

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: October 10, 2006

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 10-17-06 Anchorage, Alaska
IMMEDIATE RECONSIDERATION AO 2006-104(S)
FAILED 10-17-06

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 53.52 +/- ACRES, FROM I-1 (LIGHT INDUSTRIAL), R-2M (MULTIPLE FAMILY RESIDENTIAL), AND R-3 (MULTIPLE FAMILY RESIDENTIAL) TO B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS) AND PLI (PUBLIC LANDS AND INSTITUTIONS), FOR PROPOSED TRACTS A, B, C, D, E, F, G, AND H, CREEKSIDE SUBDIVISION PER PRELIMINARY PLAT S-11451, EXHIBIT A; GENERALLY LOCATED NORTH OF DEBARR ROAD AND WEST OF MULDOON ROAD.

(Northeast Community Council) (Planning and Zoning Commission Case 2006-010)

WHEREAS, in order to meet the standards for a re-zone as set forth in Anchorage Municipal Code section 21.20.030 and the Anchorage 2020 Comprehensive Plan; and

WHEREAS, to mitigate the negative impacts on adjacent residential neighborhoods and businesses associated with the proposed development; and

WHEREAS, the applicant requesting the rezone, hereinafter referred to as the property owner, agrees as a condition of approval of the rezone to additional terms and conditions in this S-version; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

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

Proposed Tracts A, B, C, [E,] F, G, and H of Creekside Subdivision per the Preliminary Plat S-11451; generally located on the north side of Debarr Road between Patterson Street on the west and Muldoon Road on the east containing approximately 46.748 [51.895] acres as shown on Exhibit A.

Section 2. The zoning map shall be amended by designating the following described property as PLI (Public Lands and Institutions District):

Proposed Tract D of Creekside Subdivision per the Preliminary Plat S-11451; generally located on the north side of Debarr Road between Patterson Street on the west and Muldoon Road on the east, containing approximately 1.625 acres, as shown on Exhibit A.

Following the rezone to PLI, Tract D shall be conveyed to the Municipality of Anchorage within 120 days of recording the final plat.

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

Proposed Tract E, Creekside Subdivision per the Preliminary Plat S-11451; generally located on the north side of Debarr Road between Patterson Street on the west and Muldoon Road on the east containing approximately 5.147 acres as shown on Exhibit A.

Section 4[3]. This zoning map amendment described in Section 1 is subject to the following special limitations:

A. Permitted Uses

1. Only those principal uses permitted through the B-3 (General Business District) AMC 21.40.180.
- [2. TRACT E, CREEKSIDE SUBDIVISION, IS LIMITED TO RESIDENTIAL DEVELOPMENT WITH A MINIMUM OF 14 DWELLING UNITS PER ACRE.]

B. Accessory Uses:

1. Those accessory uses permitted through the underlying zoning district.
2. Tire mounting and automotive service facilities that are accessory to a Large Retail Establishment in excess of 90,000 square feet.

C. Conditional uses:

1. Those conditional uses permitted through the underlying zoning district.

D. Prohibited Uses and Structures:

1. Adult entertainment/adult book stores, peepshows, topless/bottomless dancers, massage parlors, and escort services.
2. Mobile home parks or camper parks.
3. Bulk fuel dealers or freestanding tire change facility.
4. Automobile dealerships or lots, new or used.

5. Pawn shops.
6. Stand-alone liquor stores.
- ~~7. Stand-alone gun dealers and shops.~~
8. Pull tab or other similar gaming operations.
9. Bingo halls.
10. Quasi-institutional houses.
11. Snow disposal sites, except as necessary for the public use of the property owner's facility.
12. Heliports.
13. Community correctional residential centers.
14. Unlicensed nightclubs.
15. Flea markets.
16. Storage yards.
17. Outdoor storage of heavy machinery and equipment.
18. Mobile home display lots.
19. Taxicab stands.
20. Freestanding amusement arcades, billiard parlors.
21. Bowling alleys.
22. Metal working and steel fabricators.
23. Marquees, overpasses, and similar substantial projections into public airspace, together with any signs to be mounted thereon.
24. Mini Self-storage and vehicle storage facilities.
25. Overnight parking or storage of motor homes and other recreational vehicles.

