

PLANNING DEPARTMENT
STAFF ANALYSIS
ZONING MAP AMENDMENT

DATE: December 2, 2024

CASE NUMBER: 2024-0117

APPLICANT: Henry Kim

REPRESENTATIVE: Craig Bennett, S4 Group

REQUEST: A request to rezone two lots from R-5, low density residential district, to B-3, general business district

PROPERTY DESCRIPTION: Moorehand Subdivision #2, Lots 17 and 18 per Plat 70-202

COMMUNITY COUNCIL: Abbott Loop Community Council

PARCEL NUMBERS: 014-291-58 and -59

ATTACHMENTS

- 1. Application
- 2. Departmental and Public Comments
- 3. Affidavit of Posting and Historical Information

RECOMMENDATION SUMMARY: DENIAL

SITE

Acres: ±0.45 acres (19,651 square feet)
Current Zoning: R-5 (low density residential) district
Topography: Flat
Grid: SW2333
Current Use: Vacant

COMPREHENSIVE PLAN

Classification: Compact Mixed Residential Medium, Residential Mixed-Use Development, and Transit-Supportive Development per the *Anchorage 2040*

SURROUNDING AREA

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-5	B-3 SL	B-3 SL	B-3
Land Use:	Mobile Home	Office	Commercial	Vacant and Well House

PROPOSAL

Henry Kim is requesting the rezone of two lots from R-5, low density residential district, to B-3, general business district. The lots contain 0.45 acres (19,651 square feet) of land. The subject property is located at the northwest corner of Abbott Road

and Golovin Street. This rezone application was prompted by the rezoning of three neighboring lot to B-3. The Assembly approved the rezone of the abutting lots with AO 2024-2aa on March 5, 2024.

The *Anchorage 2040* land use designation of the lots supports rezoning to a multifamily residential district (R-2M, R-3, or R-3A). In a separate case (Case 2024-0116), Mr. Kim is requesting a comprehensive plan amendment to change the *Anchorage 2040* land use designation to Town Center. The applicant does not have development plans at this time, so this is speculative rezone. Changing the zoning from R-5 to B-3 will substantially increase their value because the B-3 district allows the widest range of commercial uses of any zoning district.

DEPARTMENTAL AND PUBLIC COMMENTS

None of the reviewing agencies object to the rezone. Their comments are attached.

On November 5, 2024, the Planning Department mailed 127 public hearing notices, in accordance with AMC 21.03.200H.3. As of this writing, no public comments have been received. The applicant provided two resolutions of support from the Abbott Loop Community Council.

FINDINGS

21.03.160 REZONINGS (ZONING MAP AMENDMENTS)

Pre-Application Conference

A pre-application conference was held on July 24, 2024, in accordance with 21.03.020B.

Community Meeting

A community meeting was held with the Abbott Loop Community Council on August 29, 2024, in accordance with 21.03.020C. A summary of this meeting is included in the application. The Abbott Loop Community Council adopted a resolution of support for the rezone to B-3 district. It is included with the application.

21.03.160E. APPROVAL CRITERIA

The planning and zoning commission may recommend approval, and the assembly may approve a rezoning, if the rezoning meets all of the following criteria:

- 1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare.**

The criterion is not met.

This rezone to the B-3 (general business) district prioritizes commercial zoning over residential zoning when there is a deficit of residential zoning. *Anchorage*

2040 calls for this site to be zoned for multifamily residential development (i.e. R-2M, R-3, or R-3A), not for commercial development. The R-3 district allows 15 to 40 dwelling units per acre. Since this site contains 0.45 acre, this rezone causes the potential loss of up to 19 housing units.

2. The rezoning complies with and conforms to the comprehensive plan, including the comprehensive plan map(s).

The criterion is not met.

This rezone request does not comply with *Anchorage 2040*, which designates this site for R-2M, R-3, or R-3A zoning. *Anchorage 2040* identifies this site as Compact Mixed Residential Medium and has the growth supporting features of Residential Mixed-Use and Transit-Supportive Development. This rezone to B-3 is likely to result in a domino effect of other rezones of neighboring lots.

This rezone is inconsistent with the following policies of the Comprehensive Plan:

Anchorage 2040

LUP 1.4

Use the 2040 LUP and area-specific plans in conjunction with other elements of the Comprehensive Plan to determine appropriate zoning in the Bowl, and evaluate proposed changes to land use regulations.

This site is intended to be upzoned from the R-5 district to a multifamily residential district (R-2M, R-3, or R-3A). The B-3 district conflicts with the *Anchorage 2040 Land Use Plan*.

LUP 4.1

Provide sufficient land to meet the diverse housing needs of Anchorage's citizens, where the integrity of the residential neighborhood area is protected from expanding commercial corridors or non-neighborhood employment activities.

Converting these two lots containing 0.45 acres to the B-3, general business district expands the commercial corridor and potential for non-neighborhood employment activities.

Anchorage 2020

Policy #14

Conservation of residential lands for housing is a high community priority. New residential development at densities less than identified in the Neighborhood or District Plans is discouraged. No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan.

This policy states that no action under Title 21 shall convert residential land to commercial unless supported by

the Comprehensive Plan. This rezone request is not supported by the Comprehensive Plan.

***Anchorage 2020
Policy #21***

All new commercial development shall be located and designed to contribute to improving Anchorage's overall land use efficiency and compatibility, traffic flow, transit use, pedestrian access, and appearance. To eliminate the problems associated with strip commercial development, new commercial development shall adhere to the following principles:

- a) New commercial development shall occur primarily within Major Employment Centers, Redevelopment/Mixed-Use Areas, Town Centers, and Neighborhood Commercial Centers.*
- b) In order to use existing commercial land more efficiently, redevelopment, conversion, and reuse of underused commercial areas shall be encouraged.*
- c) Rezoning of property to commercial use is only permitted when designated in an adopted plan.*
- d) Architectural and site design standards shall improve the function, appearance, and land use efficiency of new commercial developments.*
- e) New strip commercial development is strongly discouraged.*

The adopted plan does not support rezoning to a commercial district. *Anchorage 2040* identifies the site as Compact Mixed Residential Medium. The implementing districts are R-2M, R-3, and R-3A. Rezoning to the B-3 district violates this policy.

3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title.

The criterion is not met.

Changing this site from the residential category to general commercial will impact the residential lots to the north on Golovin Street. The B-3 district allows 45-foot buildings by-right, 60-foot-tall buildings through an administrative site plan review, and 75-foot-tall buildings with a conditional use permit. The B-3 district has no maximum lot coverage for structures. The B-3 district's front setback is 10 feet. The side and rear setbacks are 15 feet when adjacent to residential districts. There are no side and rear setbacks when adjacent to other districts.

The R-3 district has a building height limitation of 35 feet. The R-3 district limits lot coverage to 40% for all uses, except townhouses which are allowed 60%. The R-3 district has a front setback of 20 feet. The side setback is 5 feet, except when abutting a lower density residential zoning, in which case it is 10

feet. The rear setback is 10 feet for residential uses and 20 feet for community uses.

AMC 21.04.030D., *B-3 General Business District*, states:

Purpose

The B-3 district is intended primarily for general commercial uses in commercial centers and areas exposed to heavy traffic. These commercial uses are intended to be located on arterials, or within commercial centers of town, and to be provided with adequate public services and facilities. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Environmental impacts should be minimized. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. While B-3 district areas shall continue to meet the need for auto-related and other auto-oriented uses, it is the municipality's intent that the B-3 district also shall provide for safe and convenient personal mobility in other forms. Planning and design shall accommodate pedestrians and bicyclists. In addition to a wide range of commercial office, retail and commercial services, other use categories such as residential and community uses, and mixed-use projects, are allowed.

District Location Requirements

- a. *Establishment of the B-3 district or changes to existing B-3 district boundaries shall meet the general rezoning criteria of this code and shall not be expanded along street corridors or into surrounding neighborhoods unless consistent with the comprehensive plan.*
- b. *Future rezonings to B-3 shall take into consideration the desirability of B-3 being located on arterials and being served with adequate public services and facilities.*

This site is located on the northwest corner of the intersection of Abbott Road and Golovin Street. Abbott Road is an Arterial street, and Golovin Street is a Local road. The petition site is not within a commercial center. The Fred Meyer Commercial Center is located on the south side of Abbott Road. Allowing commercial to spread north of Abbott Road will create pressure for further rezonings to the B-3 district, potentially displacing existing housing on Golovin Street. *Anchorage 2040* designates this site for multifamily residential buildings and townhouses, not for commercial businesses.

4. **The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities.**

The criterion is met.

This rezone is located on an arterial and is compatible with the surrounding commercial and residential zoning. The property to the east, south, and west is

zoned B-3. There is an office building located on the east side of Golovin Street across from the petition site. The Fred Meyers grocery store and other retail uses are located south of Abbott Road. The abutting property to the west is vacant. The R-5 zoned lot to the north is developed with a mobile home.

5. **Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development.**

The criterion is met.

The *Official Streets and Highways Plan* identifies Abbott Road as an Arterial street and Golovin Street as a Local street. Golovin Street only has 50 feet of dedicated right-of-way. The standard road dedication is 60 feet.

PeopleMover Route #55 runs along Abbott Road. There is a sidewalk on Abbott Road, but not on either side of Golovin Street.

Anchorage Water and Wastewater Utility (AWWU) sewer lines are available to this site. A private water utility is available to provide water to this site.

The petition site is within the Police and Fire Service Areas, Building Safety Service Area, Anchorage Roads and Drainage Service Area, and the Parks and Recreation Service Area.

6. **The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated.**

The criterion is met.

The proposed rezone does not result in adverse impacts on the natural environment. There is very little vegetation on these lots and no wildlife.

7. **The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations.**

The criterion is met.

The applicant is not proposing any special limitations to limit permitted uses or mitigate the impacts from commercial development. However, there are use-specific standards in AMC 21.05 and site design standards in AMC 21.07.

8. **The rezone does not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan.**

The criterion is not met.

The B-3 district is not consistent with *Anchorage 2040*, nor the policies of the Comprehensive Plan. This rezone will expand commercial zoning on the north side of Abbott Road. Historical trends show that this could result in more rezone applications and result in the displacement of existing residences along Golovin Street.

