

Anchorage, Alaska
AO 2003-81

1
2
3
4
5 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
6 AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF
7 APPROXIMATELY 0.262 ACRES FROM R-5 TO B-3 SL FOR MOOREHAND
8 SUBDIVISION, LOT 20, GENERALLY LOCATED AT THE NORTHWEST
9 CORNER OF ELIM STREET AND ABBOTT ROAD.

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

11
12 THE ANCHORAGE ASSEMBLY ORDAINS:

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

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

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

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

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

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

31 Section 5. This ordinance shall become effective within ten (10) days after the
32 Director of the Planning Department has received written consent of the owners of
33 the property within the area described in Section 1 above to the special limitations
34 contained herein. The rezone approval contained herein shall automatically expire
35 and be null and void if the written consent is not received within 120 days after the
36 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.

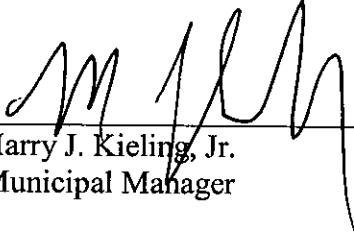
23
24 The February 20, 2001 adopting ordinance for the *Anchorage 2020 Anchorage Bowl*
25 *Comprehensive Plan* (AO 2000-119(S)) directs that the approving authority may
26 approve an application for an entitlement only if it does not conflict with the goals,
27 policies and objectives of the plan. This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

29

1 | The Commission voted unanimously to recommend the Assembly disapprove the
2 | rezoning map amendment request.

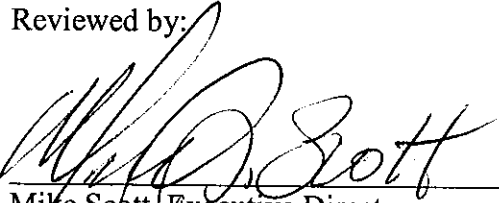
3
4
5

Reviewed by:




Harry J. Kieling, Jr.
Municipal Manager

Reviewed by:



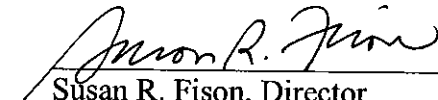
Mike Scott, Executive Director
Office of Planning, Development
and Public Works

Respectfully submitted,



George P. Wurch
Mayor

Prepared by:



Susan R. Fison, Director
Department of Planning

Case 2003-017

MIKE CARLSON, representing the petitioner, and Marilyn Barbeaux and Elise Huggins. COMMISSIONER BROWN stated she was now aware that Earthscape is the landscape architect on this project. Secondly, in her reading the narrative she noted conflicts. She asked at what stage of the process is this project. She asked if the design is finalized and will be moved forward. MR. CARLSON stated that the petitioner has gone through a process with the neighborhood and they are satisfied. They have not attended any of the public hearings to express concerns. All issues are resolved.

COMMISSIONER BROWN moved for approval of 2003-017, subject to Staff conditions.

COMMISSIONER COFFEY seconded.

COMMISSIONER BROWN thought the design for this school has been handled well. She felt it was unfortunate that this school was held hostage by some of the neighbors. This school is located on a small lot and it is half the size of other schools in the district. The neighbors thought the addition that was badly needed for the library and some administrative spaces would impinge on their view, to which she took exception. She hoped the design and the library are not compromised.

AYE: Starr, Adams, Penney, Brown, Jones, Coffey, Knepper, Klein
NAY: None

PASSED

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS

F. REGULAR AGENDA - None

G. PUBLIC HEARINGS

- 1. 2003-015** David J. Jensen. A request to rezone approximately 0.26 acres from R-5 (Rural Residential) to B-3 (General Business) or R-O (Residential Office) for the purpose of operating a photographic studio. Moorehand Subdivision #4, Lot 20. Located at 9130 Elim Street.

Staff member ANGELA CHAMBERS stated 72 public hearing notices were mailed, 2 were returned against and 1 was returned as undeliverable. The Department views this request as speculative spot rezoning. Meeting that definition, this is a small parcel of land singled out for special and privileged treatment; the singling out is not in the public interest, but only for the benefit of the landowner; and the action is not in accord with the Comprehensive Plan. The request for commercial rezoning is for a small lot of 11,250 square feet that is surrounded on three sides by R-5 zoning. There is also an issue of lot size in terms of creating a developable parcel for the zoning district. For the particular use proposed, the lot size is sufficient, however, for future redevelopment it could not contain the required parking for other uses allowed in the B-3 district, such as a restaurant or office. This lot is singled out purely for the benefit of the landowner and the rezoning would not be for the benefit of the public. Anchorage 2020 Policy 21 states that "Rezoning of a property to commercial use is only permitted when designated in an adopted plan." Although there is no adopted residential intensity or land use plan within Anchorage 2020 at this time, the request is counter to several other policies in Anchorage 2020 that call for conservation of residential land and avoidance of further strip commercial zoning. Also, the town center plan for this area is in the process for being completed and would provide a basis for evaluation of this and other future proposals for rezoning in this area. The Department has a legal opinion stating that Anchorage 2020 policies must be followed. The Department recommends that further rezones in this area be postponed until the public review draft Town Center Master Plan is ready in 2003. This draft plan will provide a basis for the evaluation of this proposal and a basis for evaluating whether commercial use is appropriate at this site and, if so, what site development standards apply. Although there was a rezoning request to the east of the petition site and on the north side of Abbott Road between Elim and Golovin Streets, that request did not clearly meet all three criteria for a spot zoning. It involved the upgrade of neighboring road access and involved working with the consultants on the Town Center Plan and the assemblage of several lots in order to create a development and design that would more effectively fit with the concept for this Town Center. The Department recommended denial of the rezone at this time or postponement until a public review draft of the Abbott/Lake Otis Town Center Master Plan is available. Conditions were not provided for this

case, but conditions for a similar rezoning were contained on pages 60-62 of the packet.

The public hearing was opened.

DAVID JENSEN, petitioner, distributed packets of updated information regarding his request. He noted the packets contain a copy of the petition site design and landscaping plan, illustrations depicting the proposed Abbott Town Center 5-year plan, and discrepancies and inaccuracies in the Staff analysis. He stated he was raised within 8 blocks of the petition site. His family moved to this area in 1963. He established his business in 1989. He is an active member of local and national chapters of the Professional Photographers of America, National Association of the Self Employed, and his family has participated in the City of Lights program and garden tour. He stated he attended the pre-application meeting with the Planning Department and Staff indicated he could not individually apply for R-O and had two rezone options: apply for B-3 zoning contiguous with the Fred Meyer area, or organize neighbors along the Abbott Road frontage to rezone to R-O as a group. This implied that the Staff was generally supportive of R-O zoning along Abbott Road. They had also set a precedent by recommending an R-O zoning in May 2002 for the Agni/Chambers property. The Staff's opposition to rezoning the petition site to R-O or B-3 is contradictory to their earlier recommendations and the Commission's resolutions that these frontage lots are not likely to develop residentially. MR. JENSEN explained he plans to use the property for a photography studio as well as a boutique to sell photo-related frames and gifts. This use would include exterior renovations as well as increased parking to accommodate up to six vehicles for employees and customers with no on-street parking. It will also include landscaping the front yard to include shrubs, annual and perennial flower baskets and gardens, benches, ornamental lighting and a low-level monument sign that will conform to municipal regulations. He also plans to install a lighted sign on the garage wall facing Abbott Road. The hours of operation would be 9:00 a.m. to 6:00 p.m. Monday through Friday and 11:00 a.m. to 4:00 p.m. Saturday. He stated the business employs his family and 1 to 2 full- and part-time employees throughout the year. MR. JENSEN referred to a large plat map with parcels color-coded to indicate their zoning, pending zoning, and a public utility site. He noted that the latter, which is adjacent to his parcel, is undeveloped and will not be developed as residential property. The heavy B-3 zoning across Abbott Road includes Fred Meyer, Blockbuster Video, Carl's Jr. fast food and other high traffic businesses. Many of the buildings on Elim

are trailer homes. The remainder of the buildings on Elim are zoned industrially with operations including heavy machinery, ShowGirls, a restaurant, and other businesses. MR. JENSEN stated he has solicited and received signed letters of support from the owners of eight R-5 properties on Elim contiguous to the petition site. He noted that the letters of support are included in the packet he had submitted. He stated he has established a positive reputation as a photographer, businessperson and volunteer in the Anchorage community. Throughout his planning, he has been concerned with any possible neighborhood impacts. His plan includes landscaping and beautification that will vastly improve the appearance of the neighborhood and the frontage along Abbott Road. He stated he has taken great care to follow every procedure required for this rezone request and he has worked as closely as possible with the Planning Department. However, the division administrator has, from his first meeting, created a negative atmosphere around his proposal and expressed residual resentment toward the Anchorage Assembly for approving an R-O rezone one block to the east of the petition site. The Department, in its "Synopsis of Findings" stated "this lot is being singled out purely for the benefit of the landowner, and is not in the best interest of the public." He stated it is his contrasting opinion that the a desired purpose of land ownership is that it should benefit its owner. Residually, such ownership clearly benefits the public interest through services offered, tax revenues, area employment, private economic development in the community, and in this case, beautification on a site that is needing attention. The petition site, if approved as R-O, would serve the public's interest by meeting and exceeding these standards, with or without an Abbott Town Center Plan. The Department's sentiment intentionally ignores the premise that the property owners are "the public." He has contacted all of those who would be impacted by his plans, including local Assembly members and relevant neighbors on Elim. The responses to his proposal have all been supportive. Most have expressed appreciation and said he is the first businessperson who was willing to go door-to-door with plans that would affect their neighborhood and livelihood. This would be the only full-service, self-standing photography studio in South Anchorage. He plans to conduct his business in a way that will be an inspiration to other businesses and residences in the area. He stated he looks forward to being the first business that truly adheres to the Abbott Loop Town Center concept. He stated his proposal would revitalize an existing structure that will be an attractive corner in the neighborhood for years to come.

COMMISSIONER KLEIN asked what is the scheduling of the Abbott Town Center Plan. MS. FISON replied that it is anticipated the plan will be produced in draft later in 2003. The Assembly has approved a contract for a market analysis and the Department is also working with the transportation group to do a housing preference survey.

COMMISSIONER KLEIN noted that he had recently asked about the status of the town center plan for this area. He asked if it is the Staff's intention that, regardless of the findings of the market study, a town center plan will be adopted for this neighborhood. MS. FISON responded that there are no plans to abandon the town center plan. There is development in this area and she believed there is market interest in continuing the plan.

COMMISSIONER BROWN noted that on the corner of Independence Drive and Abbott Road is a rather large apartment complex, although that property is zoned B-3. MR. JENSEN stated he had not concerned himself with the specific use of a property, but rather with the zoning of a property. COMMISSIONER BROWN stated there is a fairly new large residential development in a B-3 zone at the corner of Independence Drive and Abbott Road.

STACY DEAN, representing the Abbott Loop Community Council Planning and Zoning Committee, stated the neighborhood has voiced concern with the amount of build-up in the area. Neighbors are angry about all the change that has been happening in their neighborhood, particularly now that there has been a rezone to R-O up the street. People feel like they are penned in a cage. The city continues to lack residential land and one of the nice things about this neighborhood is that these are nice sized lots. Because of this fact, it is actually quite valuable as a residential community. There are trailer homes on many of the lots in this area, but those properties are centrally located with easy access to the Seward Highway. She stated the neighborhood would like to control its destiny. She indicated that neighbors have formed a committee to develop a plan for their area and have begun to talk to the Planning Department about their options. The Council has said it would like to wait for the Town Center Plan, but that plan has not yet been developed.

COMMISSIONER COFFEY asked if the "neighbors" to whom Ms. Dean referred are those who own property in the immediate area of the petition site. MS. DEAN replied in the affirmative. COMMISSIONER COFFEY asked whether Ms. Dean had reviewed the letter of support signed by

property owners immediately adjacent to the petition site. MS. DEAN replied that she had made her statement based on meetings of the Council and the Committee that she had attended. She stated this is a select group of people and some residents on Elim have said they do not want any changes. COMMISSIONER COFFEY asked if the Abbott Loop Community Council has formally considered this. MS. DEAN replied that the Council did not have a December meeting, so a vote was taken by email through the Council and the Committee. COMMISSIONER COFFEY asked who voted. MS. DEAN replied that the Council directors and members of the Committee for Planning and Zoning voted. COMMISSIONER COFFEY asked if there was anything formal from the Council. MS. DEAN stated her Committee voted 4:0 and, to her knowledge, although she did not speak for the Council, the Council directors voted entirely in opposition to the rezone.

MS. JENSEN appeared before the Commission. CHAIR JONES asked whether Ms. Jensen is an owner of the petition site. MS. JENSEN stated she is a co-owner, but she is not the applicant in this petition. CHAIR JONES explained that the Commission's procedures have generally been that owners of a petition property are allowed the time allotted to the petitioner. Unless the Commission makes an exception, Ms. Jensen would not be permitted to add comments at this time. COMMISSIONER PENNEY noted that, should Ms. Jensen speak, she would be using the petitioner's rebuttal time. MS. JENSEN explained she had testimony prepared to rebut the testimony of Ms. Dean. She understood that, because her name was not on the application as an applicant, she would be permitted to speak as an individual. COMMISSIONER BROWN noted that Mr. Jensen indicated that he and his family work in this business. She stated that generally property owners are considered to be a single petitioner.

COMMISSIONER COFFEY moved to allow Ms. Jensen to testify as an individual.

COMMISSIONER BROWN seconded.

COMMISSIONER COFFEY stated that people are responsible to find out what are the Commission's rules and abide by them, but it is also important to consider what people have to say on the issues that come before the Commission.

COMMISSIONER PENNEY supported Ms. Jensen speaking, but because she is a property owner that would benefit from this rezoning request, the time she speaks should be taken from the petitioner's rebuttal time.

COMMISSIONER KLEIN also did not support the motion.

AYE: Starr

NAY: Adams, Penney, Brown, Jones, Coffey, Knepper, Klein

FAILED

In rebuttal, MR. JENSEN stated he had been trying to be placed on the Abbott Loop Community Council agenda since October/November and Al Tamagni indicated the Planning and Zoning Committee would contact him and they have not done so. If they had contacted him, they would have learned that he has the best intentions for this neighborhood and he has the support of the neighborhood. He noted that only two of the 72 public hearing notices mailed responded negatively, which does not match with the Council's claim that there is opposition to his request to rezone to R-O. He stated that the packet called the rezoning process in this area "insidious", a term to which he felt those involved in the R-O rezoning last year should take offense. He noted that Staff supported R-O rezoning on the property one block east of his property just one year ago. The Commission supported a B-3 zone that was later refined to R-O by the Assembly. He stated he is trying to add something positive to the neighborhood. There is no way of telling when the Abbott Town Center might happen. He felt his proposal is something that could be an example for the Town Center. He was shocked by the position the Council has taken without first speaking to him.

COMMISSIONER ADAMS asked if this is an R-O or B-3SL zoning. MS. CHAMBERS replied that the application is for B-3, given that an application for R-O is not legal. COMMISSIONER ADAMS asked if Mr. Jensen understood this. MR. JENSEN indicated he understood and explained he only wanted an R-O zoning. COMMISSIONER ADAMS asked why a rezoning to R-O is not allowed. MS. CHAMBERS explained that a rezoning to R-O is not legal. The property to the east was rezoned to B-3 and the Department's recommendation was for a lesser intensity zoning district, which can be approved by the Assembly. An application cannot be made for R-O zoning on the petition site because it is less than 1.75 acres in size.

COMMISSIONER COFFEY asked if the Assembly could approve a less intense zone because, in essence, they are modifying their own ordinance. MS. CHAMBERS replied that the Assembly could approve something less intense than the Commission recommends.

