


Municipality of Anchorage

MEMORANDUM

DATE: July 6, 2015

TO: Planning and Zoning Commission

FROM:  Erika McConnell, Manager
Current Planning Section

SUBJECT: 2015-0059: Amendment to Anchorage Municipal Code (new code) Section 21.11.070 relating to window signs for buildings under construction and temporary window applications

The attached ordinance was submitted to the Planning Division by Assembly member Johnston. While no explanatory Assembly Memorandum was provided, it appears this ordinance is in response to a sign issue at the new H&M store at the Dimond Center.

Background

During construction for the H&M store at the southeast corner of the Dimond Center tower, signs covering the entire window areas of the first floor were installed (see attached photo/rendering – the large, red “H&M” on the upper floors has not been installed). A complaint was registered with the Code Enforcement Section that the signs violated Title 21 sign regulations. The case generated by the complaint was soon closed due to a pending code change. Presumably this ordinance proposal is the referenced code change.

Agency and Public Comment

No agencies had comments on the proposed ordinance.

The ordinance was routed to all community councils. No comments from any community council, nor from the general public, have been received.

Discussion

This proposal amends regulations regarding temporary signs in the commercial, industrial, Turnagain Arm (TA), Transition (TR), and Airport (A) zoning districts. Signs in all other zoning districts, including all residential districts, would not be affected.

As currently adopted, the regulations limit window signs to covering no more than 50 percent of each window. There is no length of time restriction for window signs (so they aren't really temporary).

The first change in the proposed ordinance would allow temporary window signs for buildings that are under construction and not occupied to cover 100 percent of the window area. This would allow the ground floor window coverings shown in the attached photo/rendering.

This change is problematic. One of the purposes of the sign code is to “afford the community an equal and fair way to advertise and promote its products and services” (AMC 21.11.010). If businesses are allowed to display signs in twice the amount of their window area than neighboring/competing businesses for a period of time that can extend into multiple years, this is not fair and equal treatment for business.

Other purposes include seeking to “promote and maintain visually attractive, high value...retail, commercial, and industrial districts” and “reduce sign clutter” (AMC 21.11.010). Increasing window sign area, even temporarily, does not seem to achieve these purposes.

The second proposed change in the ordinance would allow new retail facilities to advertise by temporary signs covering 50 percent of the overall window area of the entire structure in which the retail facility is located, for no more than 90 days. This would allow the large red H&M window sign shown in the attached photo/rendering.

This would allow signs on windows in portions of a building that are not related to physical space of the business being advertised. In a sense, this could be looked at as off-premise advertising. Additionally, other portions of a building with a retail facility on the ground floor could be residential or office. Would apartment residents or office employees enjoy having window signs, even on a temporary basis, cover their windows? This provision clearly is not consistent with the “equal and fair way to advertise and promote” provision of the chapter purposes. As a last point, there is no definition of a “new” retail facility – this would likely become a point of contention between staff and applicants seeking to use this provision.

Recommendation

The Planning Division does not support this ordinance and advises a recommendation of denial to the Assembly.

Attachments: Draft Ordinance
 Photo/Rendering of H&M Signs
 Agency Comments

Submitted by: Assembly Member Johnston

Prepared by:

For reading: _____

ANCHORAGE, ALASKA

AO No. 2015-_____

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21, LAND USE PLANNING (NEW CODE – EFFECTIVE JANUARY 1, 2014), TO ALLOW WINDOW APPLICATIONS THAT COVER 100 PERCENT OF WINDOWS IN BUILDINGS UNDER CONSTRUCTION AND TO ALLOW TEMPORARY WINDOW APPLICATIONS ON A TEMPORARY BASIS FOR NEW RETAIL FACILITIES.

(Planning and Zoning Commission Case 2015-0059)

WHEREAS, the provisions regarding temporary signs and coverings are not clearly defined for structures under construction and the lack of clarity for temporary window applications have caused confusion in the building industry and the municipal staff.

WHEREAS, by clearly addressing the provisions for temporary signs and window applications creates specific language and standards to implement the provisions of the code; and

WHEREAS, there is no clear provision for widow applications for buildings under construction or specific code language for window applications on a temporary basis for newly opening retail facilities.

NOW THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Section 21.11.070H.3. is amended as follows:

H. Temporary Signs

Temporary signs in nonresidential districts are permitted pursuant to table 21.11-7 as set forth below.

1. Banners shall not be deemed signs for purposes of sign permitting requirements under title 23 and the temporary sign removal cash bond requirement in AMCR 21.20.007, provided that these conditions are met:

a. The banner is maintained in an “as new” condition at all times and is displayed and secured so as not to encroach into a public right-of-way.

b. Notice is filed with the municipality, land use enforcement division, at commencement of each display period.

c. The banner is displayed for no more than 30 consecutive days from the commencement date specified in the notice, and for no more than 120 total days annually.

