, July 16, 2006 7:12 PM
To: Sullivan, Dan; Sullivan, Dan; Ossiander, Debbie A; Mayor Mark Begich
Cc: Fairclough, Anna I; Bauer, Paul A; Birch, Chris J; dcoffey@coffey-law.net; Jennings, Pamela K; Shamberg, Janice; stout@ci.anchorage.ak.us; Tesche, Allan; Traini, Dick D
Subject: AO 2006-87 Proposed Parking

To: Assembly Chair Dan Sullivan and Co-Chair Debbie Ossiander 7/16/2006
Municipality of Anchorage Alaska

From: Ronald Jordan, Chair Taku/Cambell Community Council
8170 Woodgreen CR.
Anchorage, AK. 99518

Ref: Special Summer meeting of the Taku/campbell CC, Diamond Center Hotel 7/14/2006

The Taku/Campbell CC met on 14 July, 2006 at the Diamond Center Hotel. Two main issues were before the Taku/Campbell Community Council that require us to respond to Planning and Zoning. One staff member from planning and zoning was present Mr. Richard Nory. 37 people present for the meeting. 2 did not sign in. One Atty. and the wife of Mr. Nichols.

A total of 5 Items were addressed in the meeting. Two items delt with "Al's Bar"

Item one: "AO NO. 2006-87" "Off-Street Parking Requirements". The Community Council voted for a resolution "Not to Support" the proposed changes. The Taku/Campbell Community Council by hand vote all said "NAY". Therefore "AO NO. 2006-87" "Off-Street Parking Requirements" did not pass by public vote. The 6 public officials present did not vote.

Item two: "Case 2006-122" A request concept/final approval of a conditional use to permit: a restaurant serving alcohol in the B-3 business district:

DBA as "Suite #100, Inc. owner Kelly Nichols

The Taku/Campbell Community Council unanimous vote, voted "Yes" in support of this permit. For "Suite #100, Inc."

Item Three: Re: Concern (non parking issue) "Al's Bar" Past Chair of Taku/Campbell CC Mr. Jeff Schmitz did e-mail the assembly in detail on this. I current Chair of TCCC concur with his assement of the local community feelings in regards to "Al's Bar". The community council would like to support his business. But the owner of "Al's Bar" needs to work closer with the local property owners.

Sincerely

Ronald Jordan, Chair Taku/Campbell Community Council
8170 Woodgreen Cr.
Anchorage, AK. 99518

907-345-2755

Please respond to this e-mail
thank you

..

Chambers, Angela C.

From: Nelson, Tom P. (Planning Department)
Sent: Monday, July 24, 2006 1:57 PM
To: Weaver Jr., Jerry T.; Chambers, Angela C.
Subject: FW: AO 2006-87 Proposed Parking

..

FYI. Please include in case file.

-----Original Message-----

From: Ronald Jordan [mailto:akrljordan@hotmail.com]
Sent: Sunday, July 16, 2006 12:51 PM
To: Nelson, Tom P. (Planning Department)
Cc: Mayor Mark Begich; Sullivan, Dan; Sullivan, Dan; Ossiander, Debbie A; dcoffey@coffey-law.net; Traini, Dick D
Subject: AO 2006-87 Proposed Parking

Planning and Zoning MOA 7/14/2006
Mr. Nelson

The Taku/Campbell CC met on 14 July, 2006 at the Diamond Center Hotel. Two issues were before the Taku/Campbell Community Council that require us to respond to Planning and Zoning. One of your staff members was present Mr.. Richard Nory. 34 people present for the meeting.

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Sincerely

Ronald Jordan, Chair Taku/Campbell Community Council
8170 Woodgreen Cr.
Anchorage, AK. 99518
907-345-2755

Please respond to this e-mail
thank you

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
August 7, 2006**

**Joint Parking Ordinance as
Recommended by the Department**

**G.6. Case 2006-112
Ordinance Joint Use Off Street
Parking**

Double-sided

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
August 7, 2006**

Supplemental Information

**G.6. Case 2006-112
Ordinance Joint Use Off Street
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Double-sided

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Public Comments

8/3/06

Jennifer Staley

Anchorage AK 99518

It is important to me that this ordinance does not cause planning and zoning to be excluded from the process of acquiring additional off-street parking. The new (salvaged) train car at Al's Alaskan Inn is just one case that demonstrates the need for planning and zoning to have a chance to review a business' changes in structure and/or parking that could cause a need for additional parking. I realize that Anchorage's growing need for parking would be affected by this ordinance - and it is better to find effective ways to maximize already existing parking areas than to creat new ones - but consideration needs to be given to how this will affect Anchorage businesses and residential areas that will be affected by the growth of these businesses. In the case of Al's Alaskan Inn, people are saying that this business has outgrown it's location and if it is allowed to continue to expand, current issues like noise and other disturbances will likely continue to get worse.



MUNICIPALITY OF ANCHORAGE

ALL PERSONS ARE HEREBY ORDERED TO AT ONCE

STOP WORK

PERTAINING TO CONSTRUCTION, ALTERATIONS,
REPAIRS, WIRING, GRADING, OR REGULATED
EQUIPMENT OR LAND USE

On these premises at Bella Vista #1, 7830 Old Seward Highway

This order is issued because Stop work on entire project.

Obtain all proper approvals from MOA. \$1,000 fine per the Building
Official for unlawful continuance – AMC 23.10.202.4.1.

Third notice – DO NOT REMOVE – FINES AND CITATIONS MAY BE
ISSUED

By: For the Building Official
Phillip Calhoun

Date: June 19, 2006 Time: 3 p.m.

WARNING

AMC 23.10.202.4.1 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

The following comments are from
the community council meeting and
comments to P&Z Commission on the
parking ordinance 2006-87 and later
on case 2006-112.

RECEIVED

AUG 29 2006

Municipality of Anchorage
Zoning Division

Joyce Munson

Joyce Munson

From: "Jeff and Pam Schmitz" <jschmitz@alaska.net>
To: "Joyce Munson" <joycem@alaska.net>
Sent: Saturday, July 15, 2006 12:51 PM
Subject: [Fwd: Al's Bar]

My email to the Mayor et al, re Al....

----- Original Message -----

Subject: Al's Bar
Date: Sat, 15 Jul 2006 10:58:43 -0800
From: Jeff and Pam Schmitz <jschmitz@alaska.net>
To: Anna Fairclough <annafair@alaska.net>, Dick Traini
 <dtraini@acsalaska.net>, Allen Tesch <teschca@muni.org>, Janice Shamberg
 <jcshamberg@gci.net>, Mayor Mark Begich <Mayor@ci.anchorage.ak.us>,
 Debbie Ossiander <ossiander@gci.net>, Ken Stout
 <stout@ci.anchorage.ak.us>, Paul Baer <pbauer@alaska.com>, Chris Birch
 <chrisbirch@gci.net>, Pamela Jennings <jenningspk@ci.anchorage.ak.us>,
 Dan Sullivan <sullivan@dmuni.org>, Dan Coffey <dancoffey@gci.net>, Ron
 Jordan <akrljordan@hotmail.com>, ABC Board <william_roche@dps.state.ak.us>

Mayor Begich, Members of the Assembly, ABC Board,

I am a former Chair of the Taku Community Council. I recently attended a meeting of the Taku Campbell Community Council, primarily to engage the Council in addressing the growing gang and graffiti problems we are seeing in our area. That issue turned into something of a side note item as the main focus of the attendees was the growing problem, bureaucratic runarounds and disturbing attempts to alter current Muni Code relating to the expansion of *Al's Bar* on Old Seward Highway.