COMMISSIONER COFFEY stated that R-O seems to fit the petitioner's proposal almost exactly. He asked, knowing that an application for R-O is not legal, could the Commission recommend R-O to the Assembly. MS. CHAMBERS replied that the Commission could recommend a zone that is less intense than B-3. She noted, however, the Department felt that no rezoning could be properly analyzed until the Town Center Plan is completed. Approval of an R-O would be spot zoning and have a strip zoning effect. COMMISSIONER COFFEY stated he has little faith in the Town Center Plan being developed, having been involved in a rezoning across the street. He noted that this area is mostly developed, unlike the area of the Creekside Town Center, where there are multiple vacant acres, or the Northway Town Center where much of the development has occurred. He stated when the Commission took action on the property to the east that was rezoned R-O, the Commission was attempting to recognize that this is an area in transition and allow uses that might enhance it while recognizing there may be changes in the future. He felt that denying the petitioner's request would essentially be locking the petitioner's property into R-5, which would have no benefit. MS. CHAMBERS stated that in reviewing any commercial district for this area the Department looked at the directive in Anchorage 2020 to retain residential land, and also recognized that this is smaller property, whereas the Agni/Chambers property was larger parcels that could be assembled to be able to handle design standards. She stated that AMC 21.20.120.A.2 states the Assembly may approve a zoning map amendment with special limitations that are at least as restrictive as recommended by the Commission.

COMMISSIONER PENNEY asked, if B-3 were to be considered by the Commission with a recommendation for a downzone to R-O, would the property not essentially be left as a residential zone. MS. CHAMBERS replied in the affirmative insofar as what is technically allowed under R-O, but not as far as the use of R-O zoning in the city. She noted that technically B-3 has a residential component, but it is rarely used for that purpose.

COMMISSIONER ADAMS asked if the Department's opposition is to the specific use proposed or the conflict of the rezoning with the upcoming Town Center Plan. MS. CHAMBERS replied that the issues are how this

rezone would fit into the Town Center Plan, as well as the fact that this would be a spot zoning, which is illegal.

The public hearing was closed.

COMMISSIONER BROWN moved for approval of case 2003-015.

COMMISSIONER COFFFEY seconded.

COMMISSIONER BROWN did not support her motion, finding that it is important to hold up Anchorage 2020, especially in these early stages after its approval. She noted that the Commission is seeing very difficult cases and it is important not to disregard Anchorage 2020. She noted 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. She did not doubt the petitioner or that his intent is to have a pleasant looking structure on this lot, but she did not think it is inappropriate to think this could be developed with high-density residential use in the future. She believed it is false to say that residential does not belong on an arterial roadway. She felt this rezoning was not appropriate at this time.

COMMISSIONER COFFEY stated he had a fundamental disagreement with Ms. Brown's last statement. Abbott Road is a 5-lane road that is developing substantially with commercial uses. He did not believe this rezoning would eat into the neighborhood. He stated he would support a recommendation to downzone this property to R-O, which he understood is permissible under AMC 21.20. He noted there are multiple changes in Title 21 coming, multiple changes envisioned in town center plans, and those things will take months or years to occur. He felt the petitioner's proposal was a substantial improvement to what exists and there is support from the neighborhood for it. He stated he would like to see any rezoning limit the use of the property to what the petitioner has proposed.

COMMISSIONER ADAMS stated he has 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 he was in a quandary because 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. He stated 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.

COMMISSIONER COFFEY stated the Commission has been admonished not to apply special limitations to rezonings, but that is the only way he knew to address these concerns. He believed that some initiative must occur to define this area. He stated he has had discussions with realtors and others about the economics of this situation. From those, he understood that the value of the land is such that it will not support the type of development that is envisioned in the town center concept. He asked how it is possible to accommodate reasonable use of the property on the north side of Abbott Road. The Assembly rezoned a property to R-O when the Commission recommended B-3SL.

COMMISSIONER ADAMS stated he also has a question about the issue of spot zoning. COMMISSIONER COFFEY had no answer to that question. Staff has said that a recommendation for a less restrictive zoning is permitted. MS. CHAMBERS explained that anything smaller than 1.75 acres in size is generally a spot zoning and that is not permitted. The property to the east was four lots deep and it had a plan that consultants could look at for future long-term use, not only the use of that petitioner.

COMMISSIONER PENNEY noted that the petitioner's proposed use is a buffer of a light commercial use between the roadway and the residential neighborhood. He had difficulty, however, finding in favor of the rezone because of the technical and legal issues of a spot rezoning.

MS. CHAMBERS stated there are neighbors who are currently looking at what can be done with the R-5 area.

COMMISSIONER COFFEY asked if a requirement that subsequent development would require a site plan review is a legitimate condition. MS. CHAMBERS replied that such a condition is legitimate. COMMISSIONER COFFEY stated that would ensure the continuance of the proposed use with the current structure. MS. CHAMBERS replied that it would not give this assurance. COMMISSIONER COFFEY asked what would give this assurance. MS. CHAMBERS replied that special limitations regarding design standards and use would do that. CHAIR JONES noted that restrictions regarding site or design are generally not attached to whatever use might be in a facility.

COMMISSIONER ADAMS stated he is familiar with the quality of work that would be produced by Mr. Jensen. He explained that he said he would be able to render an impartial decision in this case because, considering the precedent that this is a spot rezoning would set, he could not support it. He stated that, based on precedent, this is a spot rezoning. He noted that these types of cases come before the Commission and he has consistently voted against spot rezonings. He stated 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.

CHAIR JONES stated she would not support the motion, but she wanted to be clear that her reasons are consistent with Mr. Adams's comments, not due to the fact that this property is located in the vicinity of the town center. She stated 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 her decision on a rezone request.

AYE: None

NAY: Starr, Adams, Penney, Brown, Jones, Coffey, Knepper, Klein

FAILED

- 2. 2003-007** Tristiana Gunawan. A Conditional Use to allow an assisted living facility for 16 residents in the R-6 zone. Sea Turn Subdivision, Block 2, Lot 12. Located at 6058 Azalea Drive.

Staff member MARY AUTOR stated 57 public hearing notices were mailed, 9 were returned against, 15 emails were sent against, and a petition with 26 signatures was submitted in opposition. The Rabbit Creek Community Council provided a letter of non-support. This request is for a 16-bed assisted living facility in the R-6 district. Based on the advice of the Law Department, it was determined that the only thing that could be applied for in the R-6 district is a quasi-institutional (QI) use, provided that it met and described active rehabilitation or recovery and that it be short-term. Normally, the Department would consider these uses to be a nursing home, which would be a conditional use, which would not be allowed in the R-6 district. Initially, this application was

MUNICIPALITY OF ANCHORAGE

FEB 03 2003

RECEIVED
PAGE 1 OF 1



REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY

(I) (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A PUBLIC HEARING ON CASE NO. 2603-015 WHICH RECEIVED AN UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON 1/13/03 FOR THE FOLLOWING REASONS:

See attached

M.O.A.
2003 JAN 28 AM 11:33
CLEAN'S OFFICE

SIGNED: _____

ADDRESS: _____

1921 W Diamond #8-1

PHONE: _____

907 868-1680

FEE: Paid by Check: # 113 Cash _____

Receipt # 192414

RECEIVED BY: _____

DATE RECEIVED: 1-28-03

* Rezoning (Petitioner or anyone objecting to decision)

* Ordinance Amendments - changes to Title 21 regarding text (petitioner or anyone objecting to decision).



1921 West Dimond Blvd. ♦ Anchorage, Alaska 99515 ♦ (907) 868-1680

M.O.A.
2003 JAN 28 AM 11:34
CLERK'S OFFICE

January 28, 2002

Municipality of Anchorage
Clerk's Office
P. O. Box 196650
Anchorage, AK 99519-6650

Please send the following request to the Anchorage Assembly for consideration as soon as possible.

I am not satisfied with the actions taken by the Planning and Zoning Commission in relation to Case #2003-015 and I would like my request for rezoning to be addressed in a public hearing before the Anchorage Assembly.

I am requesting an ordinance that will rezone my R-5 property to either B-3 -or- R-O in such a way that will include special limitations to the extent of R-5 zoning - with the single exception of allowing my photography studio to operate on the petition property as described in my original application to MOA's Planning Department.

I will appreciate any consultations with staff relating to the development of such an ordinance.

Thank you.

Sincerely,

David Jensen
868-1680 phone
244-4197 cell

013

"MY STUDIO AT YOUR LOCATION"

Final

CASH RECEIPT

192414

Municipality of Anchorage
P.O. Box 196650 • Anchorage, AK 99519-6650

FINANCE DEPARTMENT



Date of Payment (MMDDYY)

01/28/03

Received from David Jensen

Remarks/Address _____

Amount of Payment

\$ 150.-

Request for Public Hearing on Rezoning
Case 2003-015 ck.# 113

Payment type (select only one) Cash/Check Credit Card Debit Card Other

Employee I.D. 21923 Coll. Org. 1020 Deposit I.D. _____

ACCOUNTING INFORMATION

LN	\$ AMOUNT	FUND	ACCOUNT	ORG	PROGRAM	CLASS	BGDT PERIOD	PROJECT/GRANT
	ACTIVITY ID		RES TYPE	RES CAT	OPEN ITEM			DESCRIPTION
1	150	101	9794	1020	0000	000	2003	102000 Appeal
2								
3								
4								
5								
6								

DAVID OR CAROL JENSEN / ELIM
4800 E. 112TH AVE
ANCHORAGE, AK 99516-1612
(907) 346-3321

89-8
1252

#192414 113

DATE 1/28/03

PAY TO THE ORDER OF MOA \$ 150.00

One hundred fifty and 00/100 DOLLARS

FIRST NATIONAL BANK ALASKA
MEMBER FDIC

FOR _____

⑆125200060⑆ 3022 171 71 0113

Prepared by: Janet L. Ziem Date prepared: 1/28/03 Phone no: 343-4314

014

**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


Toni Jones
Chair

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

Submitted by:
Prepared by: Planning Department
For reading

Anchorage, Alaska
AO 2003-_____

1
2
3
4
5 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
6 AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF
7 APPROXIMATELY 0.262 ACRES FROM R-5 TO B-3 SL FOR MOOREHAND
8 SUBDIVISION, LOT 20, GENERALLY LOCATED AT THE NORTHWEST
9 CORNER OF ELIM STREET AND ABBOTT ROAD.

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

11
12 THE ANCHORAGE ASSEMBLY ORDAINS:

13 **Section 1.** The zoning map shall be amended by designating the following described
14 property as B-3 SL (general commercial with special limitations) zone:

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

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

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

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

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

31 **Section 5.** This ordinance shall become effective within ten (10) days after the
32 Director of the Planning Department has received written consent of the owners of
33 the property within the area described in Section 1 above to the special limitations
34 contained herein. The rezone approval contained herein shall automatically expire
35 and be null and void if the written consent is not received within 120 days after the
36 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 | _____ day of _____ 2003.

5 |

Chair

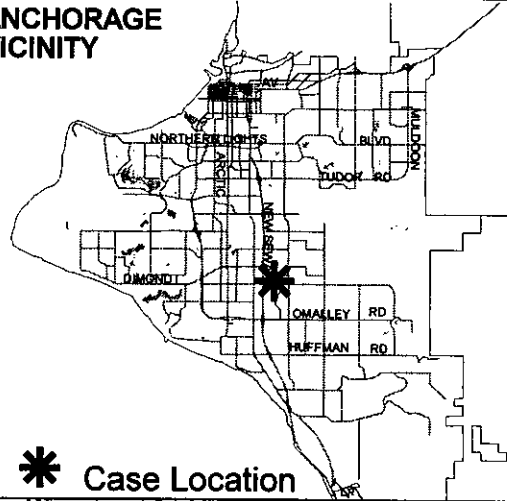
ATTEST:

Municipal Clerk

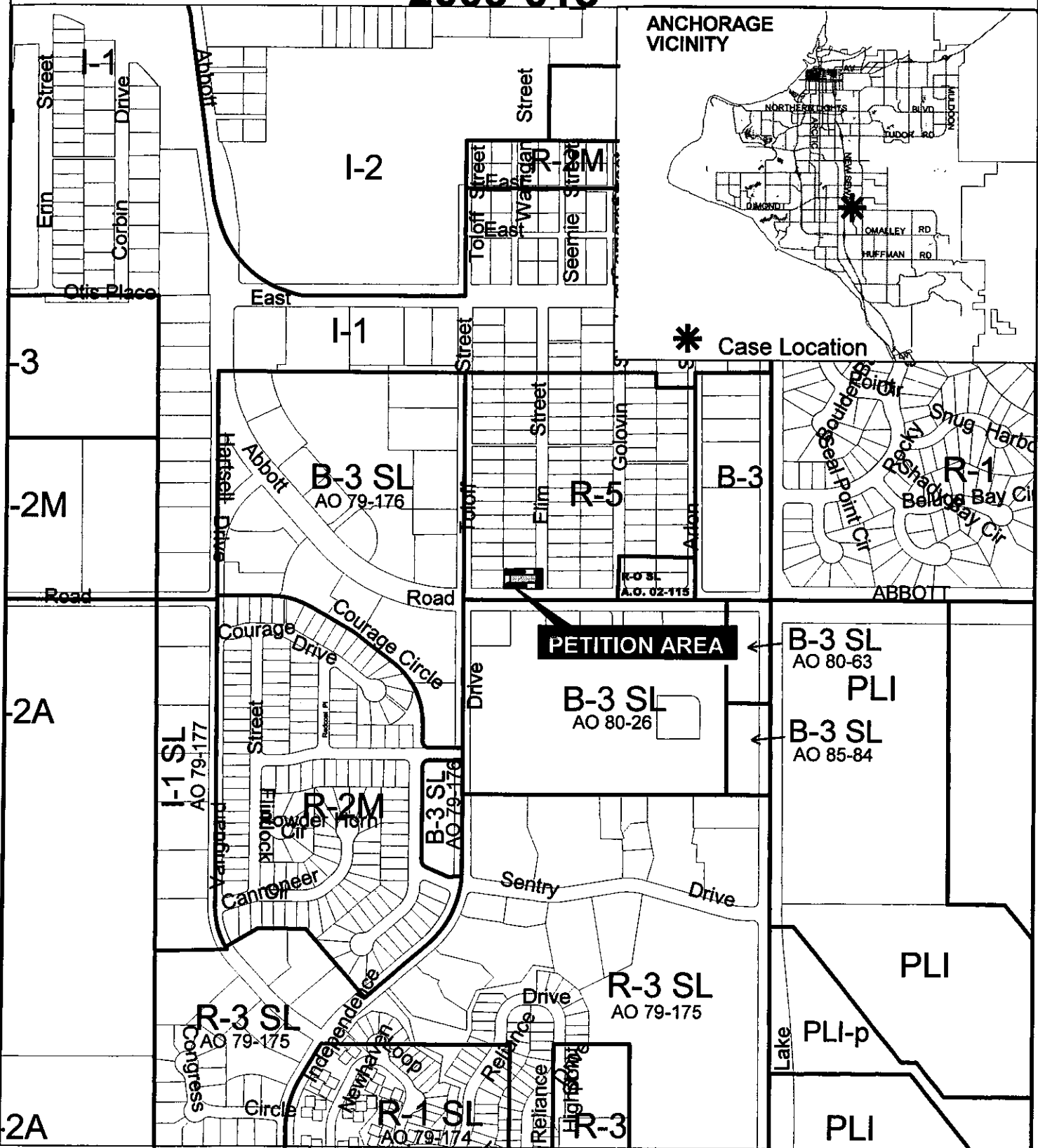
EXHIBIT - A

2003-015

ANCHORAGE VICINITY






* Case Location



Municipality of Anchorage
Planning Department



Date: FEBRUARY 25, 2003

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



MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2003-

Title: Rezoning of approx. 0.26-acres from R-5 to B-3 SL for Moorehand
 Subdivision No. 4, Lot 20

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	FY02	FY03	FY04	FY05	FY06
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezoning will remove 0.26 acres of residentially zoned land from the available supply of residential classified land.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this rezoning will remove 0.26 acres of residentially zoned land from the available supply of residential classified land.