9. The rezoning shall not result in a split-zoned lot.

The criterion is met.

The rezoning will not result in a split-zoned lot.

DEPARTMENT RECOMMENDATION

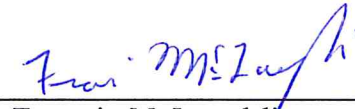
The Department finds that approval criteria 1, 2, 3, and 8 are not met. The Department recommends denial of the request to rezone from R-5 district to B-3 district.

Reviewed by:



Melisa R. K. Babb
Director

Prepared by:



Francis McLaughlin
Senior Planner

(Parcel ID No. 014-291-58 and -59)

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

ANCHORAGE, ALASKA

AO No. 2024-__

**AN ORDINANCE AMENDING THE ZONING MAP AND APPROVING THE
REZONING OF APPROXIMATELY 0.45 ACRES FROM R-5 (LOW DENSITY
RESIDENTIAL DISTRICT) TO B-3 (GENERAL BUSINESS DISTRICT) FOR
MOOREHAND SUBDIVISION #2, LOTS 17 AND 18 (PLAT 70-202);
GENERALLY LOCATED NORTH OF ABBOTT ROAD, EAST OF ELIM STREET,
SOUTH OF EAST 88TH AVENUE, AND WEST OF GOLOVIN STREET, IN
ANCHORAGE.**

(Abbott Loop Community Council) (Planning and Zoning Commission Case 2024-0117)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating Moorehand
Subdivision #2, Lots 17 and 18 (Plat 70-202), as B-3 (general business district).

The property described above is shown on Exhibit "A", attached.

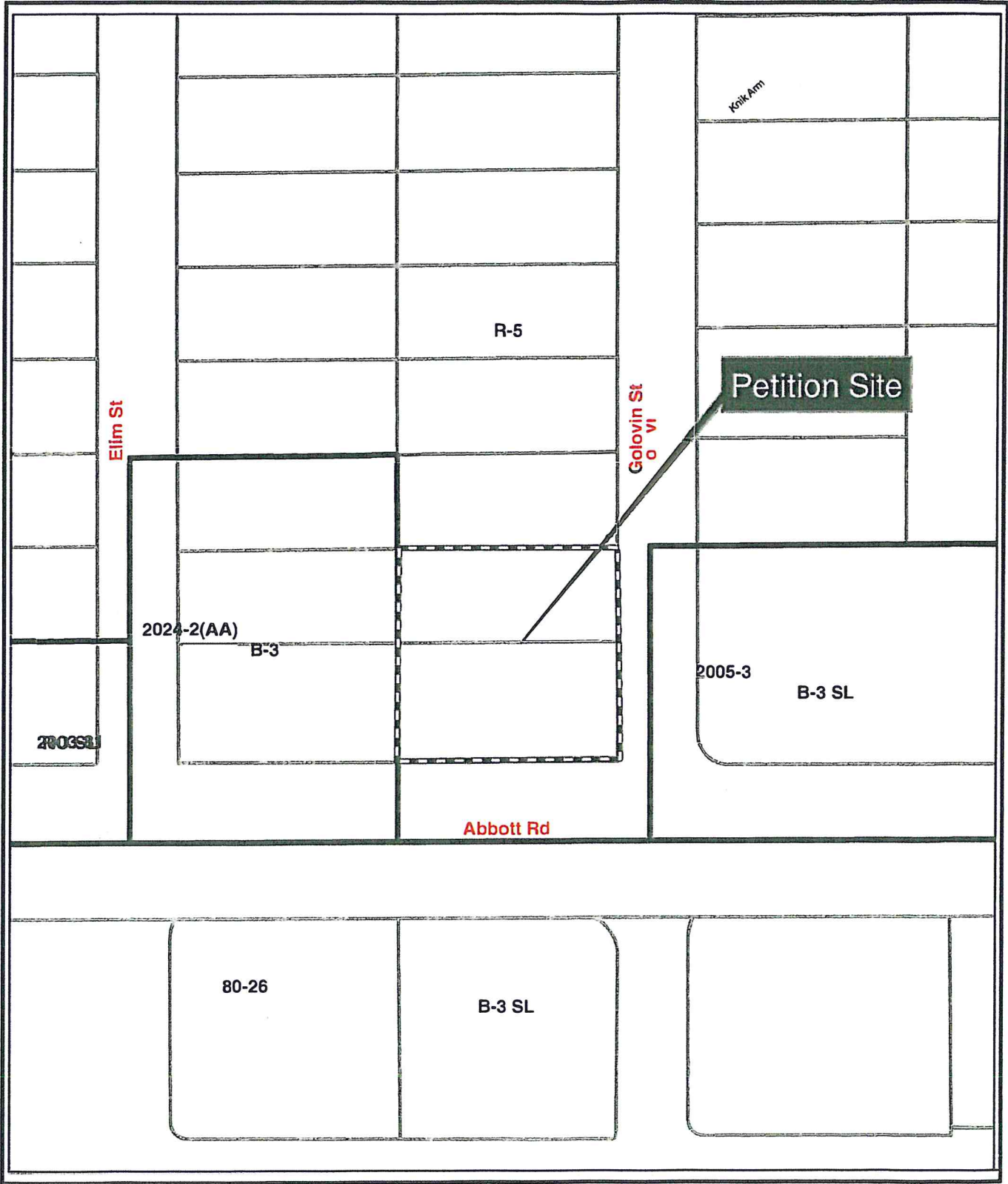
Section 2. This ordinance shall become effective 10 days after the Director of
the Planning Department has received the written consent of at least 51 percent
of the owners of the property within the area described in Section 1 above to any
special limitations contained herein. The rezone approval contained 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. In
the event no special limitations are contained herein, this ordinance is effective
immediately upon passage and approval. The Director of the Planning Department
shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this _____
day of _____ 2024.

Chair of the Assembly

ATTEST:

Municipal Clerk

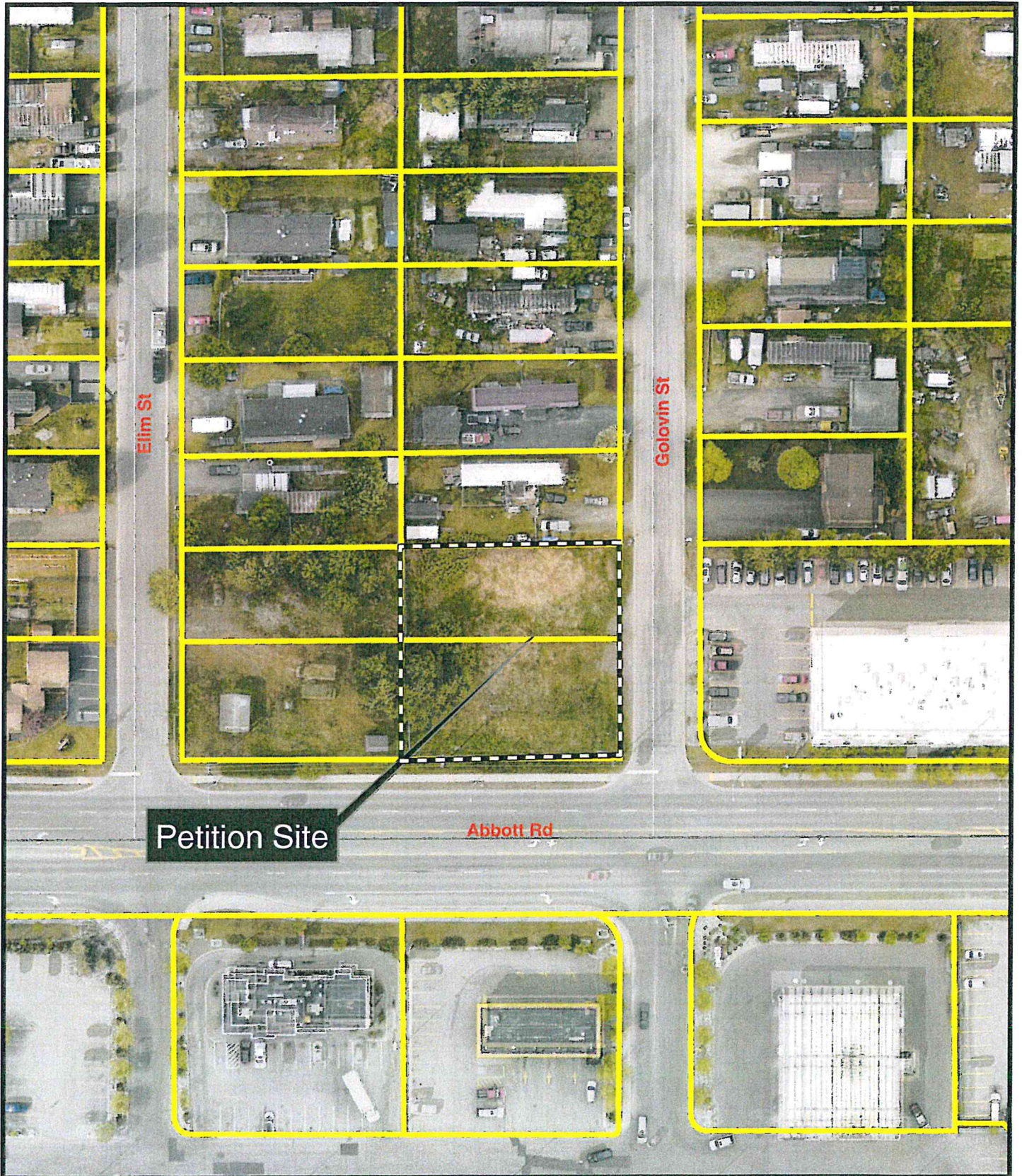


Municipality of Anchorage
Planning Department

Date: 10/10/2024



2024-0117

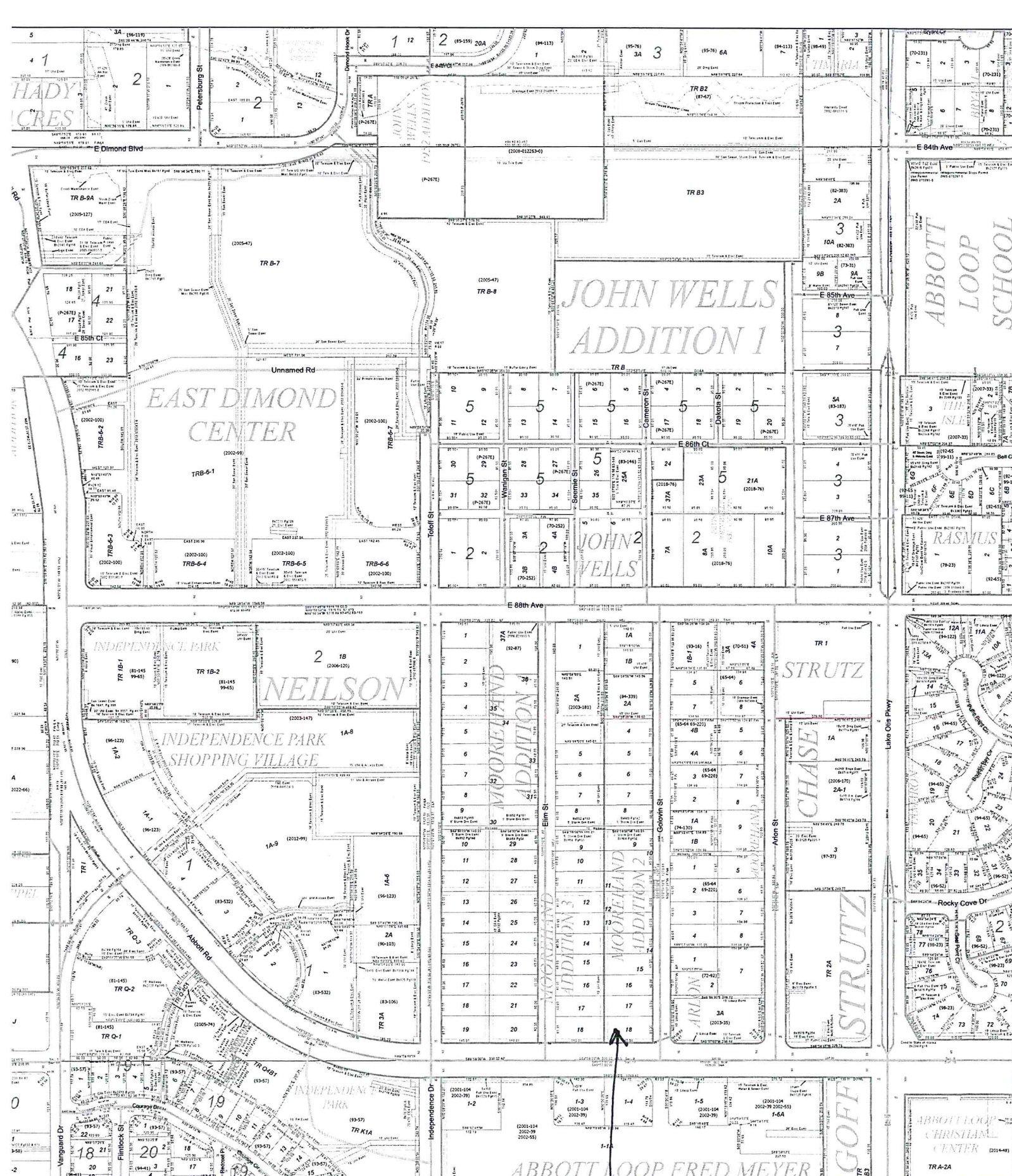


Municipality of Anchorage
Planning Department

Date: 10/10/2024







Grid 2333
Petition Site

Application

Application for Zoning Map Amendment

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

PETITIONER*

Name (last name first):	Henry & Charlotte Kim
Mailing Address:	4467 Terra Granada Dr. #4B
	Walnut Creek, CA 94595
Contact Phone – Day:	Evening:
425-373-6969	
E-mail:	man4good@gmail.com

PETITIONER REPRESENTATIVE (if any)


Name (last name first):	S4 Group, LLC
Mailing Address:	124 E 7th Ave, Anchorage, AK 99501
Contact Phone – Day:	Evening:
907-306-8104	
E-mail:	kate@s4ak.com

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

PROPERTY INFORMATION

Property Tax # (000-000-00-000): 014-291-59, 014-291-58		
Site Street Address: 9130 Golovin Street		
Current legal description: (use additional sheet if necessary)		
Moorehand Subdivision Addition #2 Lots 17 & 18		
Existing Zoning: R-5	Acreage: 0.45	Grid #: SW2333
Proposed Zoning: B-3		
Existing use: Vacant	Proposed use (if any):	

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

Signature  ☐ Owner ☒ Representative (Representatives must provide written proof of authorization) Date 09/19/2024

Kate Sauve

Print Name

Accepted by: FM	Poster & Affidavit: 2 + affidavit	Fee: \$2,830	Case Number: 2024-0117	Meeting Date:
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COMPREHENSIVE PLAN INFORMATION**Improvement Area (per AMC 21.08.050B.):** ☒ Class A ☐ Class B**Anchorage 2040 Land Use Designation:**

- ☒ Neighborhood (Residential) ☐ Center ☐ Corridor
☐ Open Space ☐ Facilities and Institutions ☐ Industrial Area

Anchorage 2040 Growth Supporting Features:

- ☒ Transit-supportive Development ☐ Greenway-supported Development
☐ Traditional Neighborhood ☐ Residential Mixed-use

Eagle River-Chugiak-Peters Creek Land Use Classification:

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

Girdwood- Turnagain Arm

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

ENVIRONMENTAL INFORMATION (All or portion of site affected)

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

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

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

SUBMITTAL REQUIREMENTS (Only one copy of applicable items is required for initial submittal)

- 1 copy required: ☐ Signed application (original)
☐ Ownership and beneficial interest form
- 16 copies required: ☐ Signed application (copies)
☐ Signatures of other petitioners (if any)
☐ Map of area to be rezoned
☐ Map of area surrounding proposed rezoning, including zoning and existing uses
☐ Narrative statement explaining:
 ☐ need and justification for the rezoning
 ☐ the proposed land use and development
 ☐ the probable timeframe for development
 ☐ an analysis of how the proposal meets the rezoning criteria on page 3 of this application
☐ Summary of community meeting(s)
☐ Proposed special limitations, if any

(Additional information may be required.)

APPLICATION CHECKLIST

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zoning district. (For exceptions, see AMC 21.03.160B.)
2. In the case of multiple owners, the petitioning property owners must provide documentation showing ownership of at least 51% of property to be rezoned.

ZONING MAP AMENDMENT STANDARDS (AMC 21.03.160)

A rezoning request may only be approved if it meets the approval criteria stated in AMC 21.03.160E. Please explain how the proposal meets the required criteria:

1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare.
2. The rezone complies with and conforms to the comprehensive plan, including the comprehensive plan map(s). (If the proposed rezone does not conform to the comprehensive plan, it may be considered along with a comprehensive plan amendment.)
3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title.
4. The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities.
5. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development.
6. The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated.
7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations.
8. The rezone does not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan.
9. The rezoning does not result in a split-zoned lot.



Moorehand #2
Zoning Map Amendment Application Narrative
MOA Case 2024-0117

This application is subsequent to a concurrent application for a comprehensive plan map amendment that would change the land use designation of the project site from Compact Mixed Residential - Medium to Town Center. This is a request for a zoning map amendment application that would change the zoning district of the project site from R-5 Low Density Residential to B-3 General Business. Both of these applications would amend the land use classification and zoning district to match the land to the east, south, and west of the site. This change would adhere to the characteristics of the surrounding B-3 zoned land abutting the busy Abbott Road, a major Arterial Street. This application will assume that the concurrent comprehensive plan amendment referred to above has been approved.

The project site is located at 9130 Golovin Street, directly adjacent to Abbott Road and across from Fred Meyer, legally known as Moorehand Subdivision Addition #2 Lots 17 & 18. The site is 0.45 acres and is currently undeveloped.

The Abbott Loop Community Council signed Resolution 2023-01 in support of this zoning map amendment on February 23, 2023.

Need and Justification for the Rezoning

The petition site is currently zoned R-5 Low Density Residential and is part of a large developed neighborhood, filled with single-family homes, mobile homes, and the occasional two-family home. However, the petition site has remained undeveloped and vacant for over 15 years, along with the two parcels to the west that were recently rezoned. These vacant parcels show a distinct desire for separation of residential dwellings from the busy major arterial street that is Abbott Road.

A parcel one street to the west of this site, located at 9130 Elim Street, had its zoning designation changed from R-5 to RO-SL Residential Office District in 2003. Three parcels of land directly to the west of this site, located at 9138 Arlon Street, had their zoning designation changed from R-5 to B-3 General Business in 2024. A parcel of land directly to the east of this site, located at 9131 Elim Street, had its zoning designation changed from R-5 to B-3-SL General Business in 2005. Each of these changes to zoning designation are for properties that sit across from a B-3-SL commercial district and abut the busy Abbott Road. These changes, approved by the Anchorage Assembly, show a clear pattern of change in the needs of the surrounding community.

Proposed Land Use and Development

This zoning application is meant to lay the foundation for future infill development. There is no development planned for this site at this time.

Request Conformance with the Approval Criteria for Zoning Map Amendment Standards (AMC 21.03.160.E)

1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare.

This site and the two similar lots to the west, closest to Abbott Road have remained vacant and undeveloped for the past 15 - 25 years, showing a clear desired buffer between developed residential lots and the busy major arterial road. The commercial properties farther to the east and west, directly abutting Abbott Road, have developed residential dwelling on the lots directly behind them. Title 21 states that "the B-3 district is intended primarily for general commercial uses in commercial centers and areas exposed to heavy traffic."

Re-designating the land use for this site would allow for desired infill development between a residential district and a major arterial street, which is directly in favor of the public interest and welfare, and would not be detrimental to the health or safety of the community.