My take on this issue is multi fold. First, I see a repeat of the Call of the Wild problem that took a lot of community effort to finally put to ground. Second, I am disturbed by the cavalier, shortsighted and hasty attempt to alter Muni Code Sec 21.45.080 (Off Street Parking Requirements). Third, I see a neighborhood that has been a wonderful area to live in being trashed by both an irresponsible owner and by local government. Fourth, history has shown us that when an establishment has community issues there are a whole host of others that go with it in the form of fire safety, server training, underage drinking, drug use and license condition violations that eventually require intervention at multiple levels. Examples abound in Anchorage - The Call of the Wild, the Sawmill Club, Tiki Lounge, etc. The list is pretty extensive.

The residents of this Council area have put a lot of time and effort into fairly and effectively managing the liquor industry for the last 15 years of my association with the Council and have, in my opinion, enjoyed a high degree of success. Historically, Al's Bar was not a problem. The Council had no complaints, high APD call rates or other

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Bottom Line: Let's all get engaged on this problem and put it to rest. Instead of giving these residents the runaround let's see that they get the benefit of existing processes and code enforcement. Pull AO 2006-87 and put it in the trash where it belongs - this is clearly special interest Code tinkering in an area that not only has functioned effectively for many years but also has far ranging implications going forward for the rest of the Municipality. P&Z *does* need to be involved in the process. It's not just about Al's Bar.

Jeff Schmitz
Former Chair,
Taku Campbell Community Council

--

No virus found in this incoming message.

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Version: 7.1.394 / Virus Database: 268.10.1/389 - Release Date: 7/14/2006

Subj: **Fwd: (no subject)**
 Date: 6/7/2006 10:31:45 A.M. Alaskan Daylight Time
 From: PapaHMEch
 To: annafair@alaska.net

Forwarded Message:

Subj: **(no subject)**
 Date: 6/7/2006 10:14:15 A.M. Alaskan Daylight Time
 From: PapaHMEch
 To: dancoffey@gci.net

This E-mail is a request for you to please look into the legality of Al's Bar not just for the parking ordinance AO NO.2006-87 that has been postponed, but also the use of a hotel liquor license to run 6 bars. Its seems that since Mr. Choy has money he can do what ever he wants and no one can stop him. Joyce Munson is not the only resident of 79th Ave. that has an issue with this overpopulation of bar traffic that we have to endure every weekend. I was born and raised here at 850 east 79th Ave., that makes me a 47 year resident and my uncle next door at 820 East 79th Ave has been here for over 50 years. I have watched South Anchorage grow, I can remember when Dimond Center was where I used to hunt rabbits and Dimond Blvd was a dirt road. The fact that Al Jr. can bring in a derelict railroad car which was given to the Anchorage Recycle Center then he got it is another violation 21.40.180 B-3, to be exact, and is another outrage that we as residents have to endure. When you figure in the 400 or so people they claim to have running into the bar every night on the weekends that is like comparing the occupants of the Dimond Center packed into one small 2 acre parking lot, not only is it not feasible it is impossible. Where do you think all of the people looking for easier parking go? They park on our street or use our driveways to turn around in. Most of these people are already drinking and loud so that means the noise level increases as the night goes on, from midnight till well after 2:30 am when the bars close it is impossible to sleep. When there is some sort of Holiday on the weekend their is normally at least 1 gun shot and always fireworks set off in the parking area of Al's, when I personally tried to speak to the bouncers that work the parking lot about the traffic or the noise they tell me if I do not like it to move or call the police. In the summer access for fire trucks is not an issue, but in the winter time the road narrows and there are times that a fire truck would not be able to thread its way through the cars lining the street. I would hate to think my house would burn to the ground with a fire station less than a block away. It makes me wonder why I have to pay taxes at all especially this year when the value of my property and my uncles both went up over 100,000.00 each. As tax payers don't we have rights too, or is Al the only one who gets special attention from the assembly members.

Janie Odgers

From: "Ronald Jordan" <akrljordan@hotmail.com>
To: <janie@kenaichamber.org>
Sent: Thursday, May 18, 2006 10:40 AM
Subject: RE: Train

I remember seeing this But do not remember getting a notice about it. I will look into this and get back with you

Thank You

Ron Jordan, TCCC

345-2755

From: "Janie Odgers" <janie@kenaichamber.org>
To: <akrljordan@hotmail.com>
CC: <calhouns@gci.net>, <lack@tindall-law.com>
Subject: Train
Date: Thu, 18 May 2006 09:13:27 -0800

I would appreciate your assistance. My mother owns the property adjacent to Al's Bar where they have just "dropped" in an 85' train car. Al's property backs up to a neighborhood with families and children. I must admit that the neighbors have been "good" neighbors through thick and thin with this bar; finally getting the City to put up no parking signs along 79th Avenue after putting up with his clients parking half in and out of driveways and on lawns all along 79th Avenue (not the least to say the noise of these people after they come from the bar at 2am getting into their cars). When we called the City they sent someone out during the day! Finally we convinced them to come out on a Friday or Saturday night, then the signs appeared.

Now an 85' train car has been brought in, and will be put up on pedestals, very near the intersection of 79th Avenue and Old Seward (will the residents be able to see past this train to get out on Old Seward Hwy?). This bar parking lot already overflows into every vacant lot around it, where will all of the people who are in the train car going to park? He states that the train car will be used for "waiting area" no alcohol will be served. I personally can't see that he needs a "waiting area" and I don't know that we need this bar to grow - when they contested the new restaurant that will be going in across the street where the old trailer park was - saying we didn't need another liquor license in the area - yet he will add at least 50 more seats to an already overstuffed bar.

As the community council members were you aware of this? Are you alerted to projects of this sort? I would appreciate if you would stop by and visit with Joyce Munson at 935 E. 79th Avenue, or call her at 344-2013. She has lived in this house for over 50 years and so have many of her neighbors, they are good upstanding citizens who have made this little neighborhood the place to stay and live, how they need your help.

Thank you,
Janie Odgers

Joyce Munson

From: "Jeff and Pam Schmitz" <jschmitz@alaska.net>
To: "Dan Coffey" <dancoffey@gci.net>
Cc: "Dick Traini" <dtraini@acsalaska.net>; "Ron Jordan" <akrljordan@hotmail.com>
Sent: Saturday, July 15, 2006 3:24 PM
Subject: Re: Al's (Alaskan Inn)Bar

Dan,

As to the history of the bar, I was Council chair or an officer when one or more of the bar's license renewals came up and had first hand knowledge of the community sentiment on that issue. As I stated, there were no complaints during my tenure and the license app was always recommended for approval. According the ADN article, a large expansion has taken place since the original owner (the current owner's father as I recall but don't quote me on that) is no longer involved. I would have to go retrieve the article to quote chapter and verse on that one.

As to the sentiment on the install of the Rail Car - oddly enough the fact that Al is putting the rail car up was a minor point with the residents which surprised me. I personally thought it was a rather poor choice when I saw the rail car about to be hoisted to the intended location as it is completely at odds with all of the surroundings. I make no comments on that since it is the owners property and feel the impact was, while ghastly, visual. In the legend has it category, this "car" was supposedly scrapped by the railroad which may have some other implications. Not sure on that one.