Prepared by: _____

Telephone: _____

Validated by OMB: _____

Date: _____

Approved by: _____
(Director, Preparing Agency)

Date: _____

Concurred by: _____
(Director, Impacted Agency)

Date: _____

Approved by: _____
(Municipal Manager)

Date: _____

**PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING**

DATE: January 13, 2003

CASE NO.: 2003-015

APPLICANT: David Jensen

REQUEST: A request to rezone approximately 0.26 acres (11,250 SF) from R-5 (Rural Residential) to B-3 SL (General Business with Special Limitations)

LOCATION: Moorehand Subdivision No. 4, Lot 20; generally located on the northwest corner of Elim Street and Abbott Road.

SITE ADDRESS: 9130 Elim Street

COMMUNITY COUNCIL: Abbott Loop

TAX NUMBER: 014-293-19

ATTACHMENTS:

1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

RECOMMENDATION SUMMARY: Denial of B-3 zoning as it is a spot zoning and premature prior to completion of the Abbott Town Center Plan. See discussion.

SITE:

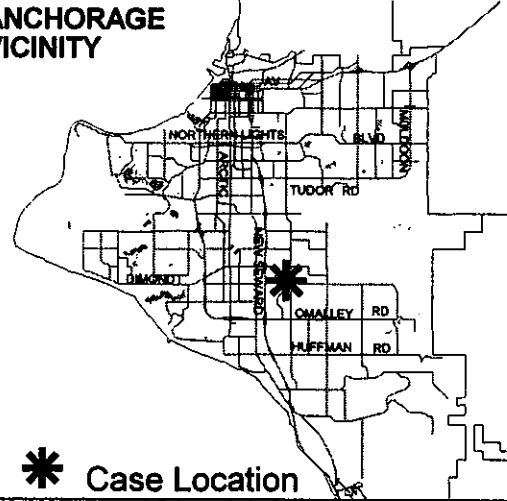
Acres: 11,250 Square Feet/ 0.26 acres
Vegetation: Spruce and Birch
Zoning: R-5
Topography: Level
Existing Use: Single Family House
Soils: Public Sewer and Water Available

COMPREHENSIVE PLAN:

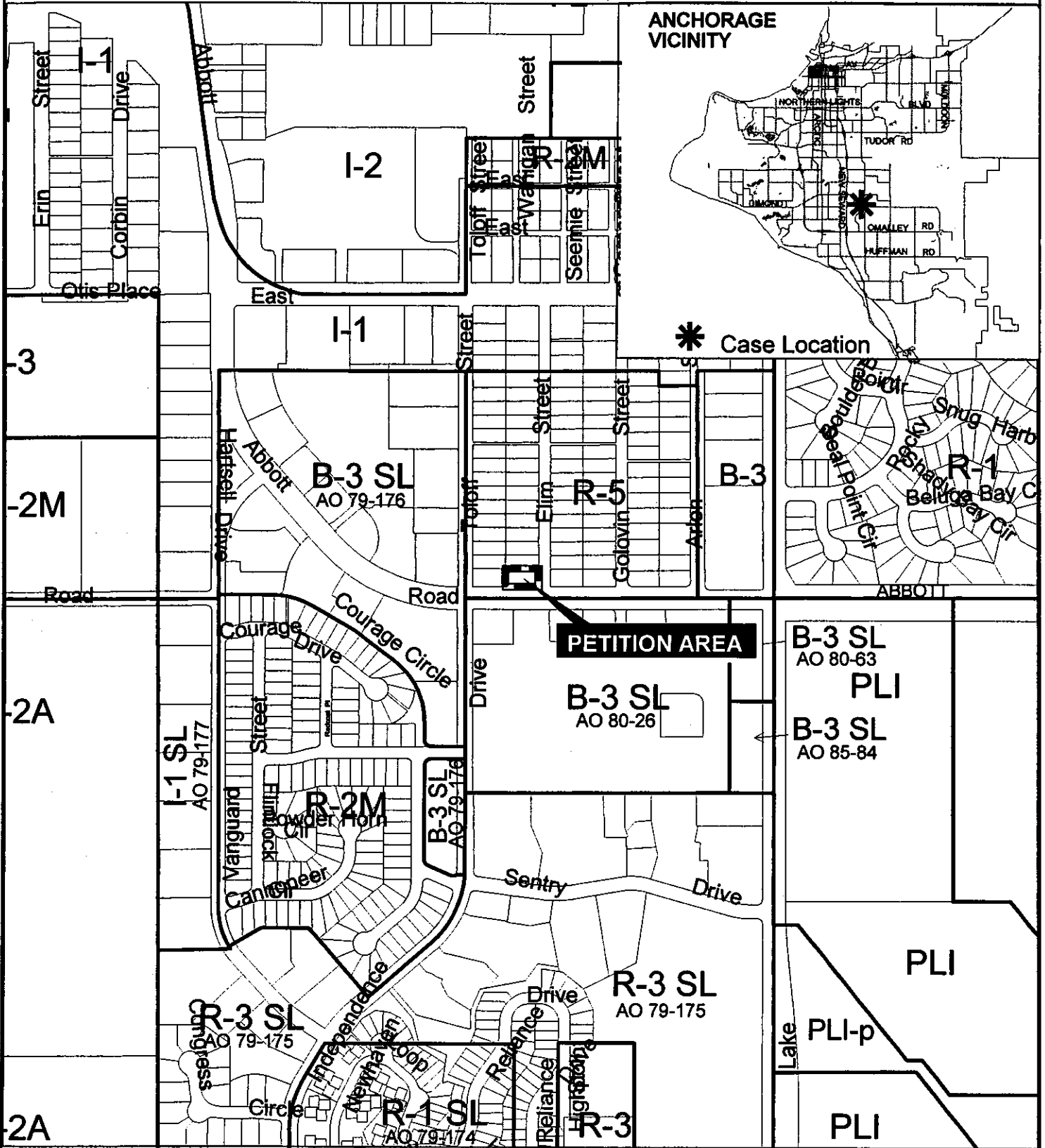
Classification: Anchorage 2020 - Abbott Town Center
Density: Anchorage 2020 - Not Applicable

REZONING 2003-015

ANCHORAGE VICINITY



*** Case Location**



Municipality of Anchorage
Planning Department



Date: DECEMBER 6, 2002

Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway



024

0 500 1000 Feet

APPLICABLE LAND USE REGULATIONS:

	<u>Proposed B-3 Zoning</u>	<u>Current R-5 Zoning</u>
Height limitation:	Unrestricted/FAA	Unrestricted/FAA
Minimum lot size:	6,000 SF/50 feet	7,000 SF/50 feet
Lot coverage:	Unrestricted	30%
Density/acre:	12 DUA minimum	6

SURROUNDING AREA:

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-5	R-5	B-3 SL	R-5
Land Use:	Mixed Residential Housing Types including Mobile Homes	Mixed Residential Housing Types including Mobile Homes	Fred Meyer Store	Mixed Residential Housing Types including Mobile Homes

PROPERTY HISTORY:

Variance	5-34-01	Variance approved for petition site to allow a fence which exceeds four feet in height.
R-5	05-17-73	Petition Property zoned R-5. GAAB Ordinance 73-29
Plat	7-17-72	Petition site created via plat 72-122, Moorehand Subdivision No. 4.
Plat	8-27-62	Petition area created via plat P-673 NFO, Strutz Subdivision Tracts 1-5. Plat approved by platting authority on 8-27-62, no filing information available on the plat.

SITE DESCRIPTION AND PROPOSAL:

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).

The petition site consists of a 11,250 square foot (SF) 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.

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.

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.

The petition site is located at the southwest corner of two R-5 zoned subdivision's (Morehand 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.

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.

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.

SYNOPSIS OF FINDINGS

This request appears 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.

Regarding the first criteria, this request for commercial zoning is for a single small lot of 11,250 SF, surrounded on three sides by R-5 zoning. The commercial zoning exists across a very wide, highly traveled street. The request is only legally before the Commission as the zoning boundaries for lots abutting a road run to the middle of the right-of-way, and this lot directly abuts the right-of-way. If not abutting the zoning district that is desired for rezoning, the petition area must be a minimum of 1.75 acres. The petitioner also states in the application that either B-3 or R-O (Residential

Office) district is desirable, but as the lot is not abutting R-O property, only B-3 could be applied for in this case.

There is also an issue of lot size in terms of creating a developable parcel for this zoning district. Although the lot does meet the minimum size requirements for the proposed district, in general B-3 zoning should be at least two lots deep, such as with the rezoning that was approved recently between Arlong and Golovin Streets. The reasoning behind this is that to accommodate required parking, landscaping, and other characteristics of use as required in the Supplementary District Standards of AMC Title 21, a larger parcel than the minimum is required. For this particular use, this lot is sufficient. However, for future redevelopment it could not contain the required parking, etc. for a restaurant, office or other use. This was noted by the consultants for the Town Center plan for the Arlon/Golovin rezoning, and is also noted in the Spenard Commercial District Development Plan as necessary for this type of zoning. The lack of ability to assemble parcels for the benefit of future development further shows singling out the lot for special treatment. This criteria is met.

The second criteria is also met as this lot is being singled out purely for the benefit of the land owner, and is not in the best interest of the public. The justification for this rezoning is to allow an existing house, which is in satisfactory condition, for a commercial use as opposed to using other property nearby which is already properly zoned. This lot has a viable existing use sited on the lot, and only recently had been rented out as a residential dwelling. See below for public interest.

The third criteria is met as *Anchorage 2020* Anchorage Bowl Comprehensive Plan Policy 21 specifically states that "*Rezoning of property to commercial use is only permitted when designated in an adopted plan.*" Although there is no adopted residential intensity or land use plan within *Anchorage 2020*, and thus according to AMC Title 21 the 1982 plans generally apply, this request is counter to several Policies in *Anchorage 2020* which calls for conservation of residential lands and call for avoidance of further strip commercial zoning. Thus, the 1982 Plan intensity and land use maps would not apply. Also, the Town Center Plan for this area is in the process of being completed. This plan will provide for the basis of evaluation of this and other future proposals for rezoning, as called for by *Anchorage 2020* Policies. This rezoning request is thus not in the interest of the general public, and should at a minimum be postponed until the Town Center Plan public review draft is available to review the request in light of the public interest, and not only in light of the interest of the land owner.

As all three criteria appear to be met, the Department finds this request to be a spot rezoning.

The Department recommends that further rezones in this area be postponed until at least after the public review draft Town Center Master Plan is available in 2003. This draft plan will provide a basis for the evaluation of this proposal. It will provide a basis for evaluating whether commercial use is appropriate at this site, and, if so, what site development standards apply. If the Master Plan would limit the spread of

commercial to the core, then the gradual rezoning of the north side of Abbot Road could compromise the Town Center.

Although there was a rezoning request to the east of the petition site, on the north side of Abbot Road between Elim and Golovin Streets, that request did not clearly meet all three criteria for a spot zoning. It involved the upgrade of neighboring road access, and involved working with the consultants on the Town Center Plan and the assembly of several lots in order to create a development and design that would more effectively fit with the concept for this Town Center. Although the plan is not yet adopted, it involved a rezoning not to B-3, but to R-O with special limitations to ensure it would dovetail into the Town Center Plan concept for this area when adopted. The petition site for this request cannot legally apply for R-O, and due to the size and the concern of the interest of this rezoning to be that of benefit to the general public, it is a premature request until at least a public draft of the Plan is available.

COMMUNITY COMMENTS:

At the time this report was written, there were 2 returned public hearing notices (PHN) received out of 72 public hearing notices mailed out, with one in opposition to the requested rezoning and one returned undeliverable. There was no returned response from the Abbott Loop Community Council. However, the petitioner has made several attempts to schedule this request on their agenda.

FINDINGS:

21.20.090 Standards for Zoning Map Amendments and 21.05.080 C, D, E.

A. Conformance to the Comprehensive Plan.

This standard is not met.

This proposed rezoning is located near the heart of the study area for the designated Abbott/Lake Otis Town Center. This town center is one of seven such areas identified in *Anchorage 2020*. In April, 2002, a recommended development concept for the Abbott/Lake Otis Town Center core and surrounding area was developed by consultants through a design charrette and public meetings. The charrette resulted in preliminary land use and development/design concepts for the town center area. After further analysis, including a market study, the consultants are scheduled to complete a draft Town Center Master Plan in 2003 for public review and adoption. The Master Plan will include both a land use plan and urban design guidelines for future development.

The Comprehensive Planning Division of the Planning Department recommends that further rezones in this area be postponed until at least after the public review draft Town Center Master Plan is available in 2003. The draft Town Center Master Plan will provide a basis for the evaluation of this proposal. It will provide a basis for evaluating whether commercial use is appropriate at this site, and, if so, what site development standards apply. If the Master Plan would limit

the spread of commercial to the core, then the gradual rezoning of the north side of Abbott could compromise the Town Center.

This proposed rezoning conflicts with *Anchorage 2020* policies for the preservation of residential land and avoidance of further spread of strip commercial along Anchorage's arterial streets. Several policies within *Anchorage 2020* in particular are relevant to this proposed rezoning. The first of these, policy #14, states (in part):

Conservation of residential lands for housing is a high community priority. ...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.

A theme of *Anchorage 2020* is the preservation of Anchorage's remaining residential land, and to focus future commercial development in existing commercially zoned properties and in designated Town Centers / Major Employment Centers. The Town Center Master Plan is not yet in place to designate the location of mixed/commercial versus residential uses in this area. Since the proposal is inconsistent with *Anchorage 2020*, the 1982 Generalized Land Use Map designation of commercial/industrial uses in this area should not be used for guidance in this case, per AMC 21.05.080.B:

The Generalized Land Use Plan and the Residential Intensity Plan in the 1982 *Anchorage Bowl Comprehensive Development Plan* shall remain elements of the comprehensive plan for the Anchorage Bowl, but only to the extent not in conflict with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan...*

If the Town Center Master Plan does designate the property in question for residential, it may provide viable strategies for residential development along the north side of Abbott Road. Recent examples of residential development of varying densities, designs, and ownership patterns along arterial class roadways are available.

Specific Location of Commercial Development within Town Center areas. Town Centers most always include a substantial residential district; in many cases in the Lower 48 the majority of the land area in a town center is residential. *Anchorage 2020* Policy #21 encourages new commercial development to focus in only specified commercial districts within Town Centers, and states that "Rezoning of property to commercial use is only permitted when designated in an adopted plan"—in this case a Town Center Master Plan. It is critical to a town center to focus and limit retail into existing commercial sites and the town center core. If retail is spread throughout the peripheral Town Center area, it dilutes the retail and erodes the residential. Policy #21 of *Anchorage 2020* also states that "New strip commercial development is strongly discouraged". Strip commercial development is characterized in part by its location. Strip commercial development spreads along a street away from commercial centers

(see *Anchorage 2020*, page 117). This proposed rezoning to B-3/R-O comes after a recent rezone of two nearby properties from R-5 to R-O; this phenomenon follows a familiar pattern of incremental spread of strip commercial along public streets, in which one rezone creates a precedent for the next. It is an insidious process that may not be easy to comprehend one rezone decision at a time. Multiple rezones gradually erode the supply of residential land, dilute the compact commercial core of the Town Center, and can corrupt, or “strip out”, the streetscape character of a public thoroughfare which is intended to serve the town center and determine its civic environment.

The Department has received a legal opinion from the Office of the Municipal Attorney that states that it is mandatory for land use decisions to follow the Comprehensive Plan.