E. Design Guidelines:

1. Site Plans. The intent is to create a strong relationship between all buildings, uses, open spaces, and streets.
 - a. Buildings and their entries shall to the greatest extent possible, be oriented to the street, and shall encourage and accommodate pedestrian movement. Transit access, within close proximity to commercial and residential building entries, shall be accommodated.
 - b. The development shall contain elements such as public gathering spaces and outdoor seating. The development shall also be accessible to public transit and well connected to public open spaces and adjoining residential uses.
 - c. Local climate shall be taken into account in the layout and design of the entire development, as well as in the site design details. Layout and design shall strive to protect pedestrians from wind, ice, and snow. Buildings and public spaces shall be sited and designed to enhance the advantages of sunlight and to minimize the creation of wind corridors.
 - d. Design of the site shall provide a positive relationship between Muldoon and Debarr Roads.
 - e. Residential developments shall be within easy walking, or biking distance from the shopping areas, open space, and transit stops.
2. Architecture. The site plan shall address building massing, siting, entrances, exterior finishes, and rooflines. All buildings, especially those over 50,000 square feet, shall have prominent entrances, varied roof lines, and architectural detailing, that are harmonious with smaller-scaled buildings and shall result in comfortable, human-scale developments.
3. Landscaping. Site plans shall address the need for design of perimeter landscape buffers and interior site landscaping. Site landscaping shall provide visual breaks within the site as well as on the perimeter of the site without creating unwanted separations within the site. Landscape buffers shall be provided where necessary to separate incompatible uses. A variety of large and small areas of natural and/or planted landscaping shall be integrated throughout the site in order to provide an attractive environment.
4. Vegetative buffers. Individual tracts will contain the following vegetative landscape buffers:

a. Tracts B and C, Creekside Subdivision: along the north boundary of Tract C, there shall be buffer landscaping with an average width of 85 feet. The buffer shall be no less than 70 feet in width. Along the west boundary of both Tracts B and C, there shall be buffer landscaping with an average width of 25 feet. The buffer shall be no less than 20 feet in width. Unused areas of the Patterson Street right-of-way may be used for temporary buffer landscape purposes. Tracts B and C shall also contain 10 feet of arterial landscaping along the east boundary.

[B. TRACT E, CREEKSIDE SUBDIVISION: ALONG THE NORTH BOUNDARY OF TRACT E, THERE SHALL BE BUFFER LANDSCAPING 15 FEET IN WIDTH SOUTH OF THE EXISTING 5-FOOT SEWER EASEMENT BOUNDARY.]

b[c]. Tract G, Creekside Subdivision: shall contain a 10-foot arterial landscaping easement along the north and west boundaries.

c[d]. Tract H, Creekside Subdivision: shall contain a 10-foot arterial landscaping easement along the west boundary.

d[e]. Tract F, Creekside Subdivision: along the north boundary, there shall be buffer landscaping 15 feet in width south of the existing 5-foot sewer easement; and there shall be 10 feet of arterial landscape easement along the east boundary.

5. Streetscape.

a. Streets shall be designed to include boulevard landscaping, separated sidewalks, transit accommodations (where appropriate), seating, lighting, and other public amenities characteristic of town centers. Maximum building setbacks shall be established. To the extent consistent with the design guidelines contained herein, the setbacks shall not exceed 150 feet from the perimeter right-of-way.

b. The property owner shall, at its sole expense, construct the following roads or portions of roads, through a subdivision agreement with a plat, in conjunction with the approved Traffic Impact Analysis:

i. The north “wishbone” portion of Creekside Road, from Debarr to Muldoon to “Boulevard Standards” substantially identical to the south wishbone road section of Creekside Road;

- ii. Access from Creekside Road to the south, to provide access for Fred Meyer and First National Bank Alaska from the Creekside Road to the north;
 - iii. Any improvements to Muldoon Road required to provide for a signalized intersection at 11th Avenue and Muldoon;
 - iv. The left turn lanes on Muldoon Road south of 11th Avenue and north of DeBarr, so as to allow access to the businesses on the east side of Muldoon Road, along with any related improvements;
 - v. 11th Avenue east of Muldoon Road to State Street to collector standards all as depicted on the plans, diagrams, and other materials depicting such road construction submitted by the property owner concurrent with the rezone application; and
 - vi. State Street from 11th Avenue to 12th Court to urban street standards, all as depicted on the plans, diagrams, and other materials depicting such road construction submitted by the property owner concurrent with the rezone application.
 - c. The Municipality shall pursue, with its best efforts and to the extent required for construction of Creekside Road, any right-of-way acquisitions necessary for the improvement, including the 11th Avenue and Muldoon Road traffic signal, the construction of 11th Avenue on the east side of Muldoon Road, and the improvements to Muldoon Road north of DeBarr.
 - d. Right-of-way acquisitions obtained by the Municipality shall be the responsibility of and funded solely by the property owner, at no cost to the Municipality.
 6. Signage. Signage shall be limited to monument or building signs. Monument signs shall be no greater in height than eight feet above final grade. Pole-mounted signs shall be prohibited.
 7. Other site elements. Accommodation for pedestrians (including bicyclists) and transit access shall be provided to all developments. Walkways or trails shall be integrated throughout development, providing pleasant, safe, and efficient connections.
 8. Assembly review. The location of fast food and/or drive-through style restaurants along Muldoon or DeBarr Roads must be approved by the Assembly, following a public hearing.