The central issues were the noise, loud music, drunks, parking issues, folks urinating "in the bushes" as one resident put it. Some "patrons" apparently also go to great lengths to make sure motion sensor lighting gets tripped before doing their business so as to get maximum visibility. One resident went out to investigate a couple of patron cars and found a young girl with a needle in her arm. Another reported APD accosting an SUV full of patrons, waking her young kids in the process. One resident mentioned that he was adversely impacted by the loud music even though he was rather hard of hearing. We could all vouch for his hearing loss.... Verbatim from the meeting. Only thing missing here so far from my recollection of the Call of the Wild snafu are the fights in the parking lot accompanied by gunfire. For what it is worth, the meeting last night (unattended by any Assembly members or a representative of the bar) had a large number of affected residents - you can get the attendee list from Ron Jordan. Two resolutions were passed regarding the issues surrounding the bar, of note was the lack of any opposition at all. That number of folks don't show up for trivial concerns, especially on a Friday night in the middle of summer. As I said, this was a rare summer meeting for this council.

I have attempted to weed out the allegations that you allude to as I know from past experience differing folks get different slants on things. That said, what emerged from the meeting was a community in

distress over a bar that has gone from low profile to causing significant problems in the area. Further, after hearing what the residents had to say about about parking issues I read AO 2006-87 and saw a process unfolding that was only going to remove checks and balances rather than improve on existing ordinance. The anecdotal aspect of that process gave me no confidence that the communities' best interests were being pursued; rather it sure looked like a piece of fast track work to achieve a narrow goal. Take that for what it is worth; it is the perception of the community. If it is wrong then you have an obligation to show why that is so. When one connects the dots it's pretty difficult to see why the existing code suddenly needs to be modified except to remove a process that is already going badly sideways with the neighborhood.

It's also hard to see what is going to get better about this bar situation without some intervention as it stands today. It is advertised on page 276 of the current Yellow pages as having 7 bars, three dance floors and more now. They also refer to an "Elevated Train Bar", whether that is included in the 7 bar figure or not is unclear. The bar obviously does not have access to any kind of adequate, legitimate parking with or without AO 2006-87 since the patrons are parking in inappropriate residential, other commercial and multifamily housing lots now. Color me skeptical but I can't see how another bar can possibly make the situation better.

In closing, I would like to share a contrast that emerged in last night's meeting and has been a hallmark of what the Council has come to know as community sensitive proprietors. The future owner/operators of a eating establishment with bar license called Suite 100 was one of the few folks at the meeting last night that was not associated with the Al's Bar issue. Several things were immediately obvious about this prospective operation - the owners were all there in person, they answered all questions to the satisfaction of the already bar sensitive attendees, have their server and parking plans pre approved, were genuinely interested in running an operation that was an asset to the community rather than a liability. As a result their application was unanimously approved. This was in complete contrast to the lack of any but those adversely impacted by the Al's bar issue. Did I mention the two unopposed condemning resolutions regarding Al's operations? Quite a contrast. I really feel you and Dick should get involved with your constituents on this issue as well as get the owner of the bar engaged. I am pretty sure there is another summer meeting of the council being set up pending a venue availability. Ron Jordan, the current TCCC Chair will be the contact on that. I will do some legwork to further check out this problem. I will also work to ensure that the residents of the affected community pass on their first hand experiences to you and Dick directly as I am sure you will want to incorporate that input going forward.

Best Regards,

Jeff Schmitz

Dan Coffey wrote:

> Dear Mr. Schmitz:

>

> Please provide the basis for your statement that Al's bar while not
> "historically...a problem", has changed with the unrestricted
> expansion ... with Al's son taking over management." If this
> establishment (a former client from time to time on other matters) is
> truly a Call of the Wild type operation, then I would like to know
> about it and I am sure the rest of the Assembly would like to know
> about it.

>

> So far, what appears to really be the problem is the addition of the
> train which was permitted by the staff. The Assembly had nothing to do
> with the issuance of the permit. However, if you have information
> (accurate, established and substantial) that this establishment is
> creating the problems you claim it is, then you should present that
> information to the Assembly. I think our record is very clear that we
> will not tolerate the Call of the Wild situation.

>

> From my dealing with this problem several weeks ago, I do know that
> some of the information you report in your e mail is inaccurate. That
> causes me some concern. But rather than pick at your mistakes, I would
> really like to see what information you have on the operation of the
> facility which has caused you to make the allegations you have made in
> your e mail.

>

> I look forward to your response.

>

> Regards,

>

> Dan Coffey

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> On Jul 15, 2006, at 10:58 AM, Jeff and Pam Schmitz wrote:

>

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>>

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>> attended a meeting of the Taku Campbell Community Council, primarily
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>> shown us that when an establishment has community issues there are a

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>> server training, underage drinking, drug use and license condition

>> violations that eventually require intervention at multiple levels.

>> Examples abound in Anchorage - The Call of the Wild, the Sawmill

>> Club, Tiki Lounge, etc. The list is pretty extensive.

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>> into fairly and effectively managing the liquor industry for the last

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Version: 7.1.394 / Virus Database: 268.10.1/389 - Release Date: 7/14/2006

Joyce Munson

From: "Jeff and Pam Schmitz" <jschmitz@alaska.net>
To: "Joyce Munson" <joycem@alaska.net>
Sent: Saturday, July 15, 2006 3:31 PM
Subject: Re: Al's Bar] ..

Got a reply from Coffey, I BCC'd you on my reply to him. I would urge you to in turn email all the folks on your list to send him and Dick Traini their personal experiences with this problem. I would also suggest a door to door campaign in a 600 or 1000 foot radius of the bar getting email addresses and urging those impacted to in turn email those in the food chain with their thoughts - start with the Mayor and work down. We have found over the years that the squeaky wheel gets taken care of. Take digital pictures of offending vehicles, patrons, etc and attach them to the emails as well.

Best Regards,

Jeff

Joyce Munson wrote:

> Wow! Am forwarding, thank you!
 > ----- Original Message ----- From: "Jeff and Pam Schmitz"
 > <jschmitz@alaska.net>
 > To: "Joyce Munson" <joycem@alaska.net>
 > Sent: Saturday, July 15, 2006 12:51 PM
 > Subject: [Fwd: Al's Bar]
 >
 >
 >> My email to the Mayor et al, re Al....
 >>
 >> ----- Original Message -----
 >> Subject: Al's Bar
 >> Date: Sat, 15 Jul 2006 10:58:43 -0800
 >> From: Jeff and Pam Schmitz <jschmitz@alaska.net>
 >> To: Anna Fairclough <annafair@alaska.net>, Dick Traini
 >> <dtraini@acsalaska.net>, Allen Tesch <teschea@muni.org>, Janice
 >> Shamberg <jeshamberg@gci.net>, Mayor Mark Begich
 >> <Mayor@ci.anchorage.ak.us>, Debbie Ossiander <ossiander@gci.net>, Ken
 >> Stout <stout@ci.anchorage.ak.us>, Paul Baer <pbauer@alaska.com>,
 >> Chris Birch <chrisbirch@gci.net>, Pamela Jennings
 >> <jenningspk@ci.anchorage.ak.us>, Dan Sullivan <sullivan@muni.org>,
 >> Dan Coffey <dancoffey@gci.net>, Ron Jordan <akrljordan@hotmail.com>,
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To: "Joyce Munson" <joycem@alaska.net>
Sent: Saturday, July 15, 2006 12:51 PM
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 <jeshamberg@gci.net>, Mayor Mark Begich <Mayor@ci.anchorage.ak.us>,
 Debbie Ossiander <ossiander@gci.net>, Ken Stout
 <stout@ci.anchorage.ak.us>, Paul Baer <pbauer@alaska.com>, Chris Birch
 <chrisbirch@gci.net>, Pamela Jennings <jenningspk@ci.anchorage.ak.us>,
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TO THE EDITOR:

This is regarding the railroad car that is currently parked on the corner of 79th & Old Seward Highway. Does Anchorage really need another eyesore? We think not.