A draft Abbott Town Center Master Plan is expected in 2003. The Master Plan will provide a basis for how development proposals should be evaluated in the town center area. It will include a land use plan map, and will determine if commercial development along the north side of Abbott Road will benefit or further compromise the Abbott Town Center. The land use plan will also address the locations and proposed densities of residential development to support the town center. To continue to allow incremental, uncoordinated rezones in the months leading up to the adoption of the Plan, possibly could possibly compromise the town center before its Plan is adopted.

The Town Center Plan is also anticipated to provide a set of consistent development standards for the town center area. Consistent development standards allow the various properties of the Town Center to appear and function as an integrated unit. Staff believes that postponement of this case and further rezones until later in 2003, when the Town Center Master Plan can provide design guidelines and site development standards, is preferable over applying rezone-by-rezone Special Limitations that may or may not be consistent with the overall Town Center development/design program.

In order to preserve the effectiveness of the Town Center Master Plan, and to avoid a incrementally rezoning a substantial amount of residentially owned property before a town center plan can be adopted, the Comprehensive Planning Division recommends postponement of this case.

AMC 21.05.080.C. provides zoning map amendments shall conform to the land use classification maps, except where the approving authority finds one of the following:

- Existing uses that do not conform to the land use classification maps are integrated compatibly into the area;

The existing R-5 provide a sizeable area of land – 76 lots – on which a mobile home may be a principal structure and use. There are only two zoning districts that permit this, the R-5 and R-5A. Therefore the current

zoning provides affordable housing. The residential area, while old has very few vacant lots. As developed, the residential uses are nonetheless integrated compatibly in the area, despite surrounding commercial and industrial uses. The Abbott area Town Center plan is under works, and until a public draft is available to provide guidance in analyzing this site, the Department finds this request to be premature, at least. Although the consultants for that plan have determined previously that the Plan may potentially promote a mix of office and residential use for this general area, which is peripheral to the Town Center core area, there are concerns that the gradual rezoning of this area to strip commercial, prior to Plan finalization, could compromise the Town Center. See Synopsis of Findings at beginning of analysis for discussion.

- The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning, or

The petitioner has proposed a commercial use for the site, which according to the submittals will be housed in the existing single-family house on the site. The only site changes proposed are regarding addition of signage and some parking.

Although it would not appear that retaining the existing structure with only minor site changes would make the use incompatible with the surrounding residential area, the requested zoning allows many other uses and structures that would be permitted if this use went away. Restricting the use with this rezoning to only that which is being proposed, and only to be housed in a single-family structure has the effect of allowing a rezoning only for the benefit of the particular property owner, without regard to public interest. If the zoning is restricted to the amount that would make commercial compatible with residential, absent the Town Center Plan, it has the effect similar to simply changing the residential zone to allow commercial. This is not compatible with the intent of the residential R-5 zoning district.

- The proposed use does not conflict with the Anchorage Bowl Comprehensive Plan goals and policies pertaining to the surrounding neighborhood or the general area. Zoning map amendments at a boundary between land use categories shall be subject to design standards that will make the zoning map amendment compatible with land uses in the adjacent land use category.

See Comprehensive Plan discussion above.

At the time of a 1999 rezoning request for a site to the east of the petition site, the 1982 Anchorage Bowl Comprehensive Plan projected commercial along the south side of Abbott Road and at the northwest corner of Abbott and Lake Otis, and in fact, property was zoned to B-3 SL and while

development has occurred, it is underdeveloped. On the other hand, the development of this land has occurred slowly, and the majority of land is still vacant.

At the time Independence Park was rezoned and developed as a residential community, property on both sides of Abbott at the curve were zoned B-3 SL. Most of this property on the south side of Abbott is developed or now being redeveloped and infilling is occurring. Fred Meyer, Inc. has constructed a new retail/grocery store with gasoline station south of the petition site in this area.

However, the 20 acres of property on the north side of the curve is property that was classified commercial/industrial in the 1982 Comprehensive Plan. Approximately 15 acres were zoned B-3 SL and replatted into 12 parcels, and 5 acres (consisting of 5 parcels) zoned I-1. To the north of that area is I-2 zoned property, which is being developed with a new Carr's/Safeway retail/grocery store with gasoline pump stations.

Of the 12 B-3 SL lots, only 2 are developed, one into a mall and the other into a commercial office building. Of the five I-1 lots two have duplex residential structures, one has an automotive service garage and the remainder is developed with a restaurant and ice skating rink.

Additionally, the property zoned B-3 that fronts onto Lake Otis (at the northeast corner of Abbott/Lake Otis) consists of four lots: one lot is undeveloped, and the other three lots are partially developed (McDonalds, a strip mall and an automatic car wash).

B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:

1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community; including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects.

Environment

Noise: All uses are subject to AMC 15.70 Noise Ordinance. The abutting land uses are residential and subject to the same noise limits regardless of zoning.

Air: All uses are subject to AMC 15.30 South Central Clean Air Ordinance, and AMC 15.35 South Central Clean Air Ordinance Regulations.

Land Use Patterns

See earlier discussion. This property borders land zoned R-5 to the north, west and east, which is developed as residential with single family, predominately trailer homes. Property to the south, across Abbott Road, is classified as commercial, is zoned B-3 SL and is the site of a Fred Meyer's Store.

Transportation/Drainage

The property fronts onto Abbott Road, across the street from the proposed Fred Meyer Store site. The Official Streets and Highways Plan designates Abbott Road as a Class III Major Arterial. A 50 feet from centerline development setback is required. Abbott is a state owned road, maintained by the Municipality.

In 1997 Abbott Road carried approximately 10,600 vehicles per day. The Traffic Impact Analysis (TIA) completed for the Fred Meyer development to the south of the petition site in 1999. This TIA was for afternoon peak hour only, and showed the volume on Abbott Road during this time at about 1,800 trips at Arlon Street.

The Alaska Department of Transportation and Public Facilities (ADOT&PF) ADT map shows an average daily volume in the year 2000 on Abbott Road as 13,183 vehicles per day without Fred Meyer.

The Traffic Department has no objection to this rezoning request. However, if approved, they commented that special limitations similar to those that were adopted by the Planning and Zoning Commission on May 6, 2002 for Arlon Subdivision, Lots 3, 4, 5 and 6 (located to the east of the petition site on the north side of Abbott Road) should be required. The following special limitations are of particular interest to the Traffic Department

If this rezoning request is approved, Transportation Planning recommends prohibiting access from Abbott Road. ADOT&PF had no comment on this rezoning request.

Road and drainage issues need to be addressed during the plan review for any future development and for the Town Center plan, regardless of how the property is zoned.

Public Services and Facilities

Roads: The petition site is located within the Anchorage Roads and Drainage Service Area (ARDSA).

Utilities: public sewer, gas and electrical utilities are available to this property. However, the petition property is outside the AWWU certificated water service area. Water service is provided by a privately owned water utility.

Schools: The petition site is located in the attendance boundaries for Abbott Loop Elementary, Hanshew Middle School and Service Senior High. There appears to be no change in the impact to the affected schools as a result of a change in zoning to B-3, as this site is currently occupied by an unused single family structure.

The Anchorage School District uses the most recent 1992-1993 housing stock multipliers by elementary, junior high and senior high attendance boundary, as described in the following table. Note: percentages are calculated as the ratio of the number of students in an area who reside in a given housing type to the total number of housing units of that type in the area.

Table 1 Comparing School District Housing Stock Multipliers By Elementary, Junior High And Senior High Attendance Boundary		
Attendance Boundary	Single Family	5 to 19 Plex
Abbott Loop Elementary	0.39	0.08
Hanshew Middle	0.11	0.02
Service Senior High	0.19	0.02

Assuming the property remains R-5, with one single family dwelling, the result at the maximum is less than one student at all three schools.

The B-3 Zoning District allows multifamily residential uses at a density of not less than 12 dwelling units per acre. Assuming the property is rezoned to B-3, the 11,250 square foot petition site could produce three dwelling units, with a potential school population of 1 elementary, and less than one junior or senior high student.

Table 2 Comparing Projected School Enrollments						
	B-3			R-1		
	Elementary	Junior High	Senior High	Elementary	Junior High	Senior High
Single Family	-0-	-0-	-0-	2	1	1
Multi-Family	2	-0-	1			
Totals	2	-0-	1	2	1	1

Based on data from the Anchorage School District's 6-Year Capital Improvement Plan, 1998 - 2004:

- Abbott Loop Elementary has 26 classrooms, -0- portables, a program capacity of 494, a current capacity of 112% and is projected to increase to 115% capacity by 2003-2004.
- Hanshew Middle School has 46 classrooms, -0- portables, a program capacity of 1,058 students, a current capacity of 88% and is projected to increase to 91% by 2003-2004.
- Service High School has 91 classrooms, 8 portables, a program capacity of 2,093 students, a current capacity of 110% and is projected to increase to 121% by 2003-2004.

However, the development plan proposed by the petitioner for this site does not include any residential development.

Parks: The 1997 Areawide Trails Plan indicates an existing multi-use paved trail along the south side of Abbott Road from Independence Drive to Lake Otis. Rezoning to B-3 will not impact the park and/or trail systems. However, the Town Center plan is likely to include open/green space, the location and size(s) of which is not know at this time.

Public Safety: The petition site is located within the Police, Fire, Building Safety, Parks and Anchorage Roads and Drainage service areas.

2. The supply of land in the economically relevant area that is in the use district to be applied by the zoning request or in similar use districts, in relationship to the demand for that land.

See earlier discussion regarding location and quantity of vacant and underdeveloped B-3 and B-3 SL lands located along Abbott Road and/or fronting onto Lake Otis.

As part of the update to the Anchorage Bowl Comprehensive Plan, Physical Planning Division did an Anchorage Bowl Commercial and Industrial land use analysis. The study analyzed supply and demand to the year 2020, and evaluated how commercial and industrial uses have used the existing land inventory. Among its findings, as of 1994, the distribution of commercial and industrial land uses are primarily found in Mid-Town (53%) followed by Southwest (17%), Northwest (14%), Downtown (11%) and Southeast (5%). The petition site is located in the Southeast Geographic study area.

Another finding is the B-3 zone is the largest commercial zone in the Bowl with 2,410 acres or 61% of the commercial zoning acreage. 65% of the acreage in commercial zoning districts is not used commercially, and 42% of that acreage is vacant. The presence of noncommercial uses on commercially zoned parcels might indicate a shift in demand for certain commercial uses and the presence of "grandfathered" or nonconforming uses. The largest amount of vacant commercially zoned land in the Bowl is found in Southeast (23.5%), followed by Midtown (21.9%), Southwest and Northeast (21.5% each), and Downtown (11%).

In Southeast there were 35 acres of vacant B-1A, 76 acres of vacant B-3, 13 acres of vacant B-4, 41 acres of vacant PC, and 26 acres of vacant R-O.

There is an issue of lot size with this request in terms of creating a developable parcel for this zoning district. Although the lot does meet the minimum size requirements for the proposed district, in general B-3 zoning should be at least two lots deep, such as with the rezoning that was approved recently between Arlong and Golovin Streets. The reasoning behind this is that to accommodate required parking, landscaping, and other characteristics of use as required in the Supplementary District Standards of AMC Title 21, a larger parcel than the minimum is required. For this particular use, this lot is sufficient. However, for future redevelopment it could not contain the required parking, etc. for a restaurant, office or other use. This was noted by the consultants for the Town Center plan for the Arlon/Golovin rezoning, and is also noted in the Spenard Commercial District Development Plan as necessary for this type of zoning. The lack of ability to assemble parcels for the benefit of future development further shows that it is preferable for this lot to not be rezoned until at a minimum additional abutting parcels can be assembled with the petition site into one lot for future redevelopment. Otherwise, this request only benefits the proposed use, which could be located on one of the vacant properly zoned parcels in the vicinity.

3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under paragraph 2 above.

The application states that the owner wishes to commence business operations on site in May of 2003.

4. The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.

The proposed rezoning would have the effect of chipping away at the viability of the existing R-5 "block" of residential land for affordable housing. Because the lot fronts onto Abbott, B-3 will begin commercial stripping of Abbott from Lake Otis west toward Toloff.

The Department recommends that further rezones in this area be postponed until at least after the public review draft Town Center Master Plan is available in 2003. The draft Town Center Master Plan will provide a basis for the evaluation of this proposal. It will also provide a basis for evaluation whether commercial use is appropriate at this site, and if so, what site development standards apply. If the Master Plan would limit the spread of commercial use to the core, then the gradual rezoning of the north side of Abbott could compromise the Town Center.

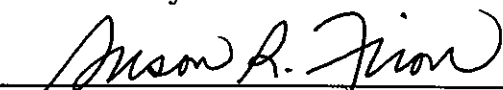
DISCUSSION:

Based on the facts that the plan for the Abbott/Lake Otis Town Center is currently in progress, that the proposed development is a continuation of the strip commercial rezoning that could compromise the Town Center planning, and that the Department finds that this is a spot rezoning, the Department must recommend denial of any rezoning at this time; or postponement of this case until a public review draft Abbot/Lake Otis Town Center Master Plan is available. See Synopsis of Findings above.

RECOMMENDATION:

The Department recommends denial of rezoning to B-3 SL; or postponement of this case until a public review draft Abbot/Lake Otis Town Center Master Plan is available.

Reviewed by:



Susan R. Fison
Director

Prepared by:



Angela C. Chambers, AICP
Senior Planner

(014-293-19)

2

HISTORICAL MAPS AND AS-BUILTS

3

DEPARTMENTAL

COMMENTS

MUNICIPALITY OF ANCHORAGE

MEMORANDUM

DATE: December 24, 2002

TO: Jerry T. Weaver, Jr., Division Administrator
Zoning Division, Planning Department

THRU: *TH* Tom Nelson, Planning Supervisor
Comprehensive Planning Division

FROM: Comprehensive Planning Division Staff

SUBJECT: Staff comments for January 13 2003 Zoning Cases

Following are Comprehensive Planning Division comments zoning and site plan review cases to be heard January 13, 2003.

Case 2003-015 Proposed Rezoning from R-5 to B-3 (Abbott Road)

This proposed rezoning is located near the heart of the study area for the designated Abbott/Lake Otis Town Center. This town center is one of seven such areas identified in *Anchorage 2020*. In April, 2002, a recommended development concept for the Abbott/Lake Otis Town Center core and surrounding area was developed by consultants through a design charrette and public meetings. The charrette resulted in preliminary land use and development/design concepts for the town center area. After further analysis, including a market study, the consultants are scheduled to complete a draft Town Center Master Plan in 2003 for public review and adoption. The Master Plan will include both a land use plan and urban design guidelines for future development.

The Comprehensive Planning Division recommends that further rezones in this area be postponed until at least after the public review draft Town Center Master Plan is available in 2003. The draft Town Center Master Plan will provide a basis for the evaluation of this proposal. It will provide a basis for evaluating whether commercial use is appropriate at this site, and, if so, what site development standards apply. If the Master Plan would limit the spread of commercial to the core, then the gradual rezoning of the north side of Abbott could compromise the Town Center.

This proposed rezoning conflicts with *Anchorage 2020* policies for the preservation of residential land and avoidance of further spread of strip commercial along Anchorage's arterial streets. Several policies within *Anchorage 2020* in particular are relevant to this proposed rezoning. The first of these, policy #14, states (in part):

Conservation of residential lands for housing is a high community priority. ...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.

A theme of *Anchorage 2020* is the preservation of Anchorage's remaining residential land, and to focus future commercial development in existing commercially zoned properties and in designated Town Centers / Major Employment Centers. The Town Center Master Plan is not yet in place to designate the location of mixed/commercial versus residential uses in this area. Since the proposal is inconsistent with *Anchorage 2020*, the 1982 Generalized Land Use Map designation of commercial/industrial uses in this area should not be used for guidance in this case, per AMC 21.05.080.B:

The Generalized Land Use Plan and the Residential Intensity Plan in the 1982 *Anchorage Bowl Comprehensive Development Plan* shall remain elements of the comprehensive plan for the Anchorage Bowl, but only to the extent not in conflict with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*...