2. The rezone complies with and conforms to the comprehensive plan, including the comprehensive plan map(s). (If the proposed rezone does not conform to the comprehensive plan, it may be considered along with a comprehensive plan amendment.)

The accompanying concurrent application has amended the land use designation to Town Center, which matches the *Anchorage 2020* land use plan. The *Anchorage 2040* plan specifies the B-3 zoning district as a preferred district for Town Centers and encourages infill, redevelopment, and reuse that strengthens cohesion and levels of activity in the district.

This rezone is consistent with the following goals and policies of the *Anchorage 2040 Land Use Plan*:

- Goal 1: Plan for Growth and Livability. Anchorage achieves residential and commercial growth, which improves community resiliency and citizens' quality of life as it supports their vision for the future expressed in the Comprehensive Plan.
 - LUP 1.3: Coordinate area-specific plans and updates so that collectively these maintain or improve Anchorage's capacity to accommodate housing, employment needs, and achieve its goals for growth.
 - LUP 1.4: Use the 2040 LUP and area-specific plans in conjunction with other elements of the Comprehensive Plan to determine appropriate zoning in the Bowl, and evaluate proposed changes to land use regulations.
- Goal 2: Infill and Redevelopment. Infill and redevelopment meet the housing needs of residents and businesses in Anchorage.
 - LUP 2.2: Coordinate redevelopment incentives and public infrastructure investments with development entitlements to enhance walkability and quality of life, and encourage the market to add new residences, shops, and workplaces.
 - LUP 2.3: Remove barriers to desired infill development and incorporate flexibility in development requirements to promote adaptive reuse of older buildings and compact infill/redevelopment, including that which reflects traditional urban neighborhood design contexts.

- Goal 3: Center and Corridors. Mixed-use, walkable commercial centers and corridors thrive within their neighborhood context, offer housing affordable to a range of incomes, and enable business growth.
 - LUP 3.2: Promote the development of main street, transit-oriented, and mixed-use corridors that help meet the city's needs for retail, services, jobs, and housing; and that support these uses and adjoining neighborhoods with access to multiple modes of travel and attractive pedestrian environments.

3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title.

Title 21 states that, "the B-3 district is intended primarily for general commercial uses in commercial centers and areas exposed to heavy traffic. These commercial uses are intended to be located on arterials, or within commercial centers of town, and to be provided with adequate public services and facilities." The project site is located on the major arterial street of Abbott Road, which experiences heavy traffic, and is surrounded by other commercial uses. It has adequate public services and facilities available to it.

4. The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities.

This application would amend the zoning district to match the land to the east, south, and west of the site. The parcel one street to the west of this site, located at 9130 Elim Street, had its zoning designation changed from R-5 to RO-SL Residential Office District in 2003. Three parcels of land directly to the west of this site, located at 9138 Arlon Street, had their zoning designation changed from R-5 to B-3 General Business in 2024. The parcel of land directly to the east of this site, located at 9131 Elim Street, had its zoning designation changed from R-5 to B-3-SL General Business in 2005. Each of these changes to zoning designation are for properties that sit across from a B-3-SL commercial district and abut the busy Abbott Road. These changes, approved by the Anchorage Assembly, show a clear pattern of change in the needs of the surrounding community. This rezone is compatible with the surrounding land uses and development intensities.

This site and the two similar lots to the west, closest to Abbott Road have remained vacant and undeveloped for the past 15 - 25 years, showing a clear desired buffer between the developed residential lots to the north and the busy major arterial road of Abbott Road.

5. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development.

Public facilities and services are available and capable of supporting the uses allowed by the B-3 zoning district.

- 6. The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated.**

This rezone will not result in any adverse impacts on the natural environment.

- 7. The rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations.**

This site and the two similar lots to the west, closest to Abbott Road have remained vacant and undeveloped for the past 15 - 25 years, showing a clear desired buffer between the developed residential lots to the north and the busy major arterial road of Aboot Road. The commercial properties farther to the east and west, directly abutting Abbott Road, have developed residential dwelling on the lots directly to the north of them. This rezone will allow for infill development in an area that has a clear public interest in separating residential lots from a busy major arterial street.

- 8. The rezone does not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan.**

This application would amend the zoning district to match the land to the east, south, and west of the site. The parcel one street to the west of this site, located at 9130 Elim Street, had its zoning designation changed from R-5 to RO-SL Residential Office District in 2003. Three parcels of land directly to the west of this site, located at 9138 Arlon Street, had their zoning designation changed from R-5 to B-3 General Business in 2024. The parcel of land directly to the east of this site, located at 9131 Elim Street, had its zoning designation changed from R-5 to B-3-SL General Business in 2005. Each of these changes to zoning designation are for properties that sit across from a B-3-SL commercial district and abut the busy Abbott Road. These changes, approved by the Anchorage Assembly, show a clear land use pattern that this application is succeeding.

- 9. The rezoning does not result in a split-zoned lot.**

This rezone will not result in a split-zoned lot.

Rezone Request Conformance with the Approval Criteria for B-3 District Location Requirements (AMC 21.04.030.D.3)

- 1. Establishment of the B-3 district or changes to existing district boundaries shall meet the general rezoning criteria of this code and shall not be expanded along street corridors or into surrounding neighborhoods unless consistent with the comprehensive plan.**

The accompanying concurrent application has amended the land use designation to Town Center, which matches the *Anchorage 2020* land use plan. The *Anchorage 2040* plan specifies the B-3 zoning district as a preferred district for Town Centers and encourages infill, redevelopment, and reuse that strengthens cohesion and levels of activity in the district.

Title 21 states that, “the B-3 district is intended primarily for general commercial uses in commercial centers and areas exposed to heavy traffic. These commercial uses are intended to be located on arterials, or within commercial centers of town, and to be provided with adequate public services and facilities.” The project site is located on the major arterial street of Abbott Road, which experiences heavy traffic, and is surrounded by other commercial uses.

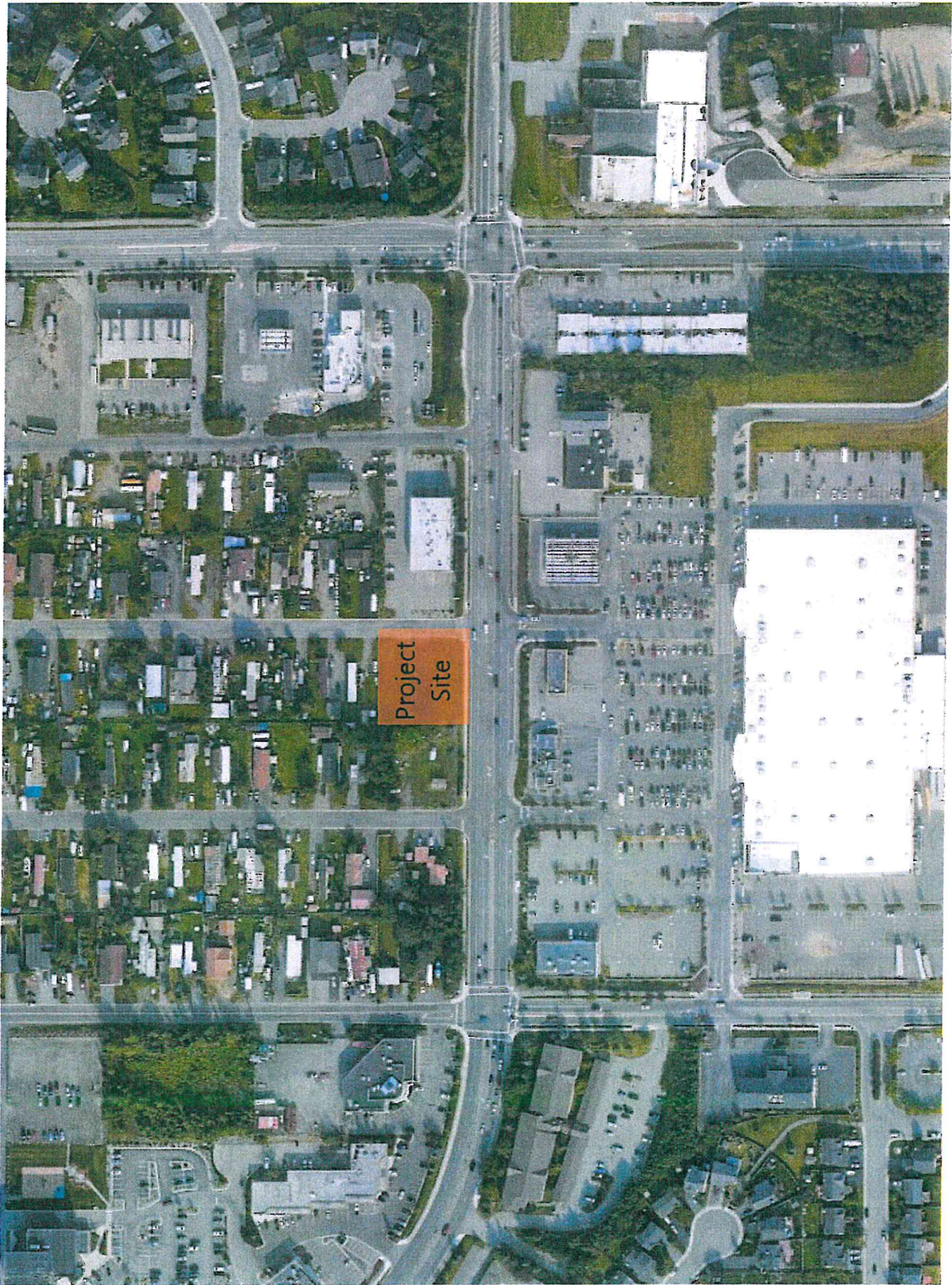
This rezone is consistent with the following goals and policies of the *Anchorage 2040 Land Use Plan*:

- Goal 1: Plan for Growth and Livability. Anchorage achieves residential and commercial growth, which improves community resiliency and citizens’ quality of life as it supports their vision for the future expressed in the Comprehensive Plan.
 - LUP 1.3: Coordinate area-specific plans and updates so that collectively these maintain or improve Anchorage’s capacity to accommodate housing, employment needs, and achieve its goals for growth.
 - LUP 1.4: Use the 2040 LUP and area-specific plans in conjunction with other elements of the Comprehensive Plan to determine appropriate zoning in the Bowl, and evaluate proposed changes to land use regulations.
- Goal 2: Infill and Redevelopment. Infill and redevelopment meet the housing needs of residents and businesses in Anchorage.
 - LUP 2.2: Coordinate redevelopment incentives and public infrastructure investments with development entitlements to enhance walkability and quality of life, and encourage the market to add new residences, shops, and workplaces.
 - LUP 2.3: Remove barriers to desired infill development and incorporate flexibility in development requirements to promote adaptive reuse of older buildings and compact infill/redevelopment, including that which reflects traditional urban neighborhood design contexts.
- Goal 3: Center and Corridors. Mixed-use, walkable commercial centers and corridors thrive within their neighborhood context, offer housing affordable to a range of incomes, and enable business growth.
 - LUP 3.2: Promote the development of main street, transit-oriented, and mixed-use corridors that help meet the city’s needs for retail, services, jobs, and housing; and that support these uses and adjoining neighborhoods with access to multiple modes of travel and attractive pedestrian environments.