The mayor and assembly members are talking about beautifying Anchorage, but then they are considering giving the owner of Al's Alaska Inn a permit to turn that railroad car into a bar. This will be another example of "bad taste" that we already have too much of in Anchorage. Not only is it ugly, but even we can see that it would cause a major parking problem.

Wal*Mart; Fred Meyer; Carrs/Safeway; Schools and Office Buildings (to name a few) are required to meet minimum requirements for aesthetics; landscaping and parking. To allow the railroad car to be installed permanently, will negate the gains made by establishing the minimum requirements.

Sincerely,

Bill & Helga Watterson
8810 Emerald Street
Anchorage, AK 99502

TEL: (907) 562-7444

Joyce Munson

From: "Helga Watterson" <HelgaWatterson@wattersonconstruction.com>
To: <joycem@alaska.net>
Sent: Saturday, July 15, 2006 4:15 PM
Subject: FW:

Here is one of the answer we got after we sent the letter.

Helga

-----Original Message-----

From: Dan Coffey [mailto:dcoffey@eclawfirm.net]
Sent: Saturday, July 15, 2006 12:14 PM
To: Helga Watterson
Subject:

Dear Mr. and Mrs. Watterson:

I am not sure why the permitting department issued a permit for this railroad car in the first place, but they did. The owner then did a lot of work and moved the railroad car onto his property. There is sits to this day. I do not know the status of the permit or the stop work order. I suggest, if you want further information, contact the city permitting department. The director is Ron Thompson. His e mail is thompsonrj@muni.org. Also, the City Manager's office might have information. The City Manager is Denis LeBlanc. His e mail is leblancdc@muni.org.

I hope this helps.

Regards,

Dan Coffey

--

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.1.394 / Virus Database: 268.10.1/389 - Release Date: 7/14/2006

flowing into the neighborhoods. This in turn has put the burden onto the neighborhood to insure their property and children are safe from the over-indulging patrons that race through the neighborhood, urinate on their private property, loud music, drug use and intoxicated patrons wandering through the streets. This once neighborhood bar seems to have growing pains that the neighborhood can no longer endure. The P&Z must be involved to protect our neighborhoods to insure the safety for our residents. How many patrons can one establishment handle? We have numerous businesses in Anchorage that have similar parking encroachments into the neighborhoods and we need to insure "all" residents are protected and establishments have proper parking for their patrons. I object to the removal of P&Z in this ordinance the way it is written. Special interest is "not" in the best interest for all.

7/27/06

Mike Huston

17335 Juanita Spur

Eagle River Ak 99577

Ms. Shamberg, please see the correspondence regarding Al's bar ----- Original Message ----- From: "Ossiander, Debbie A." To: "Mike Huston, Totem Equipment" Sent: Saturday, June 24, 2006 11:49 AM Subject: RE: Al's Alaskan Inn > No decision was made that directly impacts Als. A new version of the > shared parking agreement ordinance was introduced and sent to Planning and > Zoning. We should deal with that one this fall. > > -----Original Message----- > From: Mike Huston, Totem Equipment [mailto:toteminc@alaska.net] > Sent: Thu 6/22/2006 8:24 AM > To: Ossiander, Debbie A. > Cc: > Subject: Re: Al's Alaskan Inn > > > Hi Ms Ossiander, I could not make the assembly meeting. Was a decision > made > regarding Al's? > ----- Original Message ----- > From: "Ossiander, Debbie A." > To: "Mike Huston, Totem Equipment" > Sent: Tuesday, June 20, 2006 1:03 PM > Subject: RE: Al's Alaskan Inn > > > > hmm, thanks for the information....I had not heard complaints about how > > this business operated. Most of what I've been hearing have been > > concerns > > about the appearance of the railroad car. Debbie Ossiander > > > -----Original Message----- > > From: Mike Huston, Totem Equipment [mailto:toteminc@alaska.net] > > Sent: Mon 6/19/2006 4:25 PM > > To: Ossiander, Debbie A. > > Cc: > > Subject: Fw: Al's Alaskan Inn > > > > > > Hi Ms. Ossiander, please see the letter below I have sent to Anna. I > > would > > appreciate you taking into account the following when you make your > > decision > > regarding the expansion of Als Alaska Inn. > > Thanks Mike Huston > > day 276-2858 > > eve 696-8478 > > ----- Original Message ----- > > From: "Mike Huston, Totem Equipment" > > To: > > Sent: Monday, June 19, 2006 1:26 PM > > Subject: Re: Al's Alaskan Inn > > > > > > Hi Anna, Please see the enclosed complaint from last Jan. I initiated > > the > > complaint 1st Nov 05 but you were out of town. Things have not really > > changed much and my tenants are still complaining. I have trouble > > trying > > to get anyone to renew there leases and the only real complaint I ever > > get > > is "the bar noise, fights drug deals" etc. I noticed Mr. Choy now wants > > to > > ad on to his bar and take away from the little amount of parking > > "other > > than my property" he has now. It would just mulitply the existing > > problems > > we have by adding the train and deleting more parking. The bar already > > is > > not well situated adjacent to a relatively quiet residential > > neighborhood. > > The other issue that jumped out at me is does the City really want a > > bunch > > of drunks wandering back and forth across The