If the Town Center Master Plan does designate the property in question for residential, it may provide viable strategies for residential development along the north side of Abbott Road. Recent examples of residential development of varying densities, designs, and ownership patterns along arterial class roadways are available.

Specific Location of Commercial Development within Town Center areas. Town Centers most always include a substantial residential district; in many cases in the Lower 48 the majority of the land area in a town center is residential. *Anchorage 2020* Policy #21 encourages new commercial development to focus in only specified commercial districts within Town Centers, and states that "Rezoning of property to commercial use is only permitted when designated in an adopted plan"—in this case a Town Center Master Plan. It is critical to a town center to focus and limit retail into existing commercial sites and the town center core. If retail is spread throughout the peripheral Town Center area, it dilutes the retail and erodes the residential. Policy #21 of *Anchorage 2020* also states that "New strip commercial development is strongly discouraged". Strip commercial development is characterized in part by its location. Strip commercial development spreads along a street away from commercial centers (see *Anchorage 2020*, page 117). This proposed rezoning to B-3 / R-O comes after a recent rezone of two nearby properties from R-5 to R-O; this phenomenon follows a familiar pattern of incremental spread of strip commercial along public streets, in which one rezone creates a precedent for the next. It is an insidious process in that it may not be easy to comprehend one rezone at a time. Multiple rezones gradually erode the supply of residential land, dilute the compact commercial core of the Town Center, and can

corrupt, or "strip out", the streetscape character of a public thoroughfare which is intended to serve the town center and determine its civic environment.

A draft Abbott Town Center Master Plan is expected in 2003. The Master Plan will provide a basis for how development proposals should be evaluated in the town center area. It will include a land use plan map, and will determine if commercial development along the north side of Abbott Road will benefit or further compromise the Abbott Town Center. The land use plan will also address the locations and proposed densities of residential development to support the town center. To continue to allow incremental, uncoordinated rezones in the months leading up to the adoption of the Plan could possibly compromise the town center before its Plan is adopted.

The Town Center Plan is also anticipated to provide a set of consistent site development standards for the town center area. Consistent site development standards allow the various properties of the Town Center to appear and function as an integrated unit. Staff believes that postponement of this case and further rezones until later in 2003, when the Town Center Master Plan can provide design guidelines and site development standards, is preferable over applying rezone-by-rezone Special Limitations that may or may not be consistent with the overall Town Center development/design program.

In order to preserve the effectiveness of the Town Center Master Plan, and to avoid incremental rezoning of a substantial number of properties along Abbott Road before a town center plan can be adopted, the Comprehensive Planning Division recommends postponement of this case.

Case 2002-017 Site Plan Review for a public school (Chugach Elementary)

Staff finds the site and landscaping plans for the site to be attractive and well designed. The location and form of the two building additions maximize southern exposure and views, while minimizing impacts of building mass, shadowing, and blocking of views to neighboring residences on 12th and at the "E" Street intersection. The site plan maximizes the use of a compact site. The school entrance provides a focus point along "E" Street and is oriented to accommodate pedestrian traffic from "E" Street. Pedestrian connections have been provided to neighborhoods along "E" and 12th. Following are specific comments and questions:

Parking Lot Design

A minimum of 5% interior parking lot landscaping is required. Is additional landscaping needed to meet these minimum standards?

Pierce, Eileen A

From: Staff, Alton R.
Sent: Friday, December 20, 2002 4:48 PM
To: Ayres, Patty R.; Pierce, Eileen A
Cc: Taylor, Gary A.
Subject: Zoning Case Comments

03-015

Public Transportation has no comment on the following zoning cases:

Case No. 2003-009 THROUGH 2003-016
Case No. 2003-029

Thank you for the opportunity to review.

Alton Staff, Operations Supervisor
People Mover

044



Municipality of Anchorage
Office of Planning, Development, & Public Works
Project Management & Engineering Department



PZC Case Comments

DATE: December 18, 2002
TO: Eileen Pierce, P&Z
FROM: Gregory Soule, PM&E
SUBJECT: Comments for hearing date: 01/13/03

RECEIVED
DEC 18 2002
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DEPARTMENT

Case No. 2003-015

Road Improvement Requirements:
N/A

Subdivision Agreement Requirement:
N/A

Drainage Requirements:
Prior to issuance of a building or fill & grade permit for proposed parking improvements a grading and drainage plan must be submitted for approval to demonstrate that all post development drainage patterns will not adversely impact adjacent properties or rights of way.

Fill and Excavation Permit Requirements:
A fill and grade permit from Building Safety must be obtained by the applicant prior to the commencement of grading and/or excavation of on site material or construction of parking improvements. A site grading and drainage plan and an erosion and sediment control plan must be included with fill and grade permit application.

Storm Water Plan Review Requirements:
Application for a fill and grade permit for the proposed parking improvements must include a signed copy of MOA handout #57. This will fulfill the storm water site plan requirements for a simple project.

Department Recommendations:
Project management and Engineering has no adverse comment regarding this case.

Memorandum

**Municipality of Anchorage
Traffic Department
Transportation Planning Section**

DEC 19 2002

DATE: December 18, 2002
TO: Planning and Zoning Commission
FROM: Jon R. Spring, Senior Transportation Planner
RE: Comments on 1-13-03 Planning & Zoning Commission Cases

Case No. 2003-003

No comment.

Case No. 2003-015

The Traffic Department has no objection to the rezoning of this property from R-5 to B-3. However, if approved, special limitations similar to those that were adopted by the Planning and Zoning Commission on May 6, 2002 for Arlon Subdivision, Lots 3,4,5, and 6 (also on the north side of Abbott Road) should be required. The following special limitations are of particular interest to the Traffic Department:

- Building orientation – Buildings to front onto Abbott Road
- Building entries and windows – One primary building entrance shall be located on the Abbott Road frontage, or at the corner of Abbott Road and an adjacent side street.
- Parking – Onsite parking should be placed to the rear of the building. Parking should only be accessed from the side streets.
- Pedestrian accesses should be provided from walkway along Abbott Road.



MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services



Date: December 16, 2002
To: Rich Cartier, Planning Technician
Thru: Steve Morris P.E., Program Manager
From: Jeffrey Urbanus, Environmental Specialist
Subject: Environmental Services Division Comments Due 12/16/02

RECEIVED
DEC 18 2002
Municipality of Anchorage
PLANNING DEPARTMENT

CASE NO. 2003-015: No Comment

CASE NO. 2003-017: No Comment

CASE NO. 2003-018: No Comment



MUNICIPAL LIGHT & POWER
ENGINEERING
MEMORANDUM

RECEIVED
DEC 16 2002
MUNICIPAL LIGHT & POWER
ENGINEERING DEPARTMENT

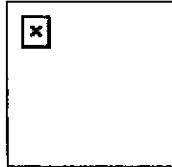
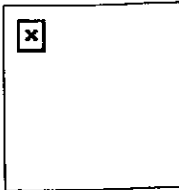
DATE: December 13, 2002
TO: Rich Cartier, Planning Dept.
FROM: Kim Irwin, Acting Assistant to the Chief Engineer *KI*
SUBJECT: Cases, , 2002-239, 2003-015

Case #	Description	Comment
2002-239	A request concept/final approval of a conditional use permits	No Comment
2003-015	Rezoning to B-3 General business district	No Comment

Pierce, Eileen A

From: Cross, Jim E. (Dev Svs)
Sent: Monday, December 16, 2002 8:25 AM
To: Eileen Pierce; Gloria Bartels; Margaret O'Brien; Patty Ayres
Subject: Comments on Cases due December 16.

RECEIVED
DEC 16 2002
MUNICIPALITY OF ANCHORAGE
DEVELOPMENT SERVICES DEPARTMENT
BUILDING SAFETY DIVISION



Municipality of Anchorage
Development Services Department
Building Safety Division

MEMORANDUM

DATE: December 16, 2002
TO: Jerry T. Weaver, Jr., Platting Officer, CPD
FROM: James Cross, PE, Program Manager, On-Site Water & Wastewater
SUBJECT: Comments on Cases due December 16, 2002

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2002 - 216 A request for zoning conditional use for a nursing home/assisted living facility.

Needs Alaska Department of Environmental Conservation operating approval for on-site well and septic system.

2003 - 009 A request for concept/final approval of a conditional use to permit a retail food store selling alcoholic beverages.

No objections.

2003 - 101 A request for concept/final approval of a conditional use to permit a retail food store selling alcoholic beverages.

No objections.

2003 - 015 A request for Rezoning to B-3 General business district.

No objections.

2003 - 017 A site plan review for a public school.

No comments.

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

DEC 12 2002

MEMORANDUM

Municipality of Anchorage
PLANNING & ZONING DIVISION

DATE: December 12, 2002
TO: Zoning and Platting Division, DCPD
FROM: Hallie Stewart, Engineering Technician
SUBJECT: PLANNING & ZONING Commission Public Hearing of January 13, 2003
AGENCY COMMENTS DUE December 16, 2002

AWWU has reviewed the material received December 2, 2002, and has the following comments.

03-015 Moorehand Addition #4, Lot 20 (rezone) Grid 2333

1. An AWWU sanitary sewer main is located within the Elim Street right-of-way.
2. Water service to the referenced area is provided by a privately owned utility.
3. AWWU does not object to the proposed rezone.

03-216 Seatern, Block 2, Lot 12 (conditional use) Grid 3138

1. The referenced area is outside the AWWU certificated water service area and is within the Hillside Wastewater Management Plan area.
2. AWWU has no objection to the proposed conditional use for a nursing home/assisted living facility.

03-017 Chugach Elementary School, South Addition, Block 39A, Lot 2A (site plan review) Grids 1330 & 1430

1. AWWU water and sanitary sewer mains are located within surrounding rights-of-way and on property.
2. Locates are required prior to any excavation.
3. All encroachments require letters of non-objection from the utility companies.
4. Changes or additions to any existing water or sanitary sewer lines require review and approval by AWWU.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(TDD 269-0473)
(907) 269-0520 (FAX 269-0521)

December 9, 2002

RE: MOA Zoning Comments

RECEIVED
DEC 11 2002
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DEPARTMENT

Mr. Jerry Weaver, Platting Officer
Department of Development & Planning
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

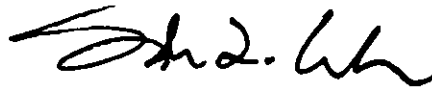
Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the following cases and has no comment:

2003-015 Rezoning: B-3 General business district from R-5 Rural residential
2003-017 Site Plan: Review for a public school Chugach Elementary
2003-124 Site Plan: Review for a master plan approval Centerpoint Tract A & B

Thank you for the opportunity to comment on these zoning cases. If you have any questions, please contact me at 269-0522.

Sincerely,



Sandra L. Cook
Area Planner

/eh



MUNICIPALITY OF ANCHORAGE

Office of Planning, Development, and Public Works
Development Services Department



MEMORANDUM

DATE: December 6, 2002
TO: Community Planning and Development
THROUGH: Jack L. Frost, Jr., Right of Way Supervisor *J*
FROM: Lynn M. McGee, Senior Plan Reviewer *LM*
SUBJECT: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of January 13, 2003.

RECEIVED
DEC 10 2002
Municipality of Anchorage
Department of Public Works

Right of Way has reviewed the following case(s) due 12/16/2002.

02-216 Seaturm, Block 2, Lot 12, grid 3138
(Conditional use, nursing home)
Right of Way has no comments at this time.
Review time 15 minutes.

03-015 Moorehand, Lot 20, grid 2333
(Rezone)
Right of Way has no comments at this time.
Review time 15 minutes.

03-017 Chugach Elementary School, Block 39A, Lot 2A, grid 1330
Site Plan Review (Public Facility)
Right of Way has no comments at this time.
Review time 15 minutes.

03-018 Dowling, Lot 7A, grid 2032
Site Plan Review (Public Facility, Polaris Alternative School)
Right of Way has no comments at this time.
Review time 15 minutes.

03-022 Site Plan Review (Public Facility, Turpin Street), grid 1239, 1339
Right of Way concerns to be provided during design review process.
Review time 15 minutes.

052



FLOOD HAZARD REVIEW SHEET for PLATS

Date: 11-26-02

Case: 2003-015

Flood Hazard Zone: C

Map Number: 0243

RECEIVED

NOV 26 2002

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DEPARTMENT

Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

A Flood Hazard permit is required for any construction in the floodplain.

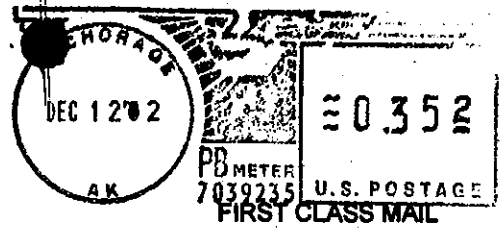
I have no comments on this case.

Reviewer: Jack Puff

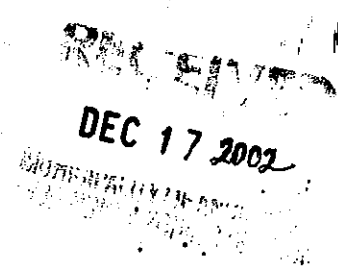
053

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7943

PRESORTED
FIRST CLASS



014-293-29-000
WEIMER PAUL A & ESTHER G
9001 TOLOFF STREET
ANCHORAGE, AK 99507



NOTICE OF PUBLIC HEARING - - Monday, January 13, 2003

Planning Dept Case Number: 2003-015

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2003-015
PETITIONER: David J Jensen
REQUEST: Rezoning to B-3 General business district
TOTAL AREA: 0.260 acres
SITE ADDRESS: 9130 ELIM ST
CURRENT ZONE: R-5 Rural residential district
COM COUNCIL: Abbott Loop **COM COUNCIL 2:**
LEGAL/DETAILS: A request to rezone approximately 0.26 acres from R-5 (Rural Residential) to B-3 (General Business) or R-O (Residential Office) for the purpose of operating a photographic studio. Moorehand Subdivision #4, Lot 20. Located at 9130 Elim Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, January 13, 2003 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: PAUL A. WEIMER
Address: 9001 TOLOFF ST. - ANCHORAGE AK 99507
Legal Description: Lot 10 MOOREHAND Subd. #4

Comments: OPPOSE REQUEST. SPOT REZONING SHOULD NOT BE PERMITTED TILL ZONING PLAN ACCEPTED FOR ENTIRE SUBDIVISION -

Paul A. Weimer

David Jensen
PHOTOGRAPHY



Alaska Pet-ography

"Portraits of pets and their people"

1921 West Dimond Blvd. ♦ Anchorage, Alaska 99515 ♦ (907) 868-1680

January 2, 2003

Angela Chambers
Municipality of Anchorage
Planning Department
P.O. Box 196650
Anchorage, AK 99519-6650

Dear Ms. Chambers

Following this note are six pages of signed letters showing neighborhood support for Case #2003-15. I have attempted to contact a total of seven neighbors in the R-5 Zone of Elim Street. All but one has responded to my personal or mail contact attempts. The remaining resident has been difficult to locate due to her busy work schedule. I expect to present 100% support from my R-5 neighbors within my testimony before the Planning and Zoning Commission, Monday, January 13, 2003. At this time, I have found positive remarks to my plan with not one negative response.

Positive respondents and their Elim Street addresses are as follows:

Michael Proctor-9120 Elim
Gene Wirkus-9100 Elim
Alice White-9060 Elim
George & Hannah Dismukes-9101 Elim
Lorraine McCann-9121 Elim
Lorraine McCann-9131 Elim
Tommy & Barbara VanLandingham-9041 Elim

Pending respondent is as follows:

Linda Girman-9111 Elim

Per my conversation with MOA's Assessor's office, all other neighbors along Elim are within an industrial zone. I have not contacted those neighbors as they are already zoned more aggressively than a B-3 or my preferred zoning of R-0.

