

Failed 3-5-02

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Planning Department
For reading: January 8, 2002

Anchorage, Alaska
AO 2002-3

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6 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
7 REZONING OF APPROXIMATELY 8,910 SQUARE FEET FROM R-5 (RURAL
8 RESIDENTIAL DISTRICT) TO I-1 SL (LIGHT INDUSTRIAL DISTRICT) WITH SPECIAL
9 LIMITATIONS FOR MOOREHAND SUBDIVISION, TRACT 3A, LOT 4B; GENERALLY
10 LOCATED BETWEEN EAST 88TH AVENUE AND ABBOTT ROAD ON THE EAST SIDE
11 OF GOLOVIN STREET.

12 (Abbott Loop Community Council) (Planning and Zoning Commission Case 2001-087)

13 THE ANCHORAGE ASSEMBLY ORDAINS:

14 Section 1. The zoning map shall be amended by designating the following described property as
15 I-1 SL (Light Industrial District) with Special Limitations) zone:

16 Moorehand Subdivision, Tract 3A, Lot 4B; as shown on exhibit A attached
17 (Planning and Zoning Commission Case 2001-087).

18
19 Section 2. The zoning map amendment described in Section 1 above shall be subject to the
20 following special limitations:

- 21
- 22 a. The property shall connect to public water and sewer
- 23
- 24 b. Maximum height of structures shall be 30 feet.
- 25
- 26 c. Maximum lot coverage shall be 50%.
- 27
- 28 d. Signs: There shall be no freestanding pole or monument signs, or illuminated or
29 lighted, flashing or animated signs permitted on the site. One wall sign with a
30 maximum sign viewing area of 32 square feet is permitted.
- 31
- 32 e. The following principal Commercial Uses and Structures listed under AMC
33 21.40.200B.1 are prohibited:
- 34
- 35 1) Retail food stores and liquor stores. Uses involving the sale (retail)
36 dispensing or service of alcoholic beverages.

- 1 2) Restaurants, cafes and other places serving food and beverages.
- 2 3) Business service establishments, including commercial and job printing.
- 3 4) Off-Street parking lots and garages.
- 4 5) Taxicab stands and dispatching offices.
- 5 6) Gasoline service stations.
- 6 7) Aircraft and marine parts and equipment stores.
- 7 8) Automobile display lots, new and used.
- 8 9) Mobile Home display lots, new and used.
- 9 10) Aircraft and boat display lots, new and used.
- 10 11) Motorcycle and snow machine display lots, new and used.
- 11 12) Automobile truck and trailer rental agencies.
- 12 13) Lumberyards and builders' supply and storage.
- 13 14) Fuel dealers.
- 14 15) Automobile carwashes.
- 15 16) Bus terminals and air passenger terminals.
- 16 17) Amusement arcades, billiard parlors and bowling alleys.
- 17 18) Funeral services, including crematoriums.
- 18 19) Private clubs and lodges.
- 19 20) Motion picture theaters.
- 20 21) Churches.
- 21 22) Transmission Towers.
- 22 23) Snow disposal sites.
- 23 24) Radio and Television Studios.

24

25 f. Industrial Uses and Structures all Industrial Uses and Structures listed in AMC

26 21.40.200B.2. are prohibited.

27

28 g. Conditional Uses and Structures: all Conditional Uses and Structures listed in

29 AMC 21.40.200D are prohibited.

30

31 h. Accessory Uses and Structures: all those allowed by AMC 21.40.200C except as

32 modified by the prohibitions on Principal and Conditional Uses and Structures

33 contained herein.

34

35 No clearing of trees or other natural vegetation or the placement of fill on the site

36 shall be initiated prior to the issuance of a building permit.

37

38 j Prior to the issuance of a building permit the Planning and Zoning Commission

39 shall conduct a public hearing site plan review.

40

41 **Section 3.** The zoning map amendment described in Section 1 above shall not be effective until:

- 42 a. The following three parcels are replatted into a single lot: Moorehand
- 43 Subdivision, Tract 3A, Lots 4B; Moorehand Subdivision Tract 3A, Lot 5; and

Moorehand Subdivision Lot 7. As part of the subdivision process, the property owner shall conduct a soil and water quality inspection and obtain a certificate of inspection/compliance or provide a treatment plan approved by the applicable state or federal agency; and

b. The replat and site plan approval shall be completed within two years from the effective date of this ordinance.