Old Seward Highway. > > > I would encourage you to oppose letting "Al's Alaskan Inn" expand. > > > Thank You > > > Mike Huston > > > 696-8478 > > > PS :I don't know if you remember me I coached Garret's football team > > > > > > > > > ----- Original Message ----- > > > From: > > > To: > > > Cc: "Mike Huston, Totem Equipment" > > > Sent: Monday, January 16, 2006 6:22 PM > > > Subject: Re: Al's Alaskan Inn > > > > > > > > Deputy Chief Holloway: > > > > > > > Could you please review the Email below from Anna Fairclough's > > > constituent and offer some solutions to help relieve some of the > > > inconveniences that Mr. Huston is experiencing with Al's Alaskan > > > Inn? > > > > > > > Thank you for your time and consideration in this regard. > > > > > > > Sincerely, > > > > > > > Hunter Burton > > > > > Legislative Aide to Anna Fairclough > > > > > > > ----- Original Message ----- > > > From: "Mike Huston, Totem Equipment" > > > Date: Friday, November 18, 2005 12:50 pm > > > Subject: Re: Bar problems > > > > > > > > Hi Hunter, thanks for your response. The Bar is Als Alaskan Inn > > > on > > > > > Old > > > Seward and 79th. It seems to be pretty much Chilkoots > > > southside. > > > Loud, lots > > > of fights and drug deals. I own an 8 plex kitty corner from the > > > bar > > > and my > > > tenants are really complaining and I've lost a couple already. > > > To make matters worse the bar has an agreement with the owner > > > of > > > the > > > building right in front of mine to allow overflow parking in the > > > evenings. > > > This parking lot is right in front of the front access doors for my > > > tenants. > > > Since this is not right outside the bar it appears to be where a > > > lot of the > > > drug deals take place. I complained to the owner of the bar, I > > > believe his > > > name is "Ling", He told me that the bar had been there 1st. > > > The police have told me that they are really to busy on Friday > > > and > > > Saturday > > > nights to even go by there. I have hired a towing co but that only > > > works to > > > get them out of the tenant parking. > > > I would appreciate any suggestions or help you might come up > > > with. > > > Thank you Mike Huston > > > ----- Original Message ----- > > > From: > > > To: "Mike Huston, Totem Equipment" > > > Sent: Friday, November 18, 2005 8:54 AM > > > Subject: Re: Bar problems > > > > > > > > > > > > > > Mike- > > > > > > > > Anna is out of town until Monday, November 21st and I am > > > checking her Emails until she returns. Could you tell me which > > > bar > > > it is and what the problems are? I can begin looking into this > > > for > > > you and have some information ready for her when she gets > > > back > > > in to Anchorage. > > > > > > > Thank you, > > > > > > > Hunter Burton > > > > > Legislative Aide to Anna Fairclough > > > > > > > ----- Original Message ----- > > > From: "Mike Huston, Totem Equipment" > > > > > > Date: Thursday, November 17, 2005 2:27 pm > > > > > > Subject: Bar problems > > > > > > > > Hi Anna, I don't know if you can help me or not but I'm > > > having > > > problems with a bar near one of my rental properties. I know > > > some > > > people got some action on " The Call of the Wild" bar. Please > > > give > > > me a call at your convenience. > > > hm 696-8478 > > > wk 276-2858 > > > > > > cell 529-0335 > > > > > > Thanks Mike Huston > > > > > >

7/27/06

Mike Huston
17335 Juanita Spur

Eagle

~ Blank comment submitted

7/26/06

Judy Alderson

7811 Evander Drive

--All members of the assembly need to look carefully at this proposed ordinance to evaluate the impacts it may have in their areas. It appears that this proposal has been drafted to resolve a problem for an individual business owner (Al's Alaskan Bar on Old Seward) without reflecting on the effects it may have in other parts of Anchorage. In attempting to resolve one problem, we often create problems in other areas. --I am concerned about the growth of the business at the corner of 79th and the Old Seward (Al's Alaskan Bar) over the past few years. I have lived on Evander Drive (two blocks away) for 15 years and for many years the business there was a quiet neighborhood type of bar. More recently the business has expanded and the type and numbers of patrons attracted to Al's has significantly changed. With the expansion of the business, it is easy to understand why there is inadequate parking for the attraction that is well advertised (I just heard an ad on the radio today advertising the train car and specials on rum and cokes, etc.) to include 6 bars, karayoke, dancing, and deals on drinks. The solution to this neighborhood issue is not to pass an ordinance that would expand the parking options resulting in allowing more and more patrons into this facility, but rather to work with the Planning and Zoning commission, the community council and city P&Z staff to find a balance between the grandfathered business, the capacity of the specific location and the compatibility of it's location next to a residential neighborhood. --I object to removing the involvement of P&Z through the language of this draft ordinance. --The neighborhood deserves some clear answers and explanations from the city regarding decisions made on permitting the recent expansion to include a train car (arctic entrance?) at Al's Alaskan Bar. There seem to be more questions than answers.

7/25/06

Randall Hill

850 East 79th Ave

Anchorage Ak 99518

As a resident of 79th ave for the past 47 years I have seen the growth of South Anchorage as a kid and later as an adult. I was born literally on the property where I live, my father delivered me much against his will but later delite. Over the past few years as Al's has grown we have had to put up with more traffic, garbage, drug abuse, drunks, and damage to our property. It was not until extreme measures were taken that we were able as a community to get no parking signs put up to clear our street and drive ways enough so that we could return to our residences if we left home on Friday or Saturday nights. Even with the no parking signs we are still harassed by Al's hired goons or security force as they call them selves when we turn onto 79th ave to try and go home, they yell and slap there hands on your cars and tell you you cannot go down 79th because there is no parking. This raises a question to why I am forced to pay taxes and be harrassed in this way. The fact that 79th ave is not a standard sized street, meaning no gutters and very narrow, raises another problem which no one has brought up. Once we get the first snow and later the city plows the the street it

becomes even more narrow, now add to the mix the 100 or so people trying to find parking at Al's and trying to funnel past his parking lot all of a sudden you have all of these cars zooming down a narrow street at a high rate of speed. Next comes the noise level because everyone has to have their stereo turned up as loud as humanly possible and you have our typical Friday and Saturday night. By allowing Al's to use the parking at the Alpine Building you open the door to even more people driving up and down our street. If you allow this ordinance to pass Al is just one step away from using a second piece of property which is right behind Joyce Munson's home that has a access road that also comes out on 79th ave. If the ordinance passes wont he be able to use this as off street parking too? If so he can add another 100 parking spots that would be close to 550 or 600 patrons he could have in his bar, now just stop and imagine the level of noise, would you want to live anywhere near a place like this. My wife Denice Hill and I are using our computer to send this message for our neighbors who are all over 70 so are not really into computers. Harold and Elizabeth Weber, 820 East 79th ave. Donnald and Mary Kranz, 875 East 79th ave. We all live less than 1/2 block from Al's bar, if we do not get a vote in this who does?

7/25/06

Dick Odgers

I oppose this ordinance. This opens the door for other businesses to outgrow thier parking areas and flow into unsuspecting neighborhoods. We do not stand alone, those who live near the Bear Tooth and the Mooses Tooth are experiencing the same affect that those behind Al's Bar are experiencing.

7/25/06

Joyce Munson

I oppose the parking ordinance, case num. 2006-112, entitled off street parking. I live on the adjacent lot to Al's Alaskan Inn and this is a prime example of what can happen if this ordinance is enacted. For the past 5 years as the ownership of the bar and motel was transferred from father to son, it has been transformed from a motel and neighborhood pub to a club with 6 bars. An agreement was recorded between the owner of the bar and the Alpine Building owner for shared parking but no variance was asked for even though the building was located across 79th Avenue. The neighbors did not realize this was illegal. As his expansion grew the problems continued to grow and parking became a bigger issue as well as impacting the neighborhood in all another areas. This over flow is everywhere and the bar owner solved the problem by sending the people across the Seward Highway to park at American Tire Co without an agreement. This encroachment must be stopped. With no oversight from planning and zoning the public will have no recourse except for the police. "What is a Variance: Zoning regulations apply to all property uniformly within the same zoning district. If the regulations were not uniformly applied and special favors were granted to those who applied for them, the administration of the zoning code would become a sham."

7/25/06

Wendy McKinnon

Anchorage AK 99518

I live in the neighborhood behind Al's Bar and very often travel home when there's plenty of activity at Al's Alaskan Inn. There have been a few instances where I have been "rerouted" by the parking lot attendant who won't allow me to turn down E 79th (from Old Seward) because either there are people crossing the street from Al's to the parking area across the street or there are cars turning around in the street or the attendant is helping a patron to get out of a parking spot and is blocking the road to keep it clear. Obviously, as a resident, I should not be waved away by a bar employee with a flashlight just because that bar's patrons are clogging up the area. And I shouldn't have to holler out my window that I live down that road just to get the employee out of the way. To increase the parking capacity in the vicinity of Al's would cause further problems such as this. Can you imagine, if the parking is allowed to increase, how many more people will be crossing the side streets and - worse - the Old Seward Highway? I don't have an issue with a business expanding its clientele if it can handle the increase on its own turf, but it's clear to me that the interest Al's generates has outgrown his property line. Please consider these comments when you are weighing the effects this parking ordinance may have within the local community.