Please add the attached letters to my packet for MOA's review. Let me know if you have any questions.

Sincerely,


David Jensen
868-1680

055

"MY STUDIO AT YOUR LOCATION"

To whom it may concern:

David Jensen has informed me of his intentions to operate a photography studio at 9130 Elim Street. I understand that this property is currently zoned R-5 and will require a rezone to R-O before he begins conducting business at this location.

I am in support of his plans to rezone 9130 Elim Street for the purposes described above and his proposal to the Planning and Zoning Commission and the Anchorage Assembly.

<i>Lorraine Mc Conn</i>	<i>2960 Westwind Court</i>	<i>522-2683</i>
Name	Address	Phone Number

Lorraine Mc Conn
Signature

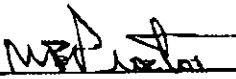
9131 Elim
+
9121 Elim

To whom it may concern:

David Jensen has informed me of his intentions to operate a photography studio at 9130 Elim Street. I understand that this property is currently zoned R-5 and will require a rezone to R-O before he begins conducting business at this location.

I am in support of his plans to rezone 9130 Elim Street for the purposes described above and his proposal to the Planning and Zoning Commission and the Anchorage Assembly.

<u>MIKE PROCTOR</u>	<u>9120 ELIM ST.</u>	<u>522-6780</u>
Name	Address ANCH. AK. 99507	Phone Number


Signature

Rec'd 12/10/02

To whom it may concern:

David Jensen has informed me of his intentions to operate a photography studio at 9130 Elim Street. I understand that this property is currently zoned R-5 and will require a rezone to R-O before he begins conducting business at this location.

I am in support of his plans to rezone 9130 Elim Street for the purposes described above and his proposal to the Planning and Zoning Commission and the Anchorage Assembly.

<u>George Dismukes</u>	<u>9010 Hartzell</u>	<u>344-0291</u>
Name	Address	Phone Number


Signature

To whom it may concern:

David Jensen has informed me of his intentions to operate a photography studio at 9130 Elim Street. I understand that this property is currently zoned R-5 and will require a rezone to R-O before he begins conducting business at this location.

I am in support of his plans to rezone 9130 Elim Street for the purposes described above and his proposal to the Planning and Zoning Commission and the Anchorage Assembly.

Gene L. Wilkins
Name

9100 Elim
Address

349-4725
Phone Number

Gene L. Wilkins
Signature

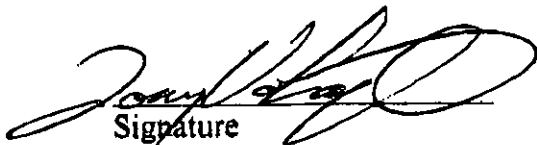
Tom -
Thank you for
your support.
David

To whom it may concern:

David Jensen has informed me of his intentions to operate a photography studio at 9130 Elim Street. I understand that this property is currently zoned R-5 and will require a rezone to R-O before he begins conducting business at this location.

I am in support of his plans to rezone 9130 Elim Street for the purposes described above and his proposal to the Planning and Zoning Commission and the Anchorage Assembly.

<u>Tommy VanLandingham</u>	<u>9041 Elim St</u>	<u>344-6357</u>
Name	Address	Phone Number


Signature

To whom it may concern:

David Jensen has informed me of his intentions to operate a photography studio at 9130 Elim Street. I understand that this property is currently zoned R-5 and will require a rezone to R-O before he begins conducting business at this location.

I am in support of his plans to rezone 9130 Elim Street for the purposes described above and his proposal to the Planning and Zoning Commission and the Anchorage Assembly.

<u>David Jensen</u>	<u>9130 Elim St</u>	<u>907-5354</u>
Name	Address	Phone Number

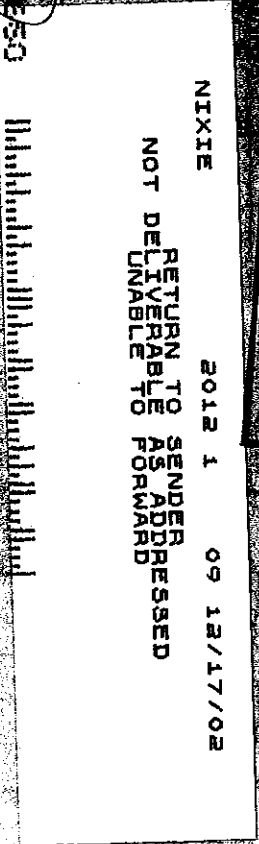
David Jensen
Signature

NOTICE OF APPEARANCE HEARING

PLANNING BOARD

NIXIE 2012 1 09 12/17/02

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD



4

APPLICATION

Application for Zoning Map Amendment

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

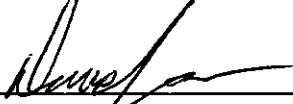
Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first) David J. Jensen		Name (last name first)	
Mailing Address 4800 E 112 TH Ave. Anch. AK 99516		Mailing Address	
Contact Phone: Day: 868-1680 Night: 346-3321		Contact Phone: Day:	Night:
FAX: 868-1680		FAX:	
E-mail: david@alaskaportraits.com		E-mail:	

*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):	014 293 19 0000 1	
Site Street Address:	9130 Elim Street. Anch. AK 99507	
Current legal description: (use additional sheet if necessary)		
Lot Twenty (20), Moorehand No. 4 Subdivision According to Platt 702122 (Elim & Abbott Rd.)		
Zoning: R-5	Acreage: 11,250'	Grid # 2333

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.

Date Oct 25, 2002	Signature 
----------------------	--

(Agents must provide written proof of authorization)

064

Accepted by	Poster & Affidavit	Fee	Case Number 2003-015
-------------	--------------------	-----	-------------------------

COMPREHENSIVE PLAN INFORMATION

Anchorage 2020 Urban/Rural Services: Urban Rural

Anchorage 2020 West Anchorage Planning Area: Inside Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

- Major Employment Center Redevelopment/Mixed Use Area Town Center
 Neighborhood Commercial Center Industrial Center
 Transit - Supportive Development Corridor

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): *Fence*
 Land Use Enforcement Action for
 Building or Land Use Permit for
 Wetland permit: Army Corp of Engineers Municipality of Anchorage

APPLICATION ATTACHMENTS

- Required: Area to be rezoned location map Signatures of other petitioners (if any)
 Narrative statement explaining need and justification for the rezoning; the proposed land use and development; and the probable timeframe for development.
 Draft Assembly ordinance to effect rezoning.
 Optional: Building floor plans to scale Site plans to scale Building elevations
 Special limitations Traffic impact analysis Site soils analysis
 Photographs

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 zone district.
2. The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.



Municipality of Anchorage
 Department of Community Planning and Development
 P.O. Box 196650
 Anchorage, Alaska 99519-6650

STANDARDS FOR ZONING MAP AMENDMENTS

The petitioner must provide a written narrative which addresses the following standards. Zoning map amendment applications which do not address these items will be considered invalid and will not be accepted for public hearing by the Department of Community Planning and Development. (Use additional paper if necessary).

A. Conformance to Comprehensive Plan.

1. If the proposed zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:
 - a. The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;
 - b. The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or
 - c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.

Refer to narrative

2. If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:

- a. In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, utilizing one of the following criteria:
 - i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.
 - ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.

- b. In cases where the proposed rezoning would result in a lesser residential intensity (density), explain how the rezoning would provide a clear and overriding benefit to the surrounding neighborhood.

- c. Explain how the proposed residential density conforms with the applicable Comprehensive Development Plan goals and policies pertaining to the surrounding neighborhood or the general area.

066

- ### B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:

1. Describe the effect of development under the amendment and the cumulative effect of similar development on (a) the surrounding neighborhood, (b) the general area, and (c) the community with respect to the following (The discussion should include the degree to which proposed special limitations will mitigate any adverse effect.):

a. Environment;

b. Transportation;

c. Public Services and Facilities;

d. Land Use Patterns;

Note: Surrounding neighborhood = 500 - 1000' radius
General Area = 1 Mile radius
Community = Anchorage as a whole

2. Quantify the amount of undeveloped (vacant) land in the general area having the same zoning or similar zoning requested by this application. Explain why you feel the existing land is not sufficient or is not adequate to meet the need for land in this zoning category?

See Narrative

3. When would development occur under the processed zoning? Are public services (i.e., water, sewer, street, electric, gas, etc.) available to the petition site? If not, when do you expect that it will be made available and how would this affect your development plans under this rezoning?

See Narrative

4. If the proposed rezoning alters the use of the property from that which is indicated in the applicable Comprehensive Plan, explain how the loss of land from this use category (i.e., residential, commercial, industrial) might be regained elsewhere in the community?

See narrative

November 1, 2002

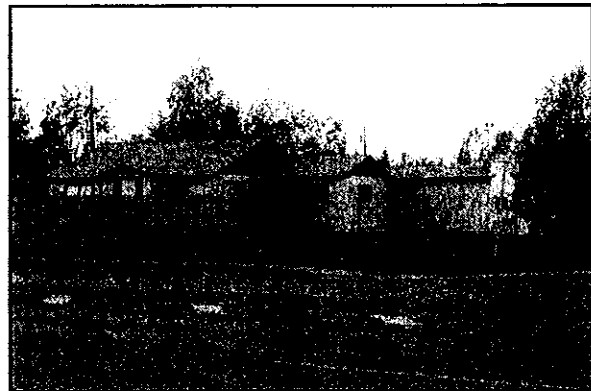
Proposal Rezone of property from R-5 to B-3 *-or-* R-O for the purpose of operating a photographic studio.

Address: 9130 Elim Street

Legal Description: Lot Twenty (20), Moorehand No. 4 Subdivision
According to Plat 702122
(Corner of Elim & Abbott Road)

Owners: David & Carol Jensen
DBA David Jensen Photography/Alaska Pet-ography
4800 East 112th Avenue (*home address*)
Anchorage, Alaska 99516
(907) 868-1680

Physical description of property:
Built in 1974. Two-bedroom ranch-style building consisting of approximately 1,280 square feet with a 240' garage. A 6' fence surrounds the frontage area of the house and it encloses the back yard.



The structure sits on a 11,250' lot. A storage shed also rests on the property.

The lot adjoins Abbott Road (four lanes) and Elim Road (two lanes).

Current zoning environment:

9130 Elim Street is currently zoned R-5. It is zoned R-5 on three sides. It is adjoined on the front side by B-3 Zoning (Fred Meyer/retail complex). This property has been used as a revenue-generating residential rental for the past 12 months through a previous owner.

Recent rezoning activity in the immediate neighborhood includes Assembly Action AO2002-115 (attached). The Anchorage Assembly approved rezoning to R-O from R-5 for Arlon Subdivision, Lots 3, 4, 5 & 6 September 10, 2002 for the purpose of constructing and operating a commercial/retail building. This rezoned property adjoins Abbott Road and is one city block east of 9130 Elim Street.

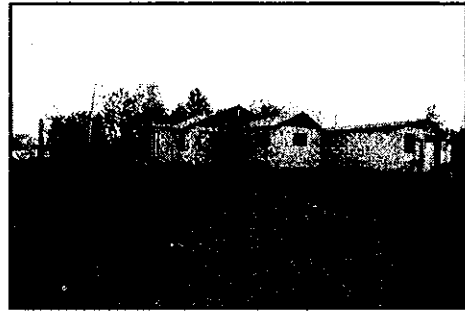
Elim Street (between Abbott Road & East 88th Avenue) is comprised of industrial-related businesses and residential properties.

Abbott Road (north frontage) is comprised of heavy B-3 commercial activity.

Proposed Use of Property:

The owners are requesting a rezone to RO in order to conduct business as a portrait photography studio. The owners have conducted business under the names

David Jensen Photography and Alaska Pet-ography in Anchorage since 1989. Business activities would be limited to the property with customer parking provided on the premises.

**Improvements:**

- Increased parking to accommodate up to 6 vehicles (access from Elim St, only).
- Remove 50' of cedar fencing along Abbott Road. (Encroachment permit on file).

Probable Timeframe for Development

The owners wish to commence business operations as of May 1, 2003.

Anticipated Neighborhood Impact:

- The addition of an established photography studio to the area will be in the public's best interest. The services offered would be unique to the neighborhood and all of South Anchorage. The proposed use conforms to the concept of the proposed Town Center plan and the 2020 Comprehensive Plan. Maintaining the existing site and beautifying the front yard with improvements will serve as a buffer to residential lots that currently share Elim Street.
- The owners will make specific efforts to direct clientele to their business with maps showing access via Abbott to minimize traffic concerns.
- The studio attracts not more than approximately 1-2 customer/vehicles at a time. An average business day includes approximately 3-4 customer visits during each hour of operation. Expanded on-premises parking will ensure no on-street parking.
- Business would be conducted inside the structure and outside – utilizing new landscaping, flowers, trees and shrubs that would be installed by the owners.
- Average hours of operation for the current studio (1921 West Dimond Blvd.) are 9 a.m. – 6 p.m., Monday – Friday; 11-4 p.m. Saturdays. Sundays and other hours are by appointment only. The owners anticipate operating under the same hourly structure in the proposed location.
- Signage would conform to municipal regulations. The owners wish to post a sign on the facade of the garage and a low light/low elevation sign near the front of the building. Signs would conform to the architecture of the building.

Neighborhood Impact/Precedential Findings:

Resolution No. 2002.030 (Attachment includes complete findings)

A.7. Recommendation of R-O zoning rather than B-3

A.8. Conformity to Abbott Town Center Plan

A.12. Commercial development on Abbott Road frontage properties

A.16. Encouragement of small business activity on Abbott Frontage Road

A.22. Approval of rezoning from R-5 to B-3 (5-0 vote)

Neighborhood Comments

The proposed rezoning for this property has been discussed with several neighbors. Feedback has been positive in each case. Two immediate residential neighbors, 9120 & 9110 Elim, have offered verbal support for the proposed business activity. The owner of 9121/9131 Elim has been contacted (ALPAT lot remains vacant as a commercial well house that operates and maintains the neighborhood's community water.) Several other neighboring properties are trailer rental homes.

The Abbott Loop Community Council has been notified of the proposed rezone. The Council has not responded to the proposal except to acknowledge correspondence.