2. Future rezonings to B-3 shall take into consideration the desirability of B-3 being located on collector or greater roads and being served with adequate public services and facilities.

The project site is located on the major arterial street of Abbott Road, which experiences heavy traffic, and is surrounded by other commercial uses. It has adequate public services and facilities available to it.





Map of Surrounding Area - Moorehand #2 Lots 17 & 18

Letter of Authorization

I, Henry Kim, the co-owner of the property located at Moorehand Subdivision Addition # 2 Lots 17 & 18 (MOA Tax ID's 014-291-59-000 and 014-291-58-000), authorize S4 Group to represent me before the Municipality of Anchorage in the request for a zoning action.

Henry Kim
Signature

07/07/18/24
Date

I, Charlotte Kim, the co-owner of the property located at Moorehand Subdivision Addition # 2 Lots 17 & 18 (MOA Tax ID's 014-291-59-000 and 014-291-58-000), authorize S4 Group to represent me before the Municipality of Anchorage in the request for a zoning action.

Charlotte Kim
Signature

07/18/2024
Date

Attachment Q

Abbot Loop Community Council
RESOLUTION 2023-01

Abbott Loop Community Council Resolution in Support of the Land Use Amendment and Zone Amendment of Moorehand Subdivision No.2 Lots 17 & 18 and Moorehand Subdivision No. 3 Lots 16, 17, & 18.

WHEREAS, presentations were made at the February 23rd, 2022 and the January 26th, 2023 General Membership Meetinga, hosted on Zoom and in person, regarding the intention to amend the current land use and zone designation of 5 lots located off of Abbott Road across from Fred Meyer. The parcels are currently designated as *Compact Mixed Residential - Medium* land use and zoned R-5 (Low Density Residential). It is proposed that the parcels designations be changed to *Town Center* land use and zoned B-3 (General Business District); and

WHEREAS, this change in designation would reflect the character of the surrounding *Town Center* and B-3 zoned parcels along Abbott Road and would work towards the Anchorage 2040 Land Use Plan Goal 3, "Mixed-use, walkable commercial centers and corridors thrive within their neighborhood context, offer housing affordable to a range of incomes, and enable business growth."; and

WHEREAS, per the AMC Title 21, the B-3 zoning district is intended primarily for general commercial uses in commercial centers and areas exposed to heavy traffic, such as this location. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. In addition to a wide range of commercial office, retail and commercial services, other use categories such as residential and community uses, and mixed-use projects, are allowed;

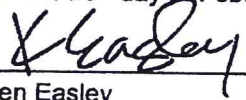
NOW, therefore Abbott Loop Community Council supports the amendment of Moorehand Subdivision No.2 Lots 17 & 18 and Moorehand Subdivision No. 3 Lots 16, 17, & 18 from *Compact Mixed Residential - Medium* land use to *Town Center* land use and from R-5 zoning to B-3 zoning.

Mover: Sheila Cernich

Seconder: Patti Higgins

Votes: Yes 25 No 03

Passed this 23rd day of February, 2023.



Kathleen Easley
Secretary

02/23/23

Date



Bruce Roberts
ALCC President

2/23/23

Date



Moorehand #2 Comprehensive Plan Amendment and Rezone
Summary of Community Meeting
Aug 29, 2024

MOA Planning Division Director
4700 Elmore Road
Anchorage, AK 99507

125 notices were mailed on 7/30/24, 0 returned, see attached for content of notices.

Date: 08/29/2024 @ 6:30 PM

Location: Zoom Meeting

Subject: Moorehand #2 Comprehensive Plan Amendment and Rezone

The presentation was made at Abbott Loop Community Council's regular August general member meeting and was held via a Zoom meeting. The meeting was originally going to be held at Kasuun Elementary School, but the meeting location was changed. The meeting covered the details of the proposed comprehensive plan amendment and rezone, as well as the timeline, and process of the project. The following is a brief summary of the questions and comments made by the community. 21 people were present.

Q: What kind of businesses could be placed here?

A: A variety of commercial/business uses are allowed in the B-3 district, as well as residential uses.

Q: Are there any restrictions that could be applied to the lots to limit the type of businesses that could be built on them?

A: Title 21 regulates the type of uses permitted in specific zoning areas, it also states in reference to B-3 districts that "Abutting residential areas should be protected from potentially negative impacts associated with commercial activity.

A community member expressed concerns about businesses abutting residential districts and the negative impacts it could have on surrounding lots, including trash and traffic. Another community member stated that they thought this was a good idea and would like to see these lots utilized.

Participants:

Lizzie Newell
Simon Rose
Susan Soule
Juan San Miguel
Patricia O'Hara
Kathleen Easley
Dale

Jon
John Hogue
Calvin Schrage
Felix Rivera
Dominick
Jeremy Houston
Janice Park

Marilyn Russell
John Weddleton
Walter Featherly
Eleilia Preston
Kelly Lessens
Pat Higgins
Jean Lorentzen

Community Meeting Notification: Moorehand

Abbott Loop Community Council Meeting
Date & Location:

AUGUST 29 @ 6:30 PM

Kasuun Elementary School
4000 E 68th Ave
Anchorage, AK 99507

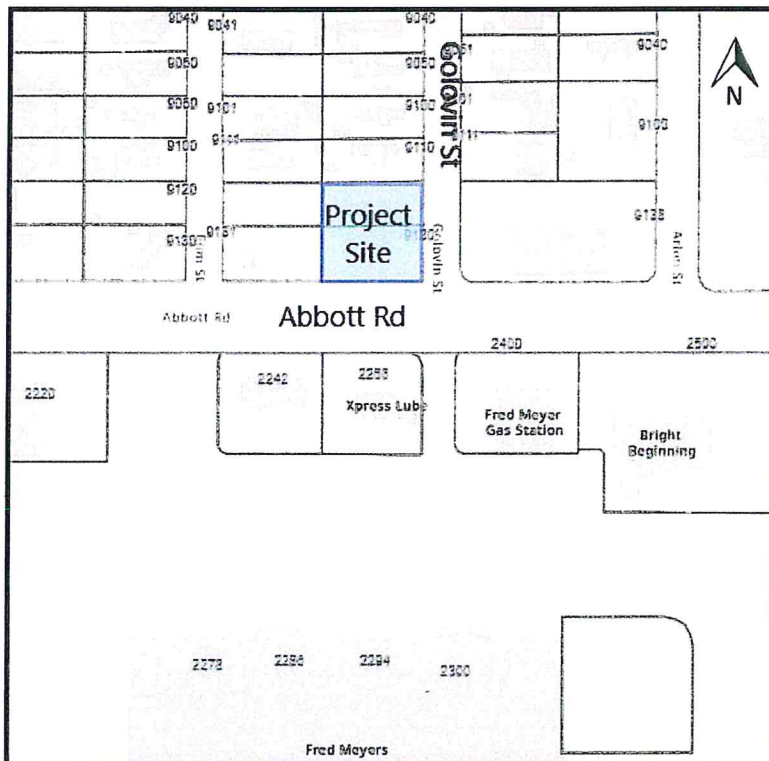
Please check the community council page at
communitycouncils.org for any meeting changes.

S4 Group, LLC will be presenting a Land Use and Zoning Amendment action to the Abbott Loop community council at their regularly scheduled August meeting. The project site is proposed to be amended from *Compact Mixed Residential—Medium* land use to *Town Center* land use and rezoned from R-5 to B-3.

Representatives of the proposed project will provide an overview of the project, project schedule, and will be able to answer questions. If you are not able to make this meeting, you can still contact us with any questions or concerns regarding the project at: kate@s4ak.com or (907) 306-8104.

The project site of approximately 0.45 acres is located at 9130 Golovin Street, north of Abbott Road, described as Moorehand Subdivision Addition #2 Lots 17 & 18.

For more information go to: s4ak.com/notice



«Name»

«Address»

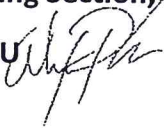
«City», «State» «Zipcode»

Departmental and Public Comments

MEMORANDUM

RECEIVED

NOV 08 2024

DATE: November 11, 2024
TO: Dave Whitfield, Planning Manager, Planning Section, Planning Division
FROM: Alex Prosak, P.E., Planning Section, AWWU 
RE: Zoning Case Comments
Decision date: December 02, 2024
Agency Comments due: November 04, 2024

AWWU has reviewed the materials and has the following comments:

2024-0117 LOTS 17 & 18, MOOREHAND SUBDIVISION ADDITION NO. 2 (PLAT 70-202)
– Request to Rezone two (2) parcels from R-5 (Low-Density Residential) District to B-3 (General Business) District, Grid # SW2333.

1. These parcels are outside of AWWU's certificated water service district, and AWWU water is not available to these parcels.
2. These parcels are within AWWU's certificated sanitary sewer service district, and AWWU sewer service is available to these parcels.
3. AWWU has no comments or objections to this Request to Rezone.

If you have any questions pertaining to public water or sewer, please call (907) 786-5694 or send an e-mail to alex.prosak@awwu.biz.