7/24/06

Wanda Dale

PO Box 200309

Anchorage AK 99520

I am against this ordinance and I am against any special permits that allow growth at Al's Bar. In reference to Al's Bar and the "train" on that property, I have watched this bar grow and grow with lack of concern for the residents or neighborhood. With many calls from those who live on E. 79th, residents finally had "no parking signs" installed along the street to help keep Al's Bar patrons from parking on homeowner's lawns, in their yards and across/in their driveways. From 10pm until 3am his patrons are in the parking lot yelling and screaming. They urinate in their yards and toss beer bottles in their yards. Al's Bar patrons race up and down E. 79th Avenue all night long, and at times, gunshots are heard firing off at the bar. With the expansion of the bar and its relationship to the neighborhood consisting of "young" children, it won't be long before drunk patrons end up assaulting some innocent child or children. I repeat, I am against this ordinance and I am against any special permits that allow growth at Al's Bar.

7/22/06

Janie Odgers

POB 488

Sterling AK 99672

As the daughter of Joyce Munson, who owns the property directly behind Al's Bar, I spend many weekends with my mother and I have watched as this bar has grown and grown with lack of concern for the neighbors or neighborhood. With many calls from those who live on E. 79th (and myself) we finally had no parking signs installed along the street to help keep Al's Bar clientele from parking on our lawns, in our yards and across our driveways. From 10pm until 3am his clientele are in the parking lot(s) hollering and raising cane, they are urinating in our yards, tossing beer bottles in our yards, knocking down mailboxes (recently the statute in my mom's yard was backed over) and racing up and down E. 79th

Avenue. The last time I called the police it was because of 3-4 gunshots fired! This ordinance reinforces an agreement that is already between Rod Udd and Al Choy that is unfortunate for the property directly behind Mr. Udd's property - an apartment complex with working families and children (there is no fence between these two parking lots to protect their property from the drunks at all hours of the night). From what I can tell this ordinance not only allows Al's Bar to expand beyond his capacity of proper parking but also opens it up to everyone in the City to overflow into any adjacent (or near) parking lot. So existing businesses can continue to grow even though they do not have sufficient parking, which impacts neighbors (be it a neighborhood or a neighboring business) without any regards to controlled growth. Now if you are a new business you have to have proper parking spaces! Al claims he has 27 employees, 20 motel rooms and 400-500 bar patrons a night. Seems he would have to have 47 dedicated parking spaces just for employees and motel guests, then how many does he need for the bar patrons? This is a nice neighborhood. E. 79th has people living in these homes that have lived there for 50 years, or their children or grandchildren have bought the homes and now live in them - my husband and I were planning on doing the same with my moms home - but maybe we should just see her sell out for the noisy bar can expand and ruin the whole neighborhood. If you have watched the progress of this project, a stop work order was in place a few weeks back (I just happened to be in town) when he brought in a crane company to go ahead and put up the train. It was a late Friday afternoon when the cranes started to arrive, when we went and quizzed the guys they said that they were hired to put up the train the following day. When we called the crane company they said they didn't know anything about a stop work order and that they were hired to do a job. We then called the Muni enforcer who came out to see what was going on and they told us if he started to put it up to call the police (the permit was missing from the train) we stated that without that permit in place on the train why would the police believe us. So they called and another person brought out a stop work order and finally with many more phone calls on my part put it back up. The crane company shut down and left. Now they are busy painting it! I am against this ordinance and I am against any special permits that allow growth at Al's Bar - he definitely is not a respectful neighbor!

7/22/06

Janie Odgers

~ Blank comment submitted

7/21/06

jeffry schmitz

911 fairwood drive

anchorage ak 99518

I have concerns with the manner in which *_AO 2006-87*_ seeks to address the issue of "Joint Use" of a non adjacent parking facility; I see what the concept is but at first blush a few things leap out here - Al's Alaska Inn case being somewhat of an example of why not to go forward. An ordinance change gives him a parking space blessing here but not a lot else..It would be likely logical to think that since he has an existing agreement with Rod Udd that it is already being used and there are still problems persisting. The adverse impact issues remain due to a venue that is inappropriate in the first place for the clientele loading and neighborhood. I also have the following concerns regarding the

proposed change per AO 2006-87: 1. P&Z is _excluded from this amendment process_ by AO 2006-87 Sec 2, (Excluding P&Z from reviewing this amendment). That in and of itself takes out a set of checks and balances and bothers me for the reasons below. If I as a layman citizen have the concerns I do, what does P&Z with experienced, knowledgeable professionals have to say about it? 2. While I have seen some cases of off premise parking work in practice, using the case of Al's Alaska Inn of noisy, alcohol imbibing patrons for example crossing neighborhood streets to get back to cars makes my eyes dart.... 3. Once you go for non contiguous, you also open the door to remote - I saw no distance limitation in the copy of AO 2006-87 that I read other than a vague reference to Collector Class and unclassified roads. Who and how would decide that the lot referenced is too far away? 4. If you allow for non contiguous parking, where is the upper limit then for the facility size in question? Can we keep adding train cars for example if we find a "joint use" parking lot big enough? My take is that property size tends to limit patron count to reasonable levels. Again referring to the issue at hand, it would seem that the patron count the community can support is also relative to the parking available. 5. Altering existing code creates a "murky layer" to the parking question that would have to be resolved each time the question came up. We already have a real problem getting existing code issues either looked into, resolved, enforced or all of the above. It usually falls to the community to hound these things; the Freds Towing debacle a mile to the North of Al's was a classic case that drug on forever. And he was in extensive, clear violations of his conditional use permit. 6. The removal of AMC 21.45.080 X 3c is another case where code provisions for early problem identification and resolution is removed from the process, transferring it once more to the backs of the community to identify and seek resolution after the permits are issued and the problems are recognized. Bottom line is that this might work in very narrow circumstances (Peanut Farm comes to mind) but it needs to be codified as such and has to have strong community protection built in that does not require a lot of resources to kick in and work. Something along the lines of a conditional use permit that revokes the option if there are significant community problems. AO 2006-87, in my opinion, is much to blunt an instrument to a problem that requires a lot more precision to be fair and effective as intended. It may "address" one problem in the short term but creates others in the long run. Best Regards, Jeff Schmitz Former Chair, Taku Campbell Community Council

Zoning & Platting Cases On-line website

6-6-06

Coffey, train, Shambing, Fairclough

I am not able to attend the assembly meeting tonight due to previous commitments but I wanted to voice my opinion on a matter of importance to me and many others.

I am aware of a public hearing for ordinance # 2006-87 and am opposed to amendments in #4:

"Unclassified local roads and classified collector streets of Class I shall not be considered intervening land in determining if lots are abutting under these standards"

I have been told that If this amendment passes, Al's Alaskan Inn (at 79th and Old Seward) would not have to file a variance for parking for the addition of the train on their property. I was also told that this means no public hearing. The public needs an opportunity to voice opinions regarding this train car that Al's wants to add to their business.