Owner History & Statement:

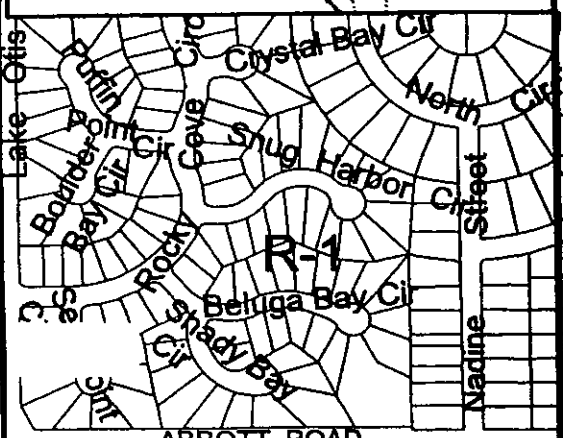
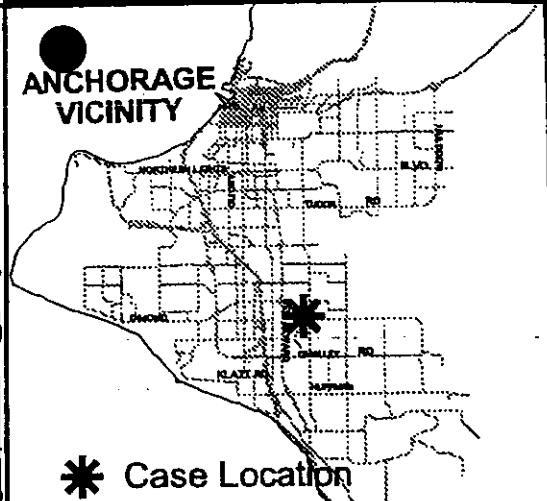
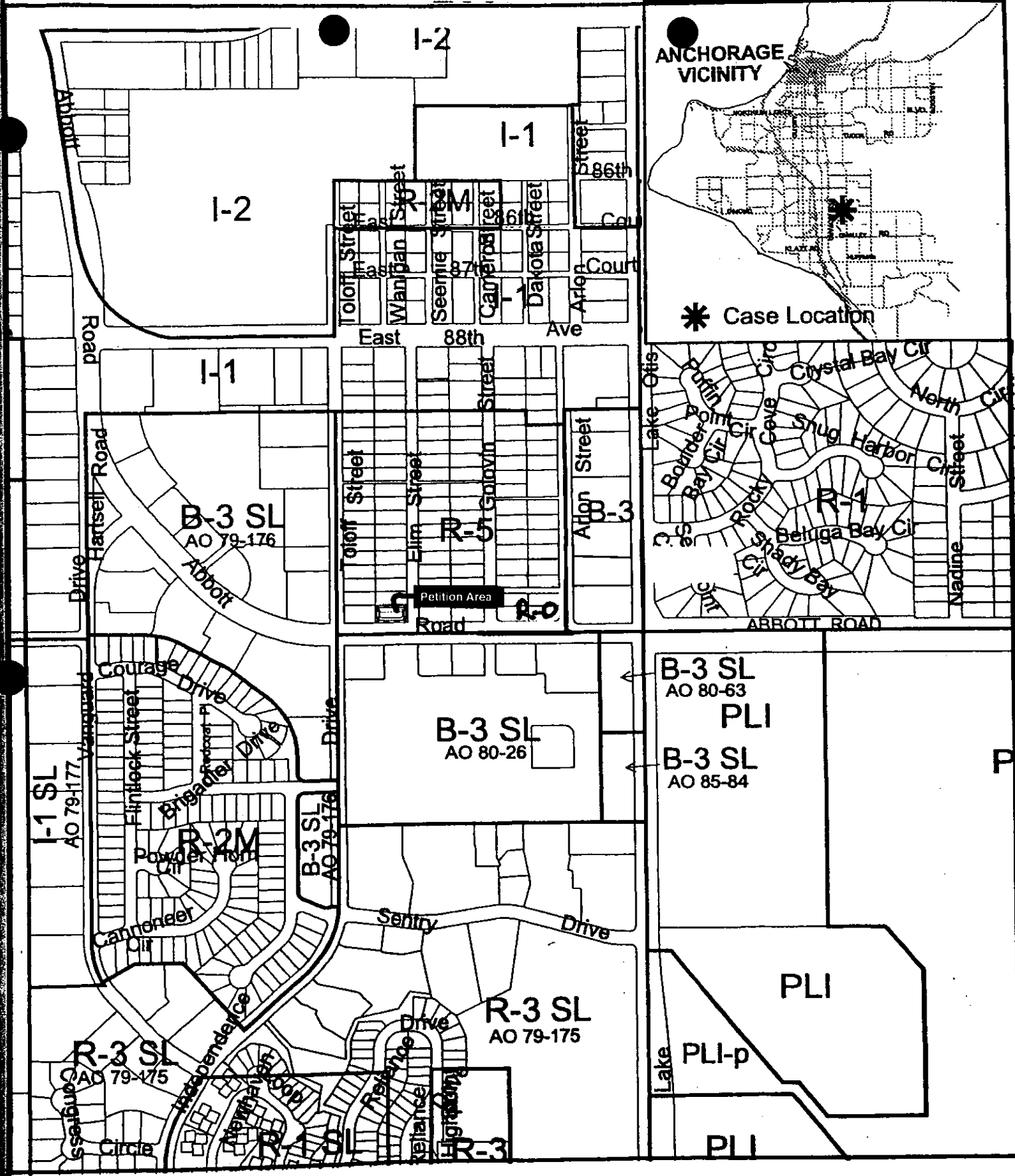
David Jensen was born and raised in Alaska. He was raised within six blocks of the described property (1963-1976) and attended school with the families in this neighborhood including the family of the original owner/builder of the described property.

"Our desire to use this property as a portrait studio is the culmination of 13 years of business in Anchorage as a photographer of people, pets, weddings and special events. We're proud of our positive reputation in the community and believe that the approval of this proposal would serve the interests of the neighborhood as well as our business goals. My wife and I take pride in our business, volunteer and philanthropic activities. The studio is a member in good standing with Professional Photographers of America. We are active volunteers with Friends of Pets. We have been recognized in past years for our City of Lights displays and Anchorage Garden Club Tours. (We've also noticed that our beautification efforts are infectious among our neighbors.)

Our introduction of a photo studio into South Anchorage will provide a service not currently available in the South Anchorage area. It specifically conforms to the concept of the Town Center plan which encourages the integration of service-related small businesses with residences. Our proposal would maintain the tenor of the neighborhood without tearing down buildings, erecting new "box" buildings, or cutting down trees.

I'm would value the chance to be a good neighbor and business in South Anchorage.

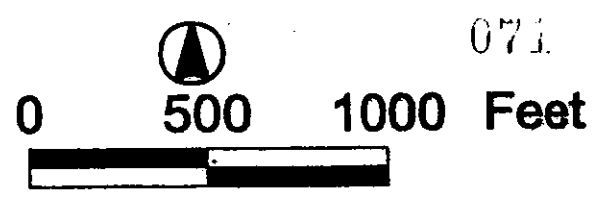
Thank you for your consideration. We welcome your comments and questions."



Municipality of Anchorage
Planning Department

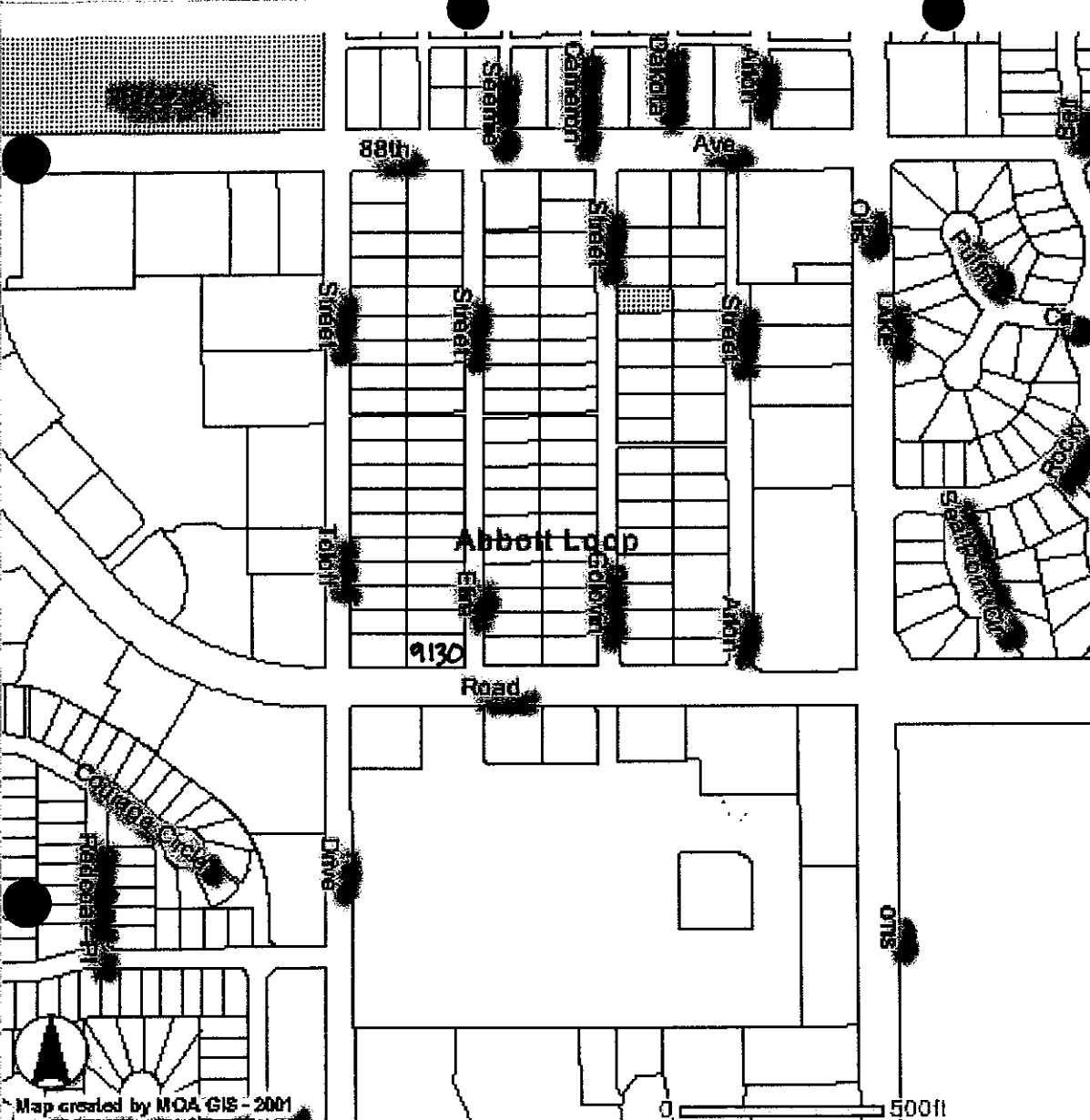


- Flood Limits**
- 100 Year Floodplain
 - 500 Year Floodplain
 - Floodway



071

9130 Elim Street: Zoom in

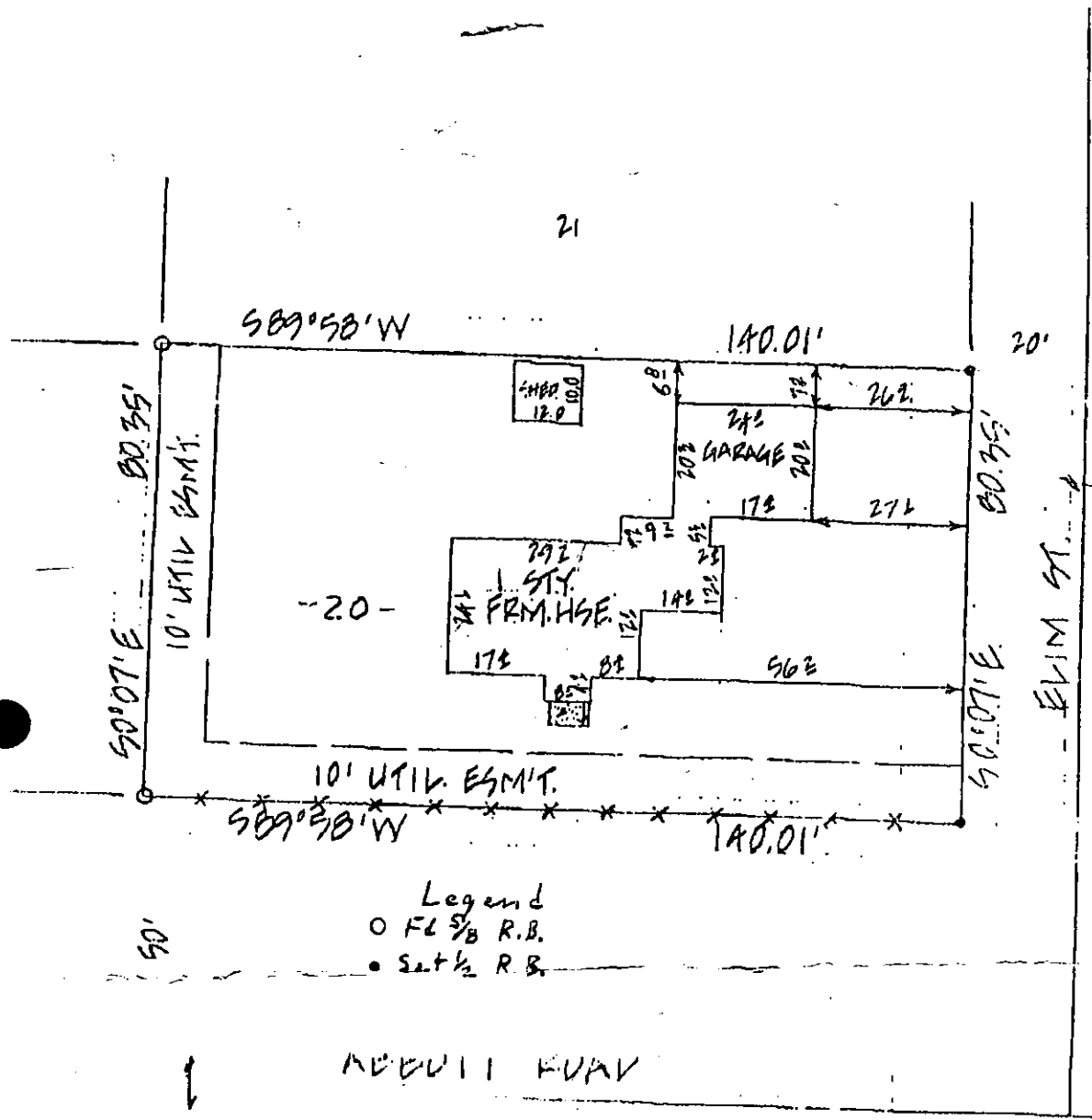


- Legend**
- Streetnames
 - P and Z Cases
 - Main Road Text
 - Community Council
 - Parcels
 - Streams
 - Water/Land

- Lakes
- Mud Flats
- Water
- Other

Map created by MOA GIS - 2001

70454

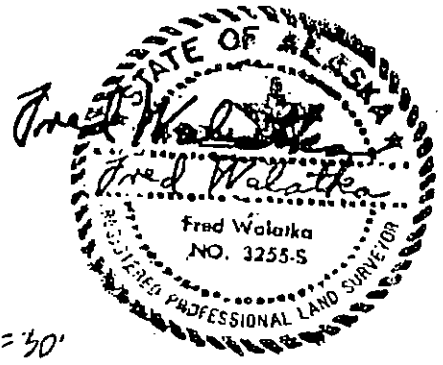


- Legend
- FL 5/8 R.B.
 - S & 1/2 R.B.

AS-BUILT PLAN

Recertified 1-20-01 JWK

AS-BUILT CORNERS SET THIS DATE



I hereby certify that I have performed a Mortgagee's inspection of the following described property: LOT 20, MOOREHAND SUBD ADDN NO 4

Anchorage Recording Precinct, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property lying adjacent thereto, that no improvements on property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property except as indicated hereon.

Dated at Anchorage, Alaska this 13TH day of AUGUST 19 01

FRED WALATKA & ASSOCIATES

ALL DIMENSIONS OF RECORD, OTHER THAN SHOWN ON THE RECORDED PLAN, NOT SHOWN HEREON.