MUNICIPALITY OF ANCHORAGE

Traffic Engineering Department



MEMORANDUM

DATE: November 4, 2024

TO: Current Planning Division Supervisor,
Planning Department

THRU: Kristen A. Langley, Traffic Safety Section Supervisor,
Traffic Engineering Department

FROM: Randy Ribble PE, Assistant Traffic Engineer

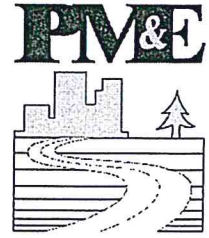
SUBJECT: **2024-0117 Request to rezone two parcels from R-5 (Low Density Residential)
District to B-3 (General Business) District.**

9130 Golovin Street, Anchorage Alaska

Traffic Engineering has no objections to the rezoning of these two parcels from R-5 to B-3.



Municipality of Anchorage
Project Management and Engineering
MEMORANDUM



RECEIVED

DATE: November 4, 2024

To: Dave Whitfield

FROM: Kyle Cunningham

SUBJECT: Cases 2024-0116 & 2024-0117: Comments from Watershed
Management Services.

NOV 04 2024

Watershed Management Services (WMS) has the following comments for the December 2, 2024 Planning and Zoning Commission hearing:

- 2024-0116 - Lots 17 & 18, Moorehand Subdivision Addition No. 2 (Plat 70-202)
 - WMS has no comments on or objections to this request.
- 2024-0117 – Lots 17 & 18, Moorehand Subdivision Addition No. 2 (Plat 70-202)
 - WMS has no comments on or objections to this request.

Kimmel, Corliss A.

From: Walters, Michael S.
Sent: Tuesday, October 22, 2024 7:03 AM
To: Blake, Lori A.; Kimmel, Corliss A.
Subject: 2024-0117 Request for Reviewing Agency Comments

RECEIVED

OCT 22 2024

ROW has the following comments for case number 2024-0117:

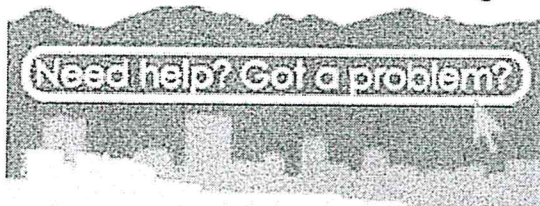
ROW has no comment or objections on the proposed action.

Regards,

Michael S Walters
Senior Plan Reviewer
Right of Way Section
michael.walters@anchorageak.gov
Office: 907-343-8226
Cell: 907-727-7637
Fax: 907-249-7910

#ANCWORKS!

An online tool for Anchorage



Kimmel, Corliss A.

From: Wilson, Karleen K.
Sent: Friday, October 18, 2024 3:27 PM
To: Kimmel, Corliss A.; Blake, Lori A.
Subject: FW: 2024-0107,S12802,2024-0109,20204-0116,2024-0117 Request for Reviewing Agency Comments
Attachments: 2024-0117 Routing Coversheet.pdf

RECEIVED

OCT 18 2024

No comments.

Regards,

Karleen Wilson
Addressing Official
907.343.8168 (desk)
907.343.8466 (shared Addressing)
[Official Address Map](#)

From: Stewart, Gloria I. <gloria.stewart@anchorageak.gov>
Sent: Tuesday, October 15, 2024 5:03 PM
Cc: Stewart, Gloria I. <gloria.stewart@anchorageak.gov>
Subject: 2024-0107,S12802,2024-0109,20204-0116,2024-0117 Request for Reviewing Agency Comments

Hello all. Attached please find our Routing Coversheets for the above referenced cases (2024-0107 & 2024-0116 Comp Plan Amendment; S12802 Long Plat; 2024-0109 & 2024-0117 Rezone) which are scheduled as Public Hearings before the Planning and Zoning Commission on 12/02/24. Routing Materials can be viewed by clicking on the links below, scrolling to bottom of page and selecting Reviewing Agency Routing preceded by the case number of interest. **PLEASE REMIT COMMENTS EITHER BY MAIL OR EMAIL AS FOLLOWS:** by email to Corliss Kimmel & Lori Blake (corliss.kimmel@anchorageak.gov & lori.blake@anchorageak.gov) or by USPS to the address listed in the upper right hand corner of the Routing Cover Sheet.

2024-0107 [https://www.muni.org/CityViewPortal/Planning/Status?planningId=18072.](https://www.muni.org/CityViewPortal/Planning/Status?planningId=18072)

S12802 [https://www.muni.org/CityViewPortal/Planning/Status?planningId=18074.](https://www.muni.org/CityViewPortal/Planning/Status?planningId=18074)

2024-0109 [https://www.muni.org/CityViewPortal/Planning/Status?planningId=18075.](https://www.muni.org/CityViewPortal/Planning/Status?planningId=18075)

2024-0116 [https://www.muni.org/CityViewPortal/Planning/Status?planningId=18084.](https://www.muni.org/CityViewPortal/Planning/Status?planningId=18084)

2024-0117 [https://www.muni.org/CityViewPortal/Planning/Status?planningId=18085.](https://www.muni.org/CityViewPortal/Planning/Status?planningId=18085)

Abbott Loop Community Council
RESOLUTION 2024-04

Abbott Loop Community Council Resolution in Support of the Land Use Amendment and Zoning Amendment
of Moorehand Subdivision Addition No. 2 Lots 17 & 18.

WHEREAS, a presentation was made at the August 29th, 2024 General Membership Meeting, hosted on Zoom, regarding the intention to amend the current land use and zoning designation of 2 lots located off of Abbott Road across from Fred Meyer. The parcels are currently designated as *Compact Mixed Residential - Medium* land use and zoned *R-5 Low Density Residential*. It is proposed that the parcel's land use designations be changed to *Town Center* and zoning district be changed to *B-3 General Business*; and

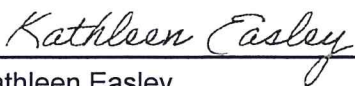
WHEREAS, this change in designation would reflect the character of the surrounding *Town Center* and *B-3* zoned parcels along Abbott Road and would work towards the Anchorage 2040 Land Use Plan Goal 3, "Mixed-use, walkable commercial centers and corridors thrive within their neighborhood context, offer housing affordable to a range of incomes, and enable business growth."; and

WHEREAS, per the AMC Title 21, the *B-3* zoning district is intended primarily for general commercial uses in commercial centers and areas exposed to heavy traffic, such as this location. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. In addition to a wide range of commercial office, retail, and commercial services, other use categories such as residential and community uses, and mixed-use projects, are allowed;

NOW, therefore Abbott Loop Community Council supports the amendment of Moorehand Subdivision Additional No. 2 Lots 17 & 18 from *Compact Mixed Residential - Medium* land use to *Town Center* land use and from *R-5 Low Density Residential* zoning to *B-3 General Business* zoning.

Mover: Bruce Roberts
Seconder: Leslie Kleinfield


No objections, all in favor.
Passed this 17th day of October, 2024.



Kathleen Easley
Secretary

10/31/2024

Date



Lizzie Newell
President

10/31/2024

Date

Affidavit of Posting and Historical Information



AFFIDAVIT OF POSTING

CASE NUMBER: 2024-0117

I, Kate Saxe hereby certify that I have posted a Notice as prescribed by Anchorage Municipal Code 21.03.020H.5. on the property that I have petitioned for Rezoning. The notice was posted on 9/27/24 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 27 day of September, 2024.

Kate Saxe
Signature

LEGAL DESCRIPTION

Tract or Lot: 17 & 18

Block: _____

Subdivision: Moorehead #2





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

CLERK'S OFFICE
AMENDED AND APPROVED

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

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

6
7 (Abbott Loop Community Council) (Planning and Zoning Commission Case 2004-157)
8

9 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:
10

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

13
14 Lot 3A, Arlon Subdivision consisting of approximately 37,630 square feet/0.86 acres as
15 shown on Exhibit A.
16

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

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

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

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

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

B. Prohibited Uses:

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

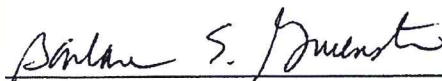
Section 3. This ordinance shall become effective within 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. The rezone approval contained herein shall 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. In the event no special limitations are contained herein, this ordinance is effective immediately upon passage and approval. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 1st day of February, 2005.



Chair

ATTEST:



Municipal Clerk



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 21-2005

Meeting Date: January 11, 2005

From: Mayor

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

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

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

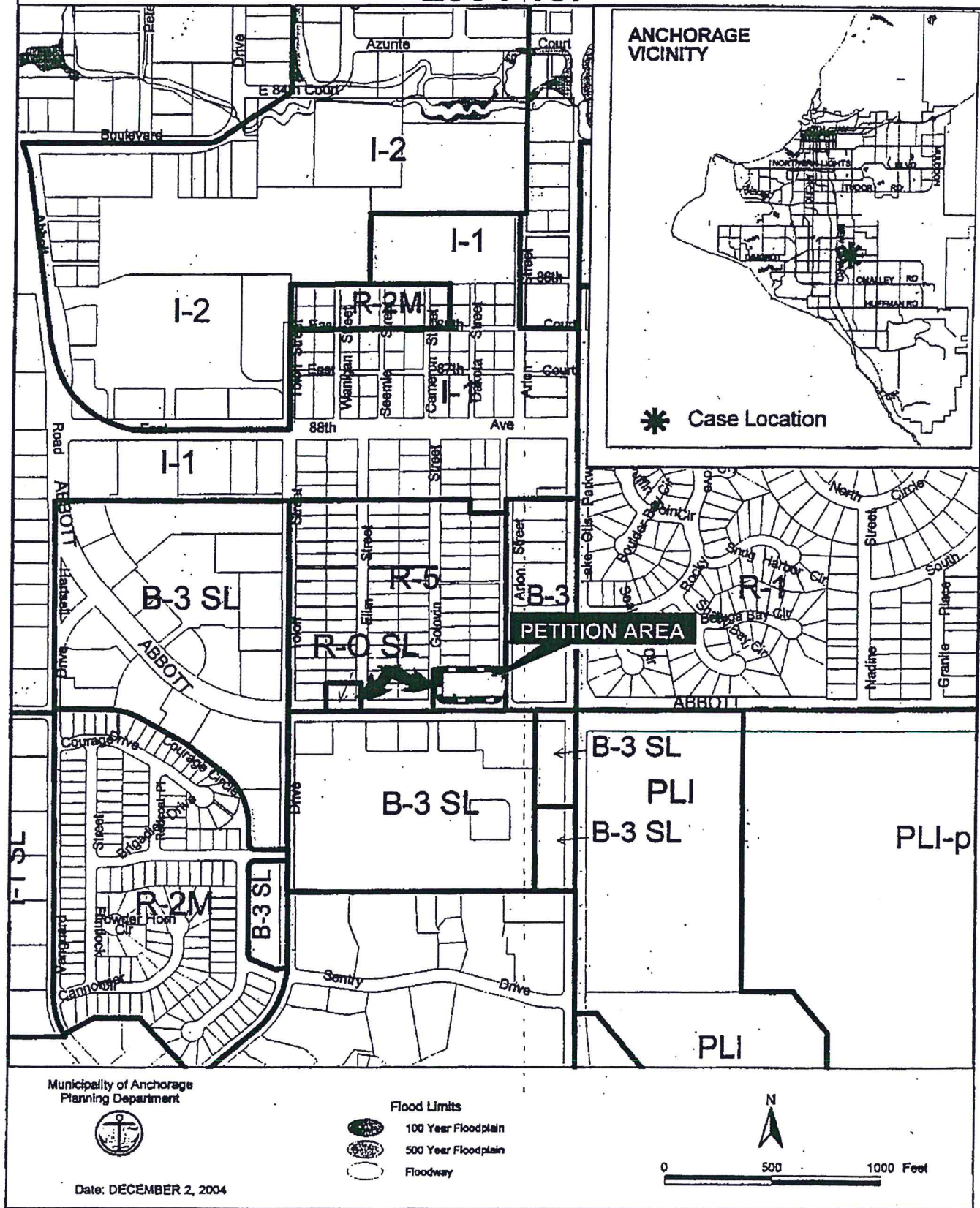
16
17 The special limitations include providing an eight-foot fence along the north lot line adjacent
18 to residential zoning. The special limitations prohibit high traffic uses involving drive-up
19 windows or queuing of vehicular traffic, pole signs and require the retention of several
20 existing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

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

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

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

2004-157



001.

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

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

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

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

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

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

A. The Commission makes the following findings of fact:

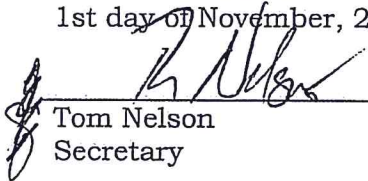
1. This property was rezoned from R-5 to R-O SL in 2002 even though the petitioner had requested B-3 SL at the time. The Assembly was reluctant to rezone it to B-3 SL because there was no adopted Abbott Town Center Plan and the petitioner did not have a development plan. Since the R-O SL became effective, the petitioner has constructed a two-story office building. The purpose of the rezoning at this time is to allow specific service retail uses such as an UPS Store, Vitamin and Nutritional Supplements sales and counseling, optometry services, wireless communication equipment sales and services, hair dresser, etc., and to prohibit drive-up facilities and specific objectionable commercial uses. Another special limitation would allow the building be completed in conformance with the approved site plan and architectural plans as submitted under Building Permit #04-5124.
2. The petition site is located at the southeast corner of two R-5 zoned subdivisions (Morehand and Arlon) that are classified as Commercial/Industrial in the 1982 Comprehensive Plan. North of the R-5 neighborhood is I-1 property that fronts onto East 88th Avenue. To the east is a B-3 zoned strip mall; to the west of the R-5 is Independence Park Shopping Village, zoned B-3 SL. To the south of the site is the Fred Meyer grocery/retail store.
3. The Commission noted that the B-3 requires a 15-foot buffer to adjoining residential uses and the back of this site has only a 10-foot buffer. Staff reported that the remedy to this is to seek a variance that would allow the 10-foot landscape buffer (as required by the R-O) and a fence (as requested by the adjoining property owner) or to resolve with Land Use Enforcement whether any grandfather rights might exist due to development having occurred under

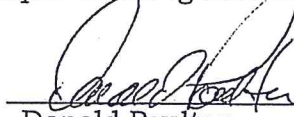
the R-O. The R-O SL site plan was approved by the Assembly at the time the R-O SL zoning was approved. To require a 15-foot buffer at this time will affect the required parking that is already provided.

4. The existing special limitations included a number of design requirements for town centers, such as pulling the building closer to the street and providing parking to the rear.
 5. The Commission felt it would be difficult to develop a town center plan in this area now that so much of the western end of the area beginning at West 88th and Abbott has already developed over the past two years as core commercial development. When this building is redeveloped in the future, the R-5 area will have also changed, but how it will have changed cannot be known. They agreed it was not necessary to include a special limitation for windows and glazing because it is not possible to predict the character that will be desired when this building is redeveloped.
 6. The Commission finds that development of the site has followed many of the town center concepts and B-3 SL zoning is consistent with the comprehensive plan. Based on the Assembly's action approving R-O SL zoning it may be arguable that the R-O is more commercial than residential and therefore legislatively already reclassified as commercial.
 7. B-3 SL zoning appears to conform to the Anchorage 2020 Plan, and AMC 21.20.090.
 8. The Commission voted unanimously in favor of the rezoning as amended.
- B. The Department recommends approval of rezoning to B-3 SL, subject to the following special limitations:
1. Special Limitations:
 - a. Redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the following items to the greatest extent possible:
 - 1) Building orientation - Buildings to front onto Abbott Road.
 - 2) Parking – Onsite parking should be placed to the rear (north) of the building. Parking should only be accessed from the side streets, and should be required to connect through to both adjacent side streets. Building height – The building walls facing Abbott Road should measure at least 18 feet from finished grade to the top of wall.
 - 3) Buildings should be built continuously along the frontage of Abbott Road, with no more than a 30-foot gap between buildings fronting this road.

- 4) Pedestrian accesses should be provided from a walkway along Abbott Road/front of building through to the parking area in the rear of the building.
- b. The buffer area on the north side of the site shall include an 8-foot sight obscuring fence.
2. Signs: Pole signs are prohibited.
3. Prohibited Uses: Uses prohibited in the R-O (Residential-Office) zoning district.
 - a. Drive-in services and windows, such as drive-in banks and restaurants.
 - b. Uses requiring queuing of vehicular traffic.
 - c. Outdoor display of products.
 - d. Uses requiring a liquor license other than a restaurant/eating place or beverage dispensary.

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


Tom Nelson
Secretary


Donald Poulton
Chair

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

ma

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 6-10-03

Submitted by:
Prepared by: Planning Department
For reading April 22, 2003

Anchorage, Alaska
AO 2003-81

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF
APPROXIMATELY 0.262 ACRES FROM R-5 TO B-3 SL FOR MOOREHAND
SUBDIVISION, LOT 20, GENERALLY LOCATED AT THE NORTHWEST
CORNER OF ELIM STREET AND ABBOTT ROAD.

(ABBOTT LOOP Community Council) (Planning and Zoning Commission Case 2003-015)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described
property as ~~B-3 SL (general commercial with special limitations)~~^{R-5} Zone:

Moorehand Subdivision, Lot 20 as shown on Exhibit "A" (Planning and Zoning
Commission Case 2003-015).

Section 2. The zoning map amendment described in Section 1 above shall be
subject to the following special limitations regarding the uses of the property:

1. Resolving access with the Municipal Traffic Engineer prior to the
issuance of any building permits.
2. Providing and maintaining a 10-foot planted screening easement on the
south and east property lines wherever the site abuts residential zoning.

Section 3. The special limitations set forth in this ordinance prevail over any
inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless
specifically provided for otherwise. All provisions of Title 21 of the Anchorage
Municipal Code not specifically affected by the Special Limitations set forth in this
ordinance shall apply in the same manner as if the district classification applied by
this ordinance were not subject to Special Limitations.

Section 4. The Director of the Planning Department shall change the zoning map
accordingly.


Section 5. This ordinance shall become effective within ten (10) days after the
Director of the Planning Department has received written consent of the owners of
the property within the area described in Section 1 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. In the event that no special

1 | limitations are contained herein, this ordinance is effective immediately upon
2 | passage and approval.

3 | PASSED AND APPROVED by the Anchorage Assembly this

4 | 10th day of June 2003.

5 |


Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM

AIM No. 47-2003

Meeting Date: April 22, 2003

From: Mayor

Subject: AO 2003- 81 Transmittal of Planning and Zoning Commission recommendation to the Assembly to disapprove rezoning 0.26 acres from R-5 to B-3 for Moorehand Subdivision No. 4, Lot 20, generally located at the northwest corner of Elim Street and Abbott Road.

1 In accordance with AMC 21.20.100 D., Mr. David Jensen, the petitioner, filed a
2 written statement with the Municipal Clerk requesting that an ordinance amending the
3 zoning map to B-3 from R-5 be submitted to the Municipal Assembly. The Planning
4 and Zoning Commission disapproved the rezone request. That action is final unless the
5 applicant requests an ordinance be forwarded to the Municipal Assembly within 20
6 days of the Commission's decision.