I live near Arctic and Dimond Blvds and am frequently in the area of 79th and Old Seward -Every week I use the pottery studio owned by Joyce Munson next door to Al's. I am not alone in my concern about this train car. It is an eyesore in an area that already needs beautification. I have heard that the residents of 79th avenue and the surrounding area are also not pleased with the presence of the train car. It could affect the property value of residences in that area, and I find it hard to believe that there aren't several municipal codes that Al's is breaking by the addition of the train car.

If Al's is allowed to add the train to their site, it will take up existing parking spaces and create a need for more. Where will they park? Is there really enough space across 79th to fit everyone? Bar customers have already parked in Joyce's driveway in the past.

Municipal code 21.45.080 X #4states that

d. All parking layout plans and site plans are subject to review by the traffic engineer to ensure that provisions have been made for minimum interference with street traffic flow and safe interior vehicular and pedestrian circulation, transit and parking.

Shouldn't the addition of the train car require new site plans for parking layout?

What about 21.45.030: Accessory buildings.?

"B. No separate accessory building shall be erected closer than ten feet to any principal structure on the lot or an abutting lot or tract.

I feel that is is plain wrong that the residents in this area have to accept this train car with very little opportunity to do anything about it."

I urge you to really look at the train car and who it will affect.

Thank you
Jennifer L. Staley

Madame Chair and members of the Planning and Zoning Commission, thank you for this opportunity to address you with our concerns for our neighborhood.

My name is Vanessa Summers. I own property on East 79th Avenue and, in fact, share a 100 foot property line with Mr. Allen Choy, Jr.

When I bought my house twenty years ago, ours was a nice little pocket neighborhood that fed into Taku Elementary School. We just happened to have a motel at the end of the street that just happened to have a bar in it. In all the time I lived there, I don't recall ever having a single issue with Al's Alaskan Inn.

Indeed, we didn't have a problem when they remodeled the outside of the building or when they added the 2nd bar or even the 3rd bar. *Some* growth is fine. *Some* growth is to be expected, even accommodated. But growth needs to be within the guidelines of the Planning and Zoning Commission especially when an establishment of this nature is directly adjacent to residential zoning.

The growth we've seen at Al's Alaskan Inn over the past couple of years can only be characterized and unbridled, unrestricted and unhealthy. It's not *unreasonable* for us to expect our neighborhood to remain *somewhat* stable.

We've watched for several years now, the quality of life in our neighborhood go slowly downhill. The clientele of Al's Alaskan Inn can be counted on for acts of vandalism including smashing mailboxes, destroying ceramic yard art, urinating on strawberry patches and creating an overall public nuisance. Although I no longer live there, these are all issues that my elderly tenants are facing. You name it, they've seen it.

Now, instead of Al's being a motel with a bar or 2 bars or even 3 bars, there are 20 motel rooms and 6 bars and oh, by the way, they would like to add another 50 seats. While it's probably impossible to legislate with regard to public nuisance issues, it *is* possible to dictate terms with regard to parking issues. This is the only tool that we as a neighborhood have at our disposal to fight the unbridled expansion we've seen at Al's Alaskan Inn.

If parking is a problem now, how much more of a problem will it be by adding another 50 seats? More people mean more vehicles. It's already hazardous as it is to drive by Al's Alaskan Inn on a Friday or Saturday night let alone try to make the turn onto East 79th and drive into our neighborhood. Since there is insufficient parking at Al's, people make a habit of parking across the Old Seward Highway and walking across this major arterial road in various states of inebriation. I've seen people walk right out in front of oncoming traffic. This is a public safety issue. It's just a matter of time before a tragedy occurs.

Clearly, Al's Alaskan Inn has outgrown its own site. And yet, Mr. Choy continues to enlarge his establishment even after it has become obvious to all of us in the neighborhood (including his own clientele) that he has insufficient parking. And now

he's asking that we the public let him expand even more. It seems to me that if there is insufficient parking for the establishment, further expansion is simply a "no go". Period.

This is a perfect example of the chaos that can befall a neighborhood when unrestricted expansion is allowed without regard for proper planning and zoning procedures.

To approve this ordinance would mean that situations like ours would *not* have to come before a public hearing. That would be a travesty.

Thank you for your time.

Zoning and Platting Cases On-line

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**** These comments were submitted by citizens and are part of the public record for the cases ****

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. Select a Case: 2006-112

[View Comments](#)

2. View Comments:

Case Num: 2006-112

An ordinance amending Title 21 for Off Street Parking

Site Address: MUNICIPALITY OF ANCHORAGE

Location: A Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.080, Off-Street Parking Requirements. to clarify Off-Street Parking Standards and amend provisions for joint use of a single parking area.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

8/3/06

Jennifer Staley

Anchorage AK 99518

It is important to me that this ordinance does not cause planning and zoning to be excluded from the process of acquiring additional off-street parking. The new (salvaged) train car at Al's Alaskan Inn is just one case that demonstrates the need for planning and zoning to have a chance to review a business' changes in structure and/or parking that could cause a need for additional parking. I realize that Anchorage's growing need for parking would be affected by this ordinance - and it is better to find effective ways to maximize already existing parking areas than to creat new ones - but consideration needs to be given to how this will affect Anchorage businesses and residential areas that will be affected by the growth of these businesses. In the case of Al's Alaskan Inn, people are saying that this business has outgrown it's location and if it is allowed to continue to expand, current issues like noise and other disturbances will likely continue to get worse.

7/27/06

Mary Pirtz

9806 Reliance Drive

Anchorage AK 99507

I am writing as a concerned south Anchorage resident. Our city has through the years made huge strides to make our city an inviting place to live and visit with the back bone of P&Z. The off-street parking ord.2006-112 as written removes P&Z, where does that leave our residents? This ordinance has come to pass, as it seems by special interest of Al's Bar. Prior to the salvage train being placed in the parking lot, (which is another issue into itself) parking was already over-

131

Zoning and Platting Cases On-line

View Case Comments

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**** These comments were submitted by citizens and are part of the public record for the cases ****

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Public Comments

7/25/06

Wendy McKinnon

Anchorage AK 99518

I live in the neighborhood behind Al's Bar and very often travel home when there's plenty of activity at Al's Alaskan Inn. There have been a few instances where I have been "rerouted" by the parking lot attendant who won't allow me to turn down E 79th (from Old Seward) because either there are people crossing the street from Al's to the parking area across the street or there are cars turning around in the street or the attendant is helping a patron to get out of a parking spot and is blocking the road to keep it clear. Obviously, as a resident, I should not be waved away by a bar employee with a flashlight just because that bar's patrons are clogging up the area. And I shouldn't have to holler out my window that I live down that road just to get the employee out of the way. To increase the parking capacity in the vicinity of Al's would cause further problems such as this. Can you imagine, if the parking is allowed to increase, how many more people will be crossing the side streets and - worse - the Old Seward Highway? I don't have an issue with a business expanding its clientele if it can handle the increase on its own turf, but it's clear to me that the interest Al's generates has outgrown his property line. Please consider these comments when you are weighing the effects this parking ordinance may have within the local community.

7/24/06

Wanda Dale

PO Box 200309

Anchorage AK 99520

I am against this ordinance and I am against any special permits that allow

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Sterling AK 99672

133

then called the Muni enforcer who came out to see what was going on and they told us if he started to put it up to call the police (the permit was missing from the train) we stated that without that permit in place on the train why would the police believe us. So they called and another person brought out a stop work order and finally with many more phone calls on my part put it back up. The crane company shut down and left. Now they are busy painting it! I am against this ordinance and I am against any special permits that allow growth at Al's Bar - he definitely is not a respectful neighbor!