2. Balloons, pennants, ribbons, and streamers are considered decorative display and not signs for purposes of sign permitting under title 23 and the temporary sign removal cash bond requirement in AMCR 21.20.007. Balloons, pennants, ribbons, and streamers shall meet these requirements:

a. Balloons, pennants, ribbons, and streamers shall be maintained in an "as new" condition at all times and shall be displayed and secured so as not to encroach into the public right-of-way.

b. Balloons, pennants, ribbons, and streamers are decoration within the scope of enforcement of AMC 15.20.020B.11. and shall not create a public nuisance by reason of condition or inappropriate location.

3. Poster advertisement and other window applications that are affixed or attached to a window or door, or are applied or attached within a building and located near a window for the purpose of being visible to and read from the outside of the building, are permitted without being subject to number, sign permitting under title 23, and the temporary sign removal cash bond requirement in section 21.20.007. The total combined area of poster advertisement and other window application shall not exceed 50 percent of the window area unless the structure is under construction and not occupied. If under construction, the windows can be fully covered.

a. Window applications can be affixed up to 50 percent of the total overall window square footage of the entire structure on a temporary basis for no more than 90 days when advertizing new retail facilities.

*** *** ***

(AO 2012-124 (S) , 2-26-13)

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

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2015.

Chair of the Assembly

ATTEST:

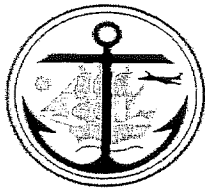
Municipal Clerk



DCM outdoor window cling
15-DCM-0427

Design #1
Designer: Adele

NSTM



MUNICIPALITY OF ANCHORAGE

Development Services Division

Right of Way Section

Phone: (907) 343-8240 Fax: (907) 343-8250

RECEIVED

JUN 10 2015

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

DATE: June 10, 2015
TO: Planning Division, Current Planning Section
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Comments on Planning and Zoning Commission case(s) for July 6, 2015.

Right of Way Section has reviewed the following case(s) due June 8, 2015.

2015-0059

"New" Title 21 Amendment

(Ordinance amending Title 21 sections 21.11.070H.3. Window Coverings)

Right of Way Section has no comments at this time.

Review time 15 minutes.

2014-0195

Checkpoint, Tract A, grid 1238

(Conditional Use for Natural Resource Extraction)

Right of Way Section has no comments at this time.

Review time 15 minutes.

MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.
Development Services Division

Building Safety
RECEIVED

JUN 10 2015

MEMORANDUM

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

Comments to Miscellaneous Planning and Zoning Applications

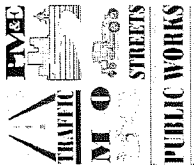
DATE: June 9, 2015

TO: Erika McConnell, Manager, Zoning and Platting

FROM: Ron Wilde, P.E.
Building Safety

SUBJECT: Comments for Case 2015-0059
Title 21 amendment - Windows

No Comment



MUNICIPALITY OF ANCHORAGE
PUBLIC WORKS DEPARTMENT
4700 Elmore Road
Anchorage AK 99507

Project Review Form

Project Name: "New" Title VI Windows and Signs	Project No: 2015-0059
Project Status: <input type="checkbox"/> Design Study <input type="checkbox"/> 35% <input type="checkbox"/> 65% <input type="checkbox"/> 95% <input type="checkbox"/> Other	
Name/Title: Sandy Hansen, Planning Tech / Randy Bergt, Project Engineer	
Organization / Department: Public Transportation / People Mover	
Phone Number: 343-8213 or 343-8285 Date: June 4, 2015	

	Page/ Sheet No.	Reviewer	Comment	Response
1)			NO Comment	
2)				
3)			Thank you for the opportunity to review.	
4)				
5)				
6)				
7)				
8)				
9)				
10)				
11)				
12)				
13)				
14)				
15)				

RECEIVED
JUN 09 2015
MUNICIPALITY OF ANCHORAGE
ZONING DIVISION



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

CENTRAL REGION
Planning & Administrative Services

4111 Aviation Avenue
P.O. Box 196900
Anchorage, Alaska 99519-6900
Main Phone: (907)269-0520
Fax: (907)269-0521
Web site: dol.state.ak.us

June 8, 2015

Erika McConnell, Planning Section Manager
MOA, Community Development Department
Planning Division
P.O. Box 196650
Anchorage, Alaska 99519-6650

RE: MOA Zoning Review

Dear Ms. McConnell:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, Central Region Planning section has no comment on the following zoning application:

- **2015-0059; An ordinance amending "new" Title 21, subsection 21.11.070H.3**

The ADOT&PF Central Region Planning section has comments on the following zoning application:

2014-0195; Conditional Use for a temporary natural resource extraction at Checkpoint Tract A

- Access to Boundary Avenue is prohibited until the successful removal of plat note #1, even temporary access for material extraction. Per the letter sent on December 22, 2014 ADOT&PF will only support removal of this plat note if all internal and side street access connections are preserved.
- Per the letter sent on December 22, 2014 access to Boundary Avenue, if granted, will be limited. The configuration proposed in this application for access from Tract A to Boundary Avenue will not be supported by ADOT&PF. Temporary and permanent access should be located at these recommended points: One access point onto Boundary Avenue, shared between Tract A and Lot 2, and one access onto Newell Street. All access points will require approval by the appropriate governmental entity.

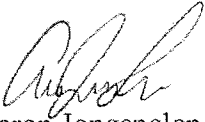
RECEIVED

JUN 08 2015

**MUNICIPALITY OF ANCHORAGE
ZONING DIVISION**

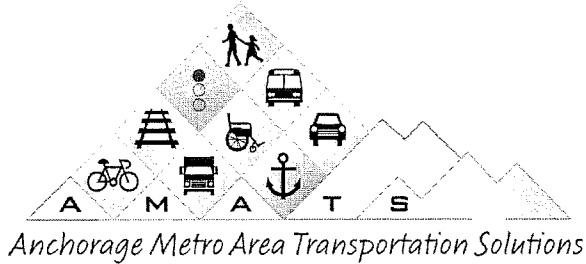
- ADOT&PF cannot support this material extraction application until plat not #1 is removed.

Sincerely,



Aaron Jongenelen
AMATS Transportation Planner

Cc: Tucker Hurn, Right of Way Agent, Right of Way, ADOT&PF
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities, ADOT&PF
Jim Amundsen, P.E., Highway Design Group Chief, ADOT&PF
Stephanie Mormilo, P.E., Municipal Traffic Engineer, MOA
Morris Beckwith, Right of Way Agent II, Right of Way, ADOT&PF



MUNICIPALITY OF ANCHORAGE

Community Development Department
Transportation Planning Division
Permitting & Development Center, 4700 Elmore
Road

P.O. Box 196650, Anchorage, AK 99519-6650
voice (907) 343-7994, facsimile (907) 343-7998
e-mail: BrewerTM@muni.org

TO: Erika McConnell, Planning Section Supervisor
Community Development Department - Planning, Zoning and
Platting Division
FROM: Teresa Brewer, Senior Transportation Planner, CTL
DATE: 3 June 2015
RE: Ordinance Amending Title 21 §21.11.070H3, Case No. 2015-0059

A. No comment.

RECEIVED
JUN 03 2015
MUNICIPALITY OF ANCHORAGE
ZONING DIVISION



Municipality of Anchorage

Maintenance and Operations

Street Maintenance Section

RECEIVED

MAY 29 2015

MEMORANDUM

MUNICIPALITY OF ANCHORAGE
ZONING DIVISION

DATE: May 26, 2015

TO: Municipality of Anchorage Planning Division

THRU: Paul VanLandingham, Street Maintenance Section Manager

FROM: Steve Hughes, Street and Storm Maintenance Review

SUBJECT: Ordinance Amendment
Case No. S2015-0059

Street Maintenance offers no objection.

Thank you for the opportunity to comment. If there are any questions regarding this comment, please contact Steve Hughes at 343-8161 or Paul VanLandingham at 343-8372.

**Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY**

M E M O R A N D U M

MAY 28 2015

**MUNICIPALITY OF ANCHORAGE
ZONING DIVISION**

DATE: May 27, 2015

TO: Erika McConnell, Supervisor, Planning Section, Planning Division

FROM: Paul Hatcher, Engineering Technician III, AWWU Planning

SUBJECT: Zoning Case Comments
Hearing Date: July 6, 2015
Agency Comments Due: June 8, 2015

AWWU has reviewed the materials and has the following comments.

2014-0195 CHECKPOINT TR A, Conditional Use for a temporary natural resource extraction in accordance with AMC 21.05.060B.6, Grid SW1238

1. AWWU water is not available, sanitary sewer is available.
2. AWWU has no objection to this conditional use.

2015-0059 TITLE 21 AMENDMENT, An ordinance amending "new" Title 21, subsection 21.11.070H.3., to allow window applications that cover 100 percent of windows in buildings under construction, and to allow temporary window applications for new retail facilities, Grid N/A

1. AWWU has no objection to this Ordinance Amendment.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail paul.hatcher@awwu.biz