F. Site Plan Review.

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1. There shall be a public hearing site plan review before the Planning & Zoning Commission for each phase of development.

Section 5[4]. All other provisions of AMC section 21.40.180 shall remain in effect for the Tracts identified in Section 1 above, except as amended herein.

Section 6. The zoning map amendment described in Section 3 is subject to special limitations as follows:

A. Permitted principle uses and structures. Permitted principal uses and structures are as follows:

1. Multifamily residential uses, at a density of not less than 14 dwelling units per acre.
2. Child care homes and centers, caring for up to eight children.

B. Permitted accessory uses and structures. Permitted accessory uses and structures are as follows:

1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.

C. Conditional uses. Subject to the requirements of the conditional use standards and procedures of Title 21, the following uses may be permitted:

1. Utility substations.
2. Planned unit developments.

D. Prohibited uses and structures. The following uses and structures are prohibited:

1. The outdoor storage or display of any scrap, junk, salvaged or secondhand materials, or any salvage yard or salvage operation.
2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.
3. Commercial or industrial uses not listed under sections A, B and C.

E. Design Guidelines:

1. Along the north boundary of Tract E there shall be a buffer landscaping 15 feet in width south of the existing 5-foot sewer easement boundary.

F. Design Standards.

1. Prior to development, Design Standards and Additional Special Limitations for the use of Tract E for residential housing shall be developed by the owners of the property.
2. The Design Standards and Additional Special Limitations shall be subject to comment by the public and the Northeast Community Council.
3. For purposes of this ordinance, "Special Limitations and Design Standards" shall mean all exterior elevations, height restrictions, finishes, roof design, and garage location. The Design Standards and Special Limitations shall be reviewed and approved by the Planning Director.
4. The Special Limitations and Design Standards Agreement shall be recorded against Tract E and shall run with the land prior to issuance of a footing and foundation permit or conveyance of title by the property owner to any third party.
5. Streetscape. Streets in Tract E shall be designed, where applicable, as set out in Section 4, paragraph E.5.

G. Site Plan Review.

1. There shall be a public hearing site plan review before the Planning & Zoning Commission prior to any development.

Section 7. All other provisions of AMC section 21.40.180 shall remain in effect for Tract E, as identified in Section 3 above, except as amended herein.

Section 8. The property owner shall enter into a subdivision agreement for construction of all improvements concurrent with the approval by the Platting Board or Planning & Zoning Commission of a final subdivision plat for this project to the extent required to implement the terms and conditions of rezoning imposed herein.

Section 9. The property owner will continue a philosophy of giving back locally to non-profit and charitable organizations, schools, and other causes. The charitable funding initiatives of the property owner shall be determined by the property owner's local employees and will be used to support issues and causes that are important in both the adjacent community and Anchorage at large.

Section 10. The property owner will solicit qualified medical providers for a medical mini-clinic within the Creekside Center Plan. Such providers shall be capable of providing mini-clinic services to the public for a fee and shall be qualified under property owner requirements and all state and local regulations. Property owner will not be obligated to lease space to unqualified providers that do not meet the property owner's financial criteria for leasing or fail to meet state and local regulations. All decisions relative to tenant leasing remains the sole right of the property owner.

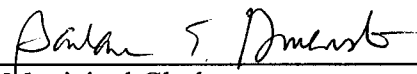
Section 11[5]. Effective Clause: The proposed subdivision for Tracts A, B, C, D, E, F, G, and H of the Creekside Subdivision shall be finalized and recorded (Preliminary Case File Number S-11451).

Section 12[6]. Except as provided in Section 11[5] above, this ordinance shall become effective within 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1, 2 and 3 above to the special limitations contained herein. The rezone approval contained herein shall automatically expire and be null and void if the written consent is not received within 120 days after the date on which this ordinance is passed and approved. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 17th day of October 2006.

ATTEST:


Chair


Municipal Clerk

(Planning Case Number 2006-010)
(Tax Identification No. 006-411-12; -13; -14 -15; -16)

Wal-Mart Site Development Master Plan