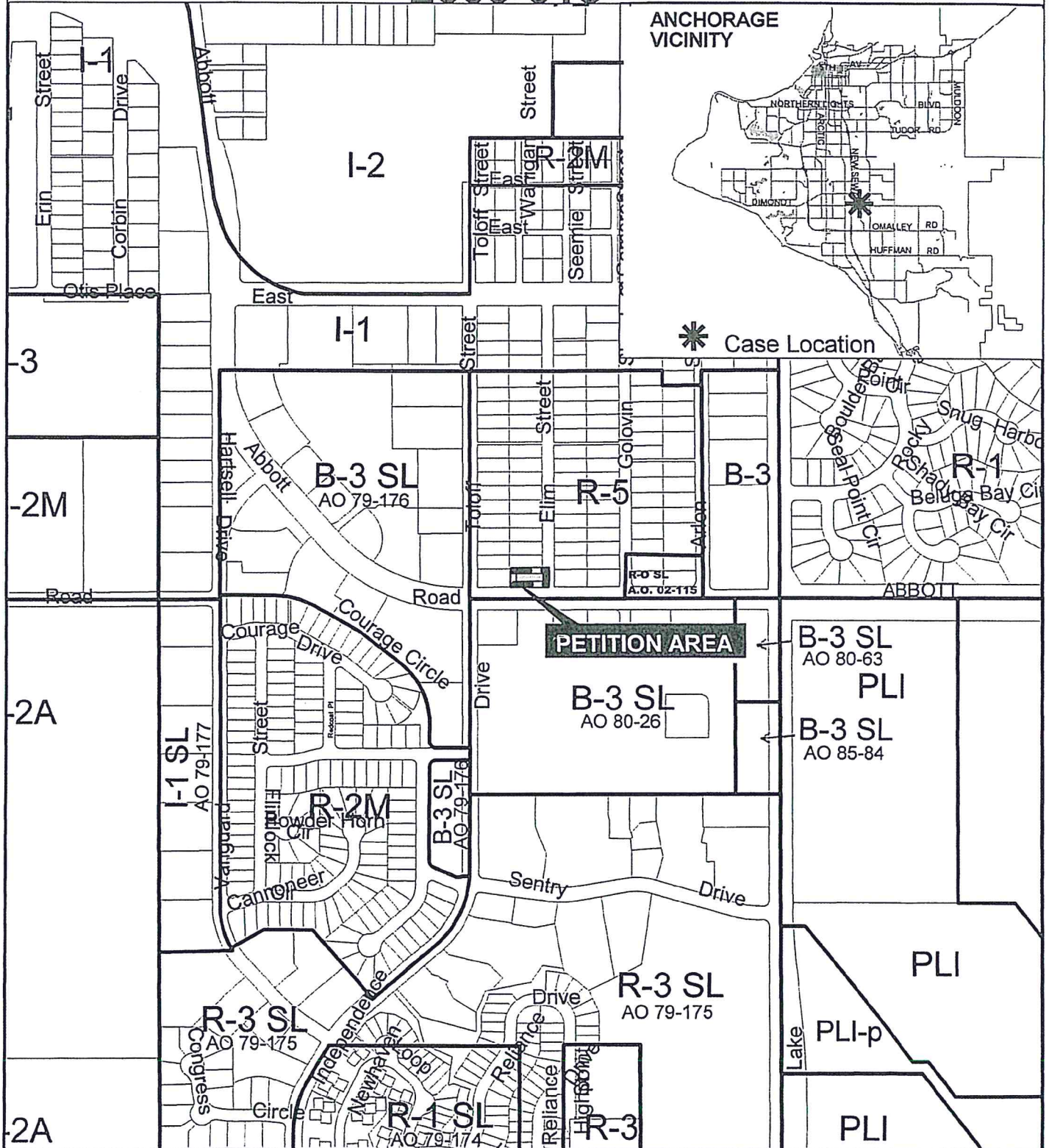
7
8 Mr. David Jensen petitioned to rezone a single lot, approximately 0.26 acres in size,
9 currently zoned R-5 (Rural Residential District) to B-3 (General Business District). It
10 is located at the northwest corner of Elim Street and Abbott Road. The Planning and
11 Zoning Commission found B-3 zoning does not meet the standards for a zoning map
12 amendment as required by AMC 21.20.090, and was not consistent with the
13 requirements for implementation of the *Anchorage 2020 Anchorage Bowl*
14 *Comprehensive Plan*.

15
16 The Commission also found that the B-3 zoning request would constitute a spot
17 zoning, as established by past court decisions. Mr. Jensen's request was for the
18 specific use of a photographic studio. It is generally held that spot zoning is singling
19 out a small parcel of land for the benefit of the owner to the detriment of other
20 property owners and the community. Spot zoning can be either spatial or non-spatial
21 and in this case is both because it is a small parcel of land 6,000 square feet, and
22 benefits only one property owner for one specific use.

23
24 The February 20, 2001 adopting ordinance for the *Anchorage 2020 Anchorage Bowl*
25 *Comprehensive Plan* (AO 2000-119(S)) directs that the approving authority may
26 approve an application for an entitlement only if it does not conflict with the goals,
27 policies and objectives of the plan. This rezone would directly conflict with policy
28 number twenty-one of the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.
29

EXHIBIT - A

2003-015



Municipality of Anchorage
Planning Department



Date: FEBRUARY 25, 2003

Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway



0 500 1000 Feet

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2003-006**

A RESOLUTION DENYING A REZONING FROM R-5 (RURAL RESIDENTIAL) TO B-3 SL (GENERAL BUSINESS DISTRICT WITH SPECIAL LIMITATIONS) FOR LOT 20, MOOREHAND SUBDIVISION NO. 4; GENERALLY LOCATED AT THE NORTHWEST CORNER OF ELIM STREET AND ABBOTT ROAD.

(Case 2003-015, Tax I.D. No. 014-293-19)

WHEREAS, a request has been received from David Jensen to rezone approximately 0.26 acres of land from R-5 to B-3 SL for Lot 20, Moorehand Subdivision No. 4, generally located at the northwest corner of Elim Street and Abbott Road, and

WHEREAS, notices were published, posted and 72 public hearing notices were mailed and a public hearing was held on January 13, 2003.

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

A. The Commission makes the following findings of fact:

1. This is a request to rezone the site from R-5 to B-3 SL. The special limitations offered are to allow onsite parking expansion from existing to an additional six spaces with access only from Elim Street, and to prohibit pole-mounted signs (see special limitation discussion further below).
2. The petition site consists of an 11,250 square foot (SF) (approximately 0.26 acre) corner lot located on the northwest corner of Elim Street and Abbott Road. The petition site is currently zoned R-5 (Rural Residential District), and is constructed with a single-family home. The existing structure was built in 1974, consisting of approximately 1,280 square feet (SF), with an approximate 240 SF garage. A 6-foot tall wood fence surrounds the lot on the road frontages, and encloses the rear yard. Access to the site is from Elim Street.
3. The petitioner proposes to use the existing single-family home as a photography studio. This use is not permitted in the R-5 district. This use would be permitted as a home-occupation, but the limitations for a home occupation in AMC 21.45.150 severely restrict the amount of square footage that could be used for a business, and would require that the owner live in the house. The maximum use of a dwelling unit for a home occupation is no more than the lesser of 25% or 500 SF of the floor area of the dwelling or 200 SF of an accessory building. It also has other strict regulations on signage, incoming traffic, etc. The purpose of home occupation regulations are to ensure the retention of the residential nature of the zoning district, while permitting minor occupations to occur, so long as they remain clearly accessory and incidental to the principle use of the zoning district.

4. The petition site is surrounded by R-5 zoned property to the west, north and east. The property to the south is zoned B-3 (General Business District). AMC 21.45.
5. The petition site is located at the southwest corner of two R-5 zoned subdivisions (Moorehand and Arlon) that are classified as Commercial/Industrial in the Comprehensive Plan. North of the R-5 subdivisions is I-1 property that fronts onto East 88th Avenue. To the east of the R-5 area is a strip mall zoned B-3, containing a McDonalds Restaurant, a Chevron Gas Station and other retail stores. To the west of the R-5 is the Independence Park Shopping Village Subdivision, zoned B-3 SL and is only partially developed as commercial retail. To the south of the site is the recently constructed Fred Meyer grocery/retail store, which includes a gasoline pump station.
6. This site is located within the Abbott Town Center area, and less than one-quarter mile from the Lake Otis Transit Supportive Development Corridor as shown on the Anchorage 2020 Anchorage Bowl Comprehensive Plan.
7. The Abbott Town Center plan is currently under contract, and community meetings and design charrettes have been underway on this project, with completion of the draft Town Center Master Plan in 2003. The Master Plan will include both a land use plan and urban design guidelines for future development.
8. This request appears to the Department to be a speculative or spot rezoning. A spot zoning exists if all of the following factor's are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive plan.
9. The Commission finds that it is important to hold up Anchorage 2020, especially in these early stages after its approval. It was noted that the Commission is seeing very difficult cases and it is important not to disregard Anchorage 2020.
10. The Commission finds that regarding the rezoning of the property nearby to R-O that it was a larger parcel, it had design standards, and it could accommodate a larger development. The Commission noted it did not doubt the petitioner or that his intent is to have a pleasant looking structure on this lot, but the Commission does not find it is inappropriate to think this could be developed with high-density residential use in the future.
11. The Commission finds that it is false to say that residential does not belong on an arterial roadway, as with this site, and further finds that this rezoning was not appropriate at this time.
12. The Commission noted full faith that this would be a good development, so long as Mr. Jensen owns the property. However, factors could affect the ownership of the property and the rezoning would not institute controls that

prevent the property from, at some point, potentially becoming a B-3 strip commercial development. It is difficult to maintain controls that provide for a transition. The Commission noted that the failure of R-O zoning district is that there is a thin line between strip commercial and what was trying to be achieved through that zoning.

13. The Commission finds that the petitioner's proposed use is a buffer of a light commercial use between the roadway and the residential neighborhood, but does not find in favor of the rezone because of the technical and legal issues of a spot rezoning.
14. The Commission finds that, based on precedent, this is a spot rezoning. The Commission finds that the rezoning request must either be combined with a number of other parcels and come back with specific special limitations or come forward as part of a town center plan. As a small standalone lot, it violates the technical issues with respect to spot zoning.
15. The Commission further finds that this recommendation of denial is due to the finding that this is a spot rezoning, and not due to the fact that this property is located in the vicinity of the town center. The Commission noted that until such time as the Assembly adopts a moratorium on rezonings in an area, the proximity of a property to a town center would not be part of the decision on a rezone request.
16. The Commission voted unanimously (0-8) to deny B-3 zoning.
17. The Commission recommends the above rezoning be DENIED by the Anchorage Assembly

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 13th day of January, 2003.



Susan R. Fison
Secretary



for Toni Jones
Chair

(2003-015)
(014-293-19)