Section 4. 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 _____ day of _____, 2002

Chair

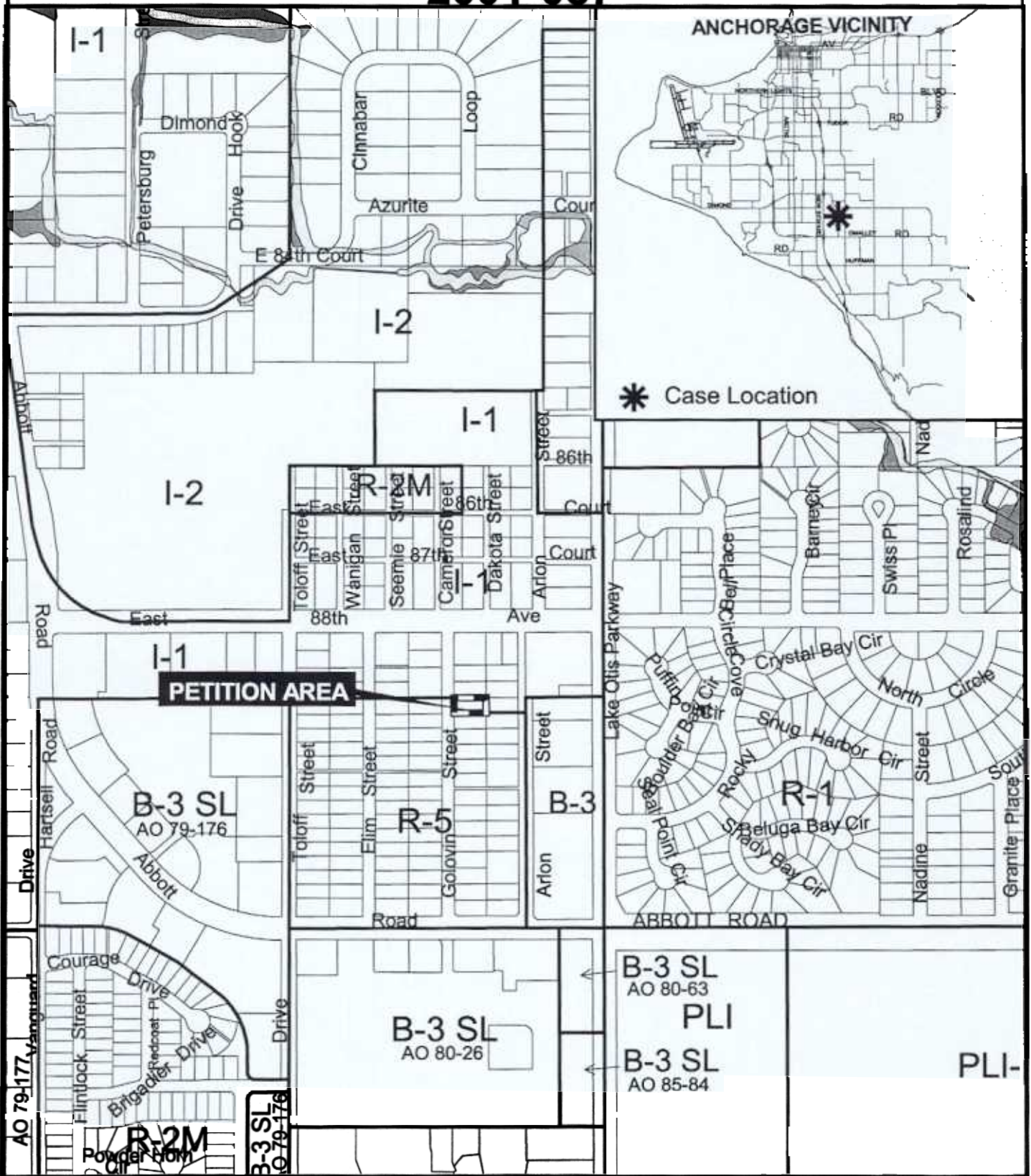
ATTEST:

Municipal Clerk

(2001-087)
(014-294-02)




REZONING 2001-087

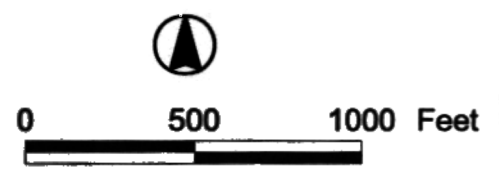
EXHIBIT A



Municipality of Anchorage
Planning Department

Date: MAY 21, 2001

- Flood Limits**
-  100 Year Floodplain
 -  500 Year Floodplain
 -  Floodway



MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 200 2- 3 Title: The rezoning of 8,910 square feet from R-5 to I-1 SL for Moorehand Subdivision, Tract 3A, Lot 4B
 Sponsor: Jimmy D. Fleming.
 Preparing Agency: Planning Department
 Others Affected

CHANGES IN EXPENDITURES AND REVENUES	(Thousands of Dollars)				
	FY00	FY01	FY02	FY03	FY04
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Services					
5000 Capital Outlay					
TOTAL DIRECT COSTS					
6000 IGCs					
FUNCTION COST					
REVENUES:					
CAPITAL					
POSITIONS: FT/PT and Temp.					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezoning should have no significant economic impact on the public sector. There is currently no public water, the property is served with a community well. The petitioner will be responsible for any construction costs related to necessary replatting, clean up of soil or ground water contamination.

