

Municipality of Anchorage

MEMORANDUM

DATE: November 6, 2023
TO: Planning and Zoning Commission
THRU: *CHL* *See* Craig H. Lyon, Planning Director
FROM: *FM* Francis McLaughlin, Senior Planner
SUBJECT: Case 2023-0097, Rezone from R-5 to B-3

Discussion

On October 2, 2023, the Planning and Zoning Commission closed the public hearing and postponed Case 2023-0097, to the November 6th meeting. The Commission asked the applicant and the Planning Department to develop a special limitation requiring residential development in the B-3 district. Subsequent to the October 2nd meeting, the applicant and the Planning Department collaborated on the special limitation that is stated in the applicant's memorandum (enclosed).

Attachments:

1. Draft Assembly Ordinance
2. Applicant's Memorandum

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

ANCHORAGE, ALASKA

AO No. 2023-__

**AN ORDINANCE AMENDING THE ZONING MAP AND APPROVING THE
REZONING OF APPROXIMATELY 0.64 ACRES FROM R-5 (LOW DENSITY
RESIDENTIAL) DISTRICT TO B-3 SL (GENERAL BUSINESS) DISTRICT WITH
SPECIAL LIMITATIONS FOR MOOREHAND SUBDIVISION #2, LOTS 16-18;
GENERALLY LOCATED EAST OF ELIM STREET, SOUTH OF EAST 88TH
AVENUE, WEST OF GOLOVIN STREET, AND NORTH OF ABBOTT ROAD, IN
ANCHORAGE.**

(Abbott Loop Community Council) (Planning and Zoning Commission Case 2023-0097)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating Moorehand
Subdivision #2, Lots 16-18, as B-3 SL (public lands and institutions) district.

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

Section 2. The zoning map amendment is subject to the following special
limitation: "The district requires a minimum of three residential dwellings. The
residential dwellings shall obtain a conditional certificate of occupancy prior to the
issuance of a conditional certificate of occupancy for any other use."

Section 3. 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.

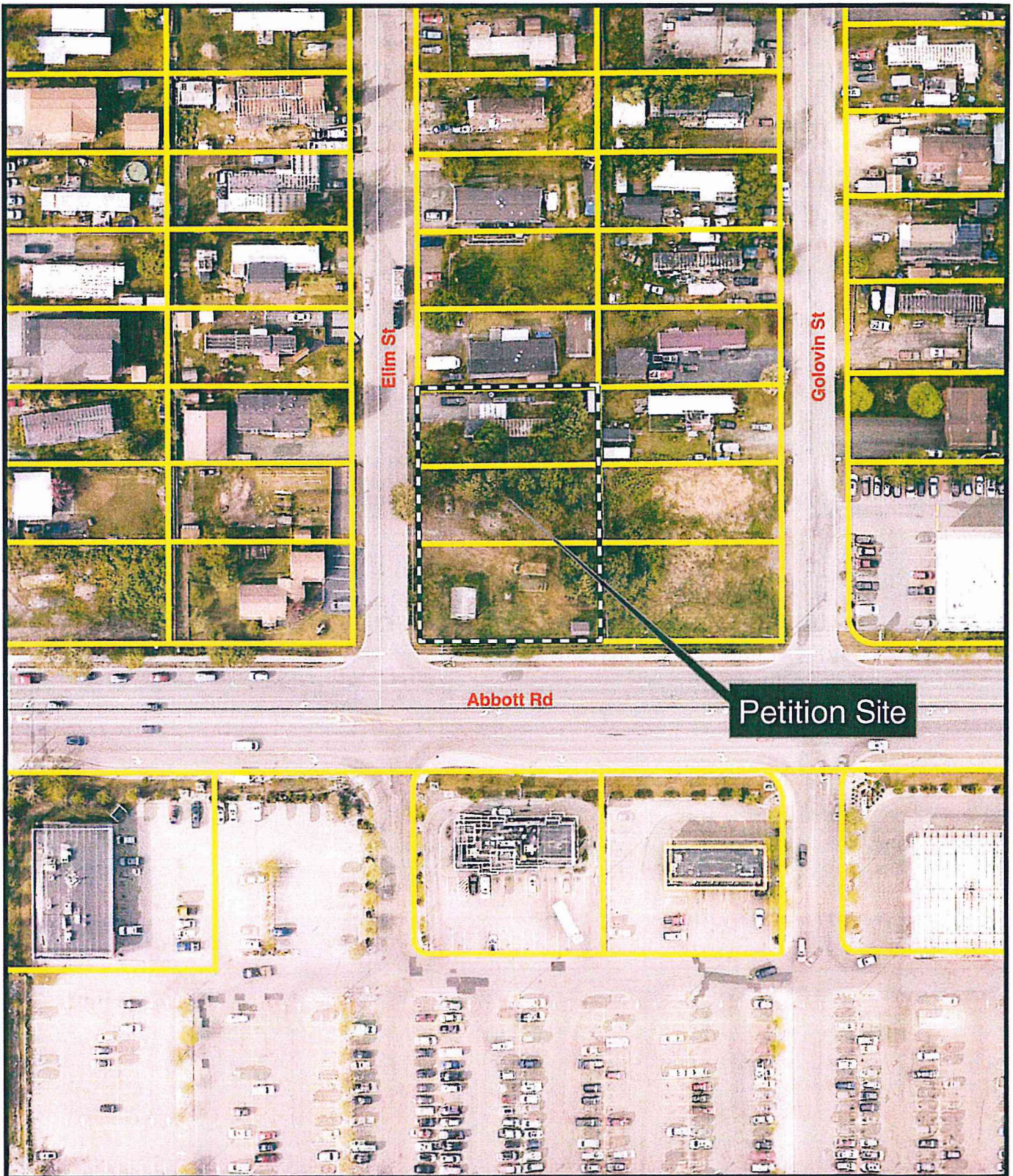
PASSED AND APPROVED by the Anchorage Assembly this _____
day of _____ 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk

2023-0097 EXHIBIT A



Municipality of Anchorage
Planning Department

Date: 8/10/2023



October 13, 2023

Francis McLaughlin
Planning Department
Municipality of Anchorage
4700 Elmore Road
Anchorage, AK 99507



Re: Case 2023-0097 Request to Rezone three (3) lots from R-5 (Low-Density Residential) District to B-3 (General Business) District

Dear Francis,

Following the instructions issued by the Planning and Zoning Commission on October 2, 2023, in advance of closing public hearing and taking action on agenda item G.2 (*Request to Rezone three (3) lots from R-5 (Low-Density Residential) District to B-3 (General Business) District*) I've met with my client – Spinell Homes, Inc. – to review the request from the Commission and re-evaluate the subject parcels considering their comments from the October 2 meeting.

We would like to restate that Special Limitations were thoroughly considered by the development team following our meetings and discussions with municipal staff prior to submitting our application and with the Community Council during deliberations on their resolution of support. As demonstrated in each of these conversations, zoning restrictions or limitations create additional costs and uncertainties that threaten the financial feasibility of development. It remains our position that no Special Limitations should be imposed.

However, given the discussions at the October 2, 2023, Planning & Zoning Commission meeting, we are making the following recommendations for Special Limitations in response to comments (paraphrased below) made by Commissioners:

"We are concerned about minimizing the impacts of any commercial uses on adjacent residential uses."

We believe the existing code requirements are adequate to protect the adjacent residential zones and no Special Limitations are necessary (e.g. code requires L2 buffer landscaping where commercial uses are adjacent to residential uses, which will provide -on average- a 15-foot planting bed separating the two uses. See *Table 21.07-1 and Table 21.07-2 in AMC 21.07.080E.*) **No Special Limitation required.**

"Some residential development should be required so there is no net loss of overall residential capacity."

–and–

"Is there a mechanism that enforces any Special Limitations when there is no concurrent re-platting proposed?"

During the public hearing, I erroneously stated that the current gross residential capacity for the three lots under existing zoning was 4 dwelling units; however, this is incorrect as Lot 18 is only 11,250 square feet – current R-5 zoning requires a minimum lot size of 13,000 square

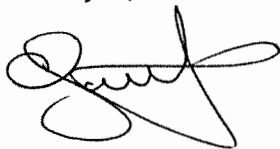
feet for a duplex (see *Table 21.06-1 in AMC 21.06.020B.*) The maximum gross residential capacity of the lots is only three single-family dwellings, so we propose that any Special Limitation requiring residential development maintain the existing residential capacity for the entire zoning district, as detailed below:

Property	Size (sq. Ft.)	Res. Capacity
Lot 18	11,250	1 single-family
Lot 17	8,401	1 single-family
Lot 16	8,401	1 single-family
<i>Subtotal</i>	<i>28,052</i>	<i>3 single-family</i>
<i>Sq. Ft. to Acres</i>	<i>0.643985308</i>	
Dwelling Units per Acre (DUA)	4.658491373	
Max Units Allowed		3 units

Whether this residential capacity is maintained on a single lot in its current configuration or on a new lot after re-platting doesn't really matter as long as the total residential development for the district is 3 units (4.7 DUA) and there is some mechanism to ensure this requirement is met. Therefore, we recommend the following Special Limitation language to address the required residential development and effectual clause: Special Limitation. **"The district requires a minimum of three residential dwellings. The residential dwellings shall obtain a conditional certificate of occupancy prior to the issuance of a conditional certificate of occupancy for any other use."**

We appreciate the consideration given by the Commission and the assistance provided by staff in trying to identify suitable examples of past Special Limitations that could be applicable to this request for rezoning. We believe the list of suggested language for Special Limitations addresses the comments made by the Commission and provides adequate limits to future development of the subject parcels, limits that are not in place for existing businesses operating on R-5 lots in the neighborhood.

Thank you,



Christopher M. Schutte
Petitioner Representative