7/22/06

Janie Odgers

~ Blank comment submitted

7/21/06

jeffrey schmitz

911 fairwood drive

anchorage ak 99518

I have concerns with the manner in which *AO 2006-87* seeks to address the issue of "Joint Use" of a non adjacent parking facility; I see what the concept is but at first blush a few things leap out here - Al's Alaska Inn case being somewhat of an example of why not to go forward. An ordinance change gives him a parking space blessing here but not a lot else..It would be likely logical to think that since he has an existing agreement with Rod Udd that it is already being used and there are still problems persisting. The adverse impact issues remain due to a venue that is inappropriate in the first place for the clientèle loading and neighborhood. I also have the following concerns regarding the proposed change per AO 2006-87: 1. P&Z is excluded from this amendment process by AO 2006-87 Sec 2, (Excluding P&Z from reviewing this amendment). That in and of itself takes out a set of checks and balances and bothers me for the reasons below. If I as a layman citizen have the concerns I do, what does P&Z with experienced, knowledgeable professionals have to say about it? 2. While I have seen some cases of off premise parking work in practice, using the case of Al's Alaska Inn of noisy, alcohol imbibing patrons for example crossing neighborhood streets to get back to cars makes my eyes dart.... 3. Once you go for non contiguous, you also open the door to remote - I saw no distance limitation in the copy of AO 2006-87 that I read other than a vague reference to Collector Class and unclassified roads. Who and how would decide that the lot referenced is too far away? 4. If you allow for non contiguous parking, where is the upper limit then for the facility size in question? Can we keep adding train cars for example if we find a "joint use" parking lot big enough? My take is that property size tends to limit patron count to reasonable levels. Again referring to the issue at hand, it would seem that the patron count the community can support is also relative to the parking available. 5. Altering existing code creates a "murky layer" to the parking question that would have to be resolved each time the question came up. We already have a real problem getting existing code issues either looked into, resolved, enforced or all of the above. It usually falls to the community to hound these things; the Freds Towing debacle a mile to the North of Al's was a classic case that drug on forever. And he was in extensive, clear violations of his conditional use permit. 6. The removal of AMC 21.45.080 X 3c is another case where code provisions for early problem identification and resolution is removed from the process, transferring it once more to the backs of

the community to identify and seek resolution after the permits are issued and the problems are recognized. Bottom line is that this might work in very narrow circumstances (Peanut Farm comes to mind) but it needs to be codified as such and has to have strong community protection built in that does not require a lot of resources to kick in and work. Something along the lines of a conditional use permit that revokes the option if there are significant community problems. AO 2006-87, in my opinion, is much to blunt an instrument to a problem that requires a lot more precision to be fair and effective as intended. It may "address" one problem in the short term but creates others in the long run. Best Regards, Jeff Schmitz Former Chair, Taku Campbell Community Council

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1. Select a Case: 2006-132

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Case Num: 2006-132

Variance--ZBEA, Off Street Parking

Site Address: 7830 OLD SEWARD HWY**Location:** A variance from AMC 21.45.080.X to allow non abutting parking for Al's Alaskan Inn. Bella Vista #1 Subdivision, Lot 2BB, remnant. Located at 7830 Old Seward Highway.[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

8/15/06

Mike Huston

I strongly oppose allowing Al's Alaska Inn this variance. I own the 8 plex residential building located at 924 E79th, kitty corner to the bar. We are directly behind the commercial office complex Al's wants the variance for. He has been using this parking lot for some time and we have had nothing but trouble. Because of its location away from the bar it attracts the drug deals, arguments, fights, etc. We have trouble attracting and retaining tenants because of the noise and other problems associated with this bar situation. My wife and I have invested approx \$50,000.00 in addition to the purchase price to fix up this property. We take pride in providing a clean safe enviroment for our tenants and allowing this situation to continue makes it impossible to do this. When the bars owner was approached about this problem his attitude was that "the bar was here first". The problem is that what was a small neighborhood pub has been expanding into another "Call of the Wild" party bar. Allowing his further expansion and off site parking will only exacerbate the problem

8/15/06

Mike HUSTON

~ Blank comment submitted

8/15/06

Jennifer Staley

Anchorage AK 99518

I am against this variance because I believe it would allow Al's Alaskan Inn to continue to expand to include about 50 more seats for bar customers, with the

addition of the salvaged train car. The growth of this business has led to increasing nuisance in the area. I have seen and heard evidence of this. I have also gotten the impression from people who live near this bar that the business owner has not shown any interest in being a good neighbor to the residents who live nearby and seems to have taken an antagonistic stance toward people who openly object to the expansion of his business. The issue of the increasing nuisance of excessive number of vehicles in the area, people wandering from the bar into residential properties, and various noise issues needs to be addressed and resolved before any business should be permitted to expand. This will also affect whether people will want to rent or buy in this area, and it already has.

8/14/06

Janie Odgers

Please note all comments that were supplied by neighbors regarding 2006-112 An ordinance amending Title 21 for Off Street Parking. I believe this states the views of everyone who lives near Al's Bar - We Do Not Want The Train or Parking Permitting off Premise. It has grown leaps and bounds and the bar patrons end up in everyone's yards, parking lots and driveways. This is not like a little restaurant who has a few extra people, this is a bar with drunks running around at 2am in our neighborhood - yelling and screaming, screeching tires and urinating in yards. We are strongly against this Variance. We urge you to stop this before it is too late. VOTE NO

Zoning & Platting Cases On-line website

Content ID : 004560**Type:** Ordinance - AOPLANNING AND ZONING COMMISSION RECOMMENDATION OF
APPROVAL FOR AN ORDINANCE AMENDING ANCHORAGE**Title:** MUNICIPAL CODE SECTION 21.45.080 FOR OFF-STREET
PARKING STANDARDS AND AMEND PROVISIONS FOR JOINT USE
OF OFF-STREET PARKING AREAS.**Author:** weaverjt**Initiating Dept:** PlanningPLANNING AND ZONING COMMISSION RECOMMENDATION OF
APPROVAL FOR AN ORDINANCE AMENDING ANCHORAGE**Description:** MUNICIPAL CODE SECTION 21.45.080 FOR OFF-STREET
PARKING STANDARDS AND AMEND PROVISIONS FOR JOINT USE
OF OFF-STREET PARKING AREAS.**Date Prepared:** 11/15/06 1:03 PM**Director Name:** Tom Nelson**Assembly****Meeting Date** 12/19/06**MM/DD/YY:****Public Hearing****Date** 12/19/06**MM/DD/YY:****Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	11/15/06 1:07 PM	Checkin	weaverjt	Public	004560
Planning_SubWorkflow	11/30/06 11:58 AM	Approve	nelsontp	Public	004560
ECD_SubWorkflow	11/30/06 12:07 PM	Approve	thomasm	Public	004560
OMB_SubWorkflow	12/1/06 12:02 PM	Approve	mitsonjl	Public	004560
Legal_SubWorkflow	12/4/06 3:57 PM	Approve	fehlenrl	Public	004560
MuniManager_SubWorkflow	12/8/06 10:06 AM	Approve	leblancdc	Public	004560
MuniMgrCoord_SubWorkflow	12/8/06 11:01 AM	Approve	abbottmk	Public	004560

2006 DEC -8 PM 2:58
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