PRIVATE SECTOR ECONOMIC EFFECTS:

unanticipated CF

Approval of the rezoning should have no significant economic impact on the private sector other than the costs associated with replatting, extension of public water, and environmental clean up costs related to contaminated soils and/or ground water.

Prepared by: Jerry Weaver Jr., Planning Supervisor

Telephone: 343-4215

Validated by OMB: *Cheryl Frasca*

Date: 12/11/01

Approved By: *[Signature]*

Date: 10-5-01

[Signature] Director, Preparing Agency



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 10-2002

Meeting Date: January 8, 2002

From: Mayor

Subject: AO 2002- 10

Planning and Zoning Commission Recommendation
on a Rezoning From R-5 to I-1 SL for Moorehand
Subdivision, Tract 3A, Lot 4B.

1 On July 9,2001 the Planning and Zoning Commission approved the rezoning from R-5 to I-1
2 SL for Moorehand Subdivision, Tract 3A, Lot 4B.

3
4 The Assembly denied a similar request for the subject property in 1999 based on a concern
5 about losing any residential land in favor of industrial land when the need for residential land
6 is greater and possible contamination of the ground water supply.

7
8 The petition site is being used for a nonconforming industrial use utilizing an existing
9 residential mobile home structure as the office to an electrical contracting business. The
10 petitioner wishes to rebuild a warehouse on an adjoining lot that was destroyed by fire several
11 years ago and requires the petition site to provide required parking and the outdoor storage of
12 equipment and business vehicles. A building permit for the warehouse can not be issued until
13 the petitioner can provide the required parking. This is the reason for this rezoning request.

14
15 The Anchorage 2020 Bowl Comprehensive Development Plan shows the property to be within
16 the one-half to one-mile diameter area of the Abbott-Lake Otis Town Center study area.
17 October 2, 2001 the Purchasing Department gave permission to the Planning Department to
18 negotiate a contract with the top ranked proposing contractor. Negotiations are on going.
19 Work is expected to begin on the study before the end of the year and a draft available as early
20 as mid-summer 2002.

21
22 Approval of this ordinance is recommended.

23
24 Reviewed by:

Harry J. Kieling, Jr.
Municipal Manager

Reviewed by:

Craig E. Campbell, Executive Director
Office of Planning, Development, and
Public Works

Respectfully submitted,

George P. Wuerch
Mayor

Prepared by:

for Susan R. Fison, Director
Planning Department

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2001-046**

A RESOLUTION APPROVING REZONING FROM R-5 (RURAL RESIDENTIAL DISTRICT) TO I-1 SL (LIGHT INDUSTRIAL DISTRICT) WITH SPECIAL LIMITATIONS FOR MOOREHAND SUBDIVISION, TRACT 3A, LOT 4B; GENERALLY LOCATED BETWEEN EAST 88TH AVENUE AND ABBOTT ROAD, ON THE EAST SIDE OF GOLOVIN STREET.

(Case 2001-087; Tax ID. # 014-294-02)

WHEREAS, a petition has been received from Jimmy D. Fleming to rezone from R-5 (Rural Residential District) to I-1 SL (Light Industrial district), for Moorehand Subdivision, Tract 3A, Lot 4B; consisting of approximately 8,910 square feet; generally located between East 88th Avenue and Abbott Road, on the east side of Golovin Street, and

WHEREAS, notices were published, posted and mailed and a public hearing was held July 9, 2001.

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 the second request by the petitioner to rezone site from R-5 to I-1. The Assembly denied a similar request in 1999 (Case 99-085) based on concern about losing residential land in favor of industrial land, when the need for residential land is greater. They were also concerned about possible contamination of the ground water supply. Currently the lot is being used for a nonconforming industrial use, utilizing the existing mobile home structure as the office to an electrical contracting business. The intended use of the petition site is for employee parking and the outdoor storage of equipment and business trucks.**
 - 2. The petition lot adjoins an I-1 zoned property to the north and east, also owned by the petitioner, on which he operates an electrical contracting business. The site is level and contains little natural vegetation. The petition site has access to full utilities, including public sewer, electrical, and natural gas. The property is served by a community well and is located in the Alpat Water**

service area. The building on the adjoining property to the north Lot 7, was gutted by a fire.

3. **The “Anchorage 2020 Bowl Comprehensive Development Plan” shows the site to be inside of a Town Center Area and within a one-half mile to one mile diameter area for a yet to be developed Abbott-Lake Otis Town Center land use study area.**
- 4 **Property to the west and south of the petition site is zoned R-5 and developed residentially. I-1 landscaping require buffer landscaping or a screening structure and visual enhancement landscaping along each lot line adjoining a residential district. This applies along the south and west property line.**
5. **The Abbott Loop Community Council recommended this rezoning be tabled until such time as the Town Center plan is completed. However, in 1999 the council opposed any rezoning noting it would legitimize an industrial nonconforming use is not advisable and sets a poor precedent. The electrical contracting business and outdoor storage of large equipment, transformers, spools of cable, and trash, are not conducive to the surrounding neighborhood. Snow is pushed out into the road. The petitioner allows his outdoor storage to spill over onto the road right-of-way. The Council is very much concerned with piecemeal zoning and with people breaking the law and then asking for forgiveness. The industrial use has a negative effect on the neighborhood, vehicles constantly park on a dry well in the street, vans and other vehicles trespass on other properties in the area. The Council unanimously opposed the rezoning.**
6. **The Commission noted that this is a transitional neighborhood, and understood the concerns of the area resident and felt their concerns were legitimate. To address these concerns it is reasonable that a buffer be created including a requirement to landscape and to construct a fence. The R-5 zoning district is a non-homogenous mix of housing styles including mobile homes. This neighborhood is slowly evolving into other uses, at least in the northerly portion it is likely to evolve into light industrial.**
- 7 **The Commission found this was a difficult case to decide as there were legitimate arguments both in support of and against the**

request, and it was possible given the small lots and the residential character of this area it is unlikely the town center will encompass the petition site. This is a small rezoning which would improve the area. With the special limitations, especially the prohibited uses will ensure this property will have limited use.

8. The motion to recommend approval to the Assembly to rezone the subject property to I-1 SL was unanimous, 7 in favor, 0 opposed.

The Commission recommends the Assembly rezone the subject property to I-1 SL subject to the following:

Effective Clause:

Replat the following three parcels into a single lot: Moorehand Subdivision, Tract 3A, Lots 4B; Moorehand Subdivision, Tract 3A, Lot 5, and Moorehand Subdivision, Lot 7. The applicable state or federal agency shall conduct a soil and water quality inspection. If the site contains contaminated soils or ground water, a final certificate of inspection or an authorized treatment plan from the applicable state or federal shall be provided Land Use Enforcement.

2. The replat and site plan approval shall be accomplished within two years from the effective date of the Assembly approved zoning ordinance or the I-1 SL zoning shall not become effective.

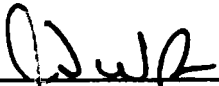
Special Limitations:

- 1 The property shall be connected to public water and sewer.
2. Height: structures shall be 30-feet.
3. Lot Coverage: 50%
4. Signs: There shall be no freestanding pole or monument signs, or illuminated or lighted, flashing or animated signs permitted on the site. One wall sign with a maximum sign viewing area of 32 square feet is permitted.

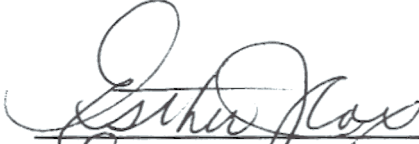
5. The following permitted principal **Commercial Uses and structures** listed under AMC 21.40.200.B.1 are prohibited:
- a. Retail food stores and liquor stores. Uses involving the sale (retail) dispensing or service of alcoholic beverages.
 - b. Restaurants, cafes and other places serving food and beverages.
 - c. Business service establishments, including commercial and job printing.
 - d. Off-Street parking lots and garages.
 - e. Taxicab stands and dispatching offices.
 - f. Gasoline service stations.
 - g. Aircraft and marine parts and equipment stores.
 - h. Automobile display lots, new and used.
 - i. Mobile Home display lots, new and used.
 - j. Aircraft and boat display lots, new and used.
 - k. Motorcycle and snow machine display lots, new and used.
 - l. Automobiles truck and trailer rental agencies.
 - m. Lumberyards and builders' supply and storage.
 - n. Fuel dealers
 - o. Automobile carwashes
 - p. Bus terminals and air passenger terminals
 - q. Amusement arcades, billiard parlors and bowling alleys
 - r. Funeral services, including crematoriums
 - s. Private clubs and lodges
 - t. Motion picture theaters

- u. Churches
 - v. Transmission towers
 - w. Snow disposal sites
 - x. Radio and Television Studios
6. All of the permitted principal **Industrial Uses and structures** listed under AMC 21.40.200.B.2 are prohibited.
 7. All of the permitted **Conditional Uses and structures** listed under AMC 21.40.200.D are prohibited.
 8. No clearing of trees or other natural vegetation or the placement of fill on the site prior to issuance of the building permits.
 9. Public hearing site plan review by the Planning and Zoning Commission.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 9th day of July 2001.



Susan R. Fison
Director



Daphne Brown
Chair

(Case 2001-087)
(Tax ID. # 014-294-02)