81-3 PIA 13 BW

073

Shed

Path

Parking/asphalt
(up to cars)

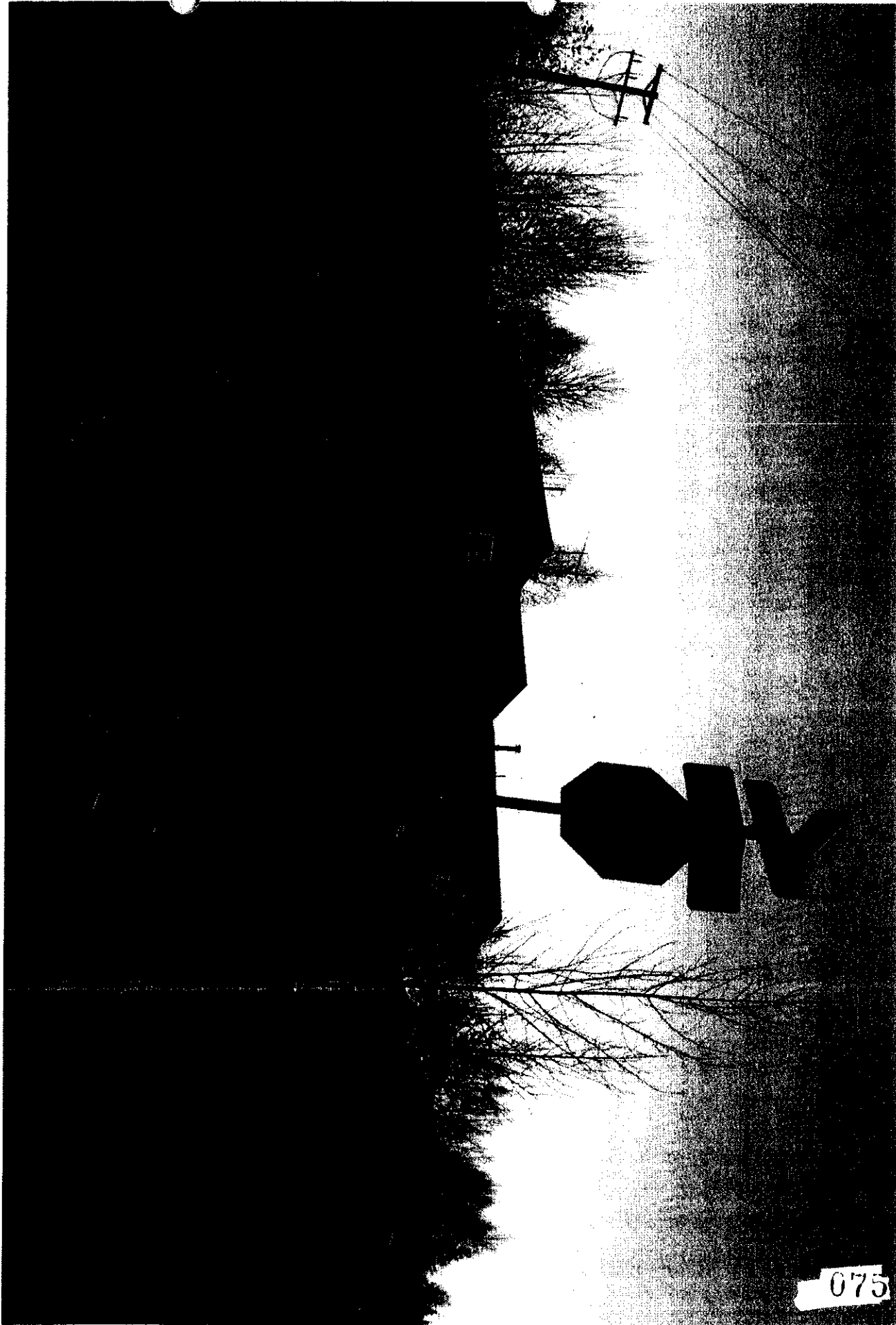
Sidewalk

Sidewalk

Abbott Road

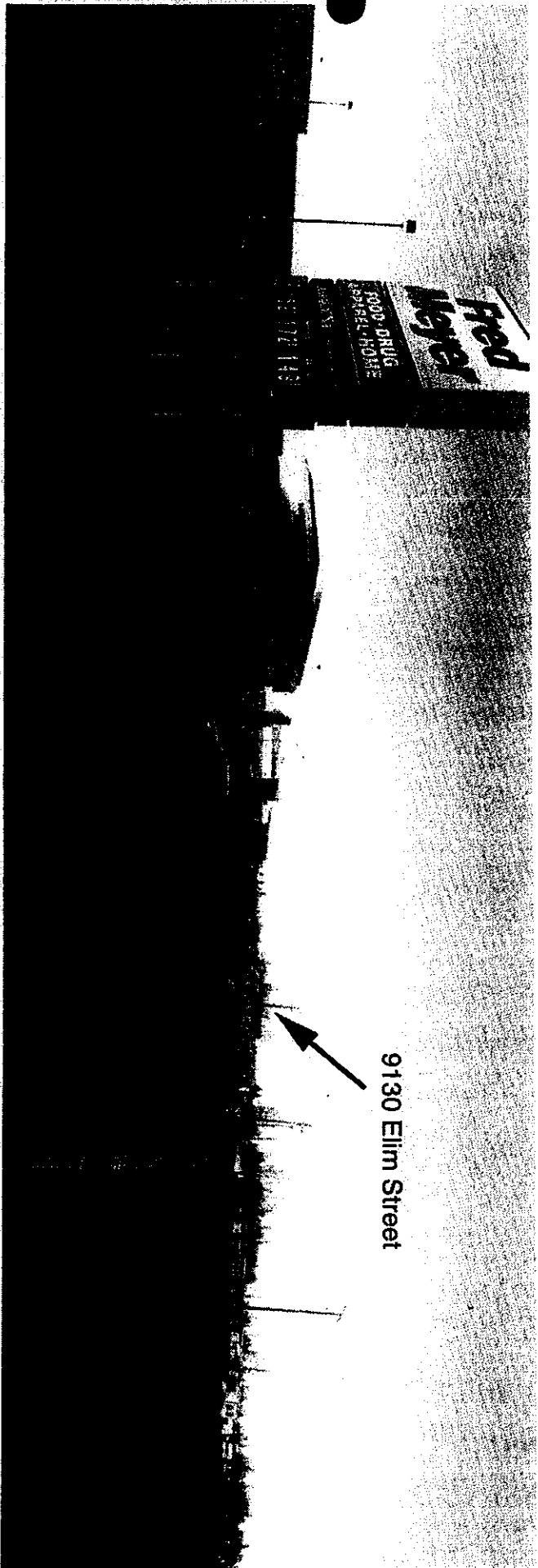
Elim Street

Landscape/site development plan
9130 Elim Street

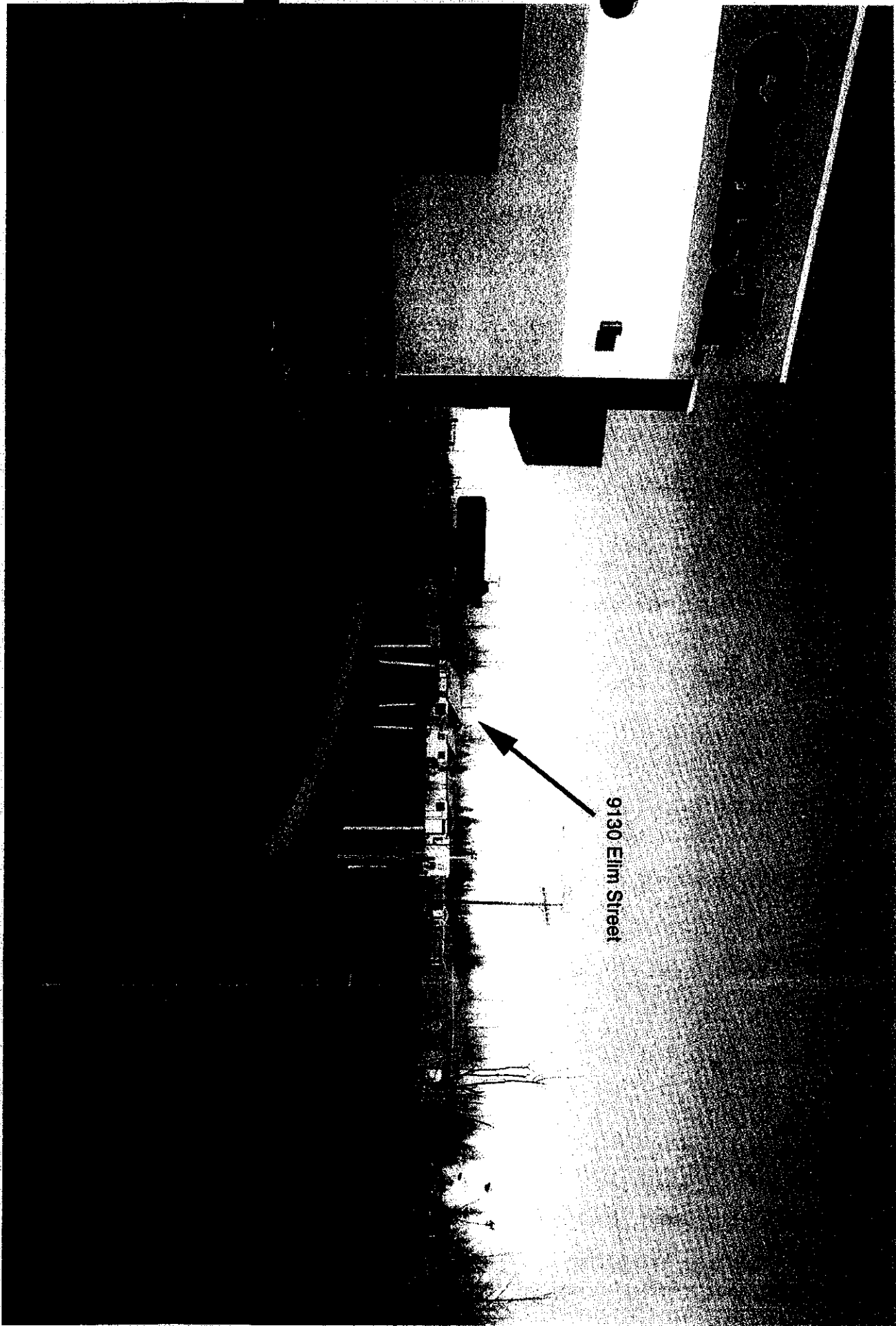


November 6, 2002

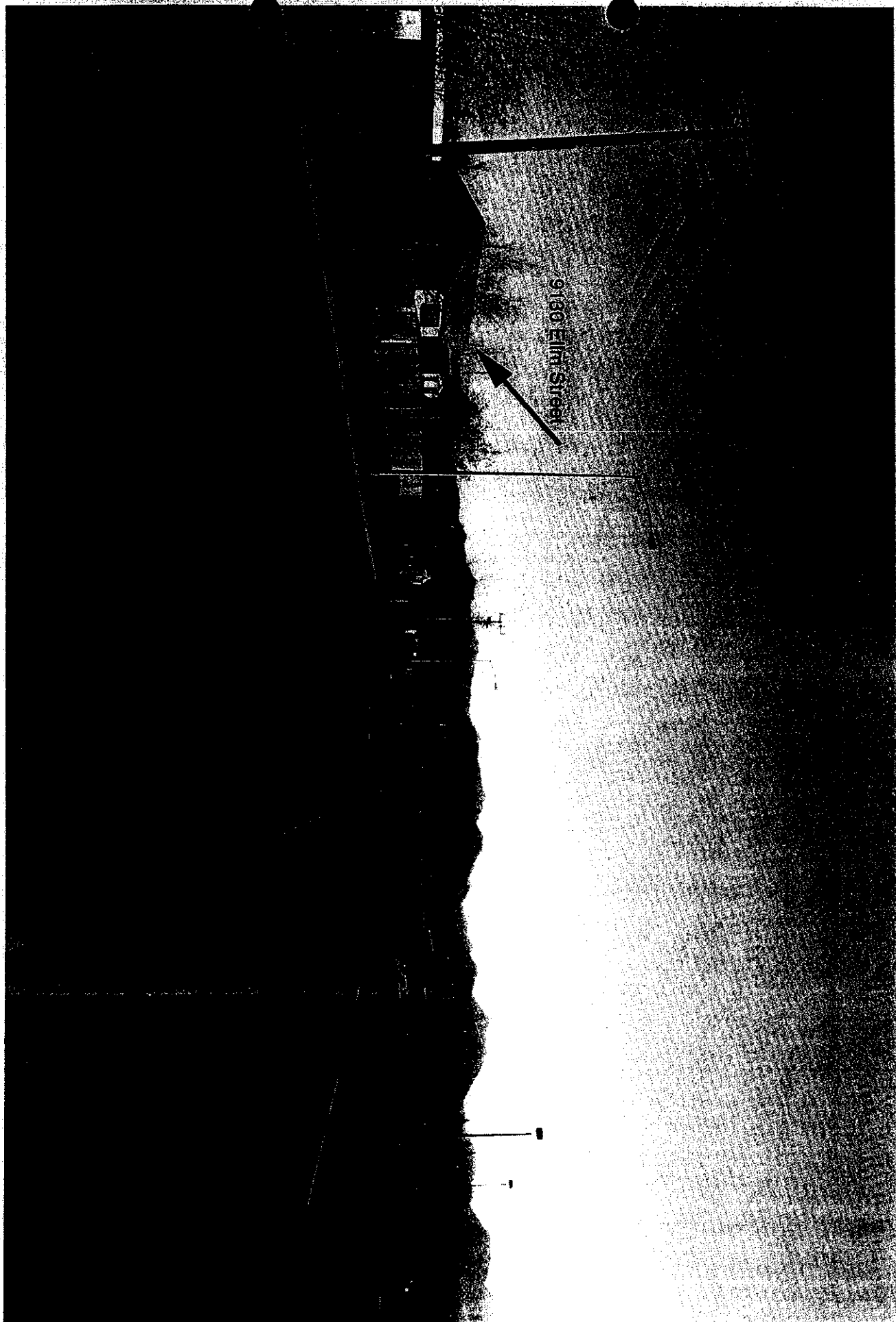
1



- 270° area perspective
- 9130 Elim as marked.



9130 Elm Street



MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-030

A RESOLUTION APPROVING A REZONING OF APPROXIMATELY 0.86 ACRES OF LAND FROM R-5 (RURAL RESIDENTIAL) TO B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS), FOR ARLON SUBDIVISION, LOTS 3, 4, 5 AND 6, GENERALLY LOCATED BETWEEN GOLOVIN AND ARLON STREETS, NORTH OF ABBOTT ROAD.

(Case 2002-041, Tax I.D. No. 014-291-80; -81; -82; -83)

WHEREAS, a request has been received from Seven C Investments, Inc., petitioner, and Steve Agni, representative, to rezone approximately 0.86 acres of land from R-5 (Rural Residential) to B-3 SL (General Business with Special Limitations) Arlon Subdivision, Lots 3, 4, 5, and 6, generally located between Golovin and Arlon Streets, north of Abbott Road, and

WHEREAS, notices were published, posted and 254 public hearing notices were mailed and a public hearing was held on May 6, 2002.

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 limit building location, height and lot coverage to approximately that of the proposed retail structure, and to limit commercial use types (see special limitation discussion further below). The petitioner proposes to develop the site with a 10,125 SF single-story retail structure to contain several small shops that provide services to local residents on a daily or weekly basis. Typical shops, as proposed by the petitioner, include coffee shop, delicatessen, florist, travel, dry cleaning and laundry, hairdresser, health and personal care, and other convenience food or beverage shops.
2. The petition property consists of 4 undeveloped lots under single ownership. The site is level and contains natural vegetation. The petition site has access to full utilities, including public sewer, electrical, and natural gas. The aggregate gross area of the combined petition lots is 37,630 square feet. Individually Lot 3 has 9,451 SF; Lot 4 has 9,364 SF; Lot 5 has 9,364 SF; Lot 6 has 9,451 SF.
3. Lots 3 and 4 are oriented to and have access from Golovin Street; Lots 5 and 6 are oriented to and have access from Arlon Street. Both Lots 4 and 5 are double frontage lots, with frontage to Abbott Road across the

street from the proposed Fred Meyer Store. The Official Streets and Highways Plan classifies Abbott Road as a Class III Major Arterial. Golovin and Arlon are residential streets.

4. The petition site is located at the southeast corner of two R-5 zoned subdivision's (Morehand and Arlon) that are classified as Commercial/Industrial in the Comprehensive Plan. North of the R-5 is I-1 property that fronts onto East 88th Avenue. To the east of the site 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.
5. 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*.
6. The Abbott Town Center plan is currently under contract, and community meetings have been underway on this project, with charettes, which occurred in April of 2002. A draft plan is expected shortly after that time.
7. The petitioner and the Department discussed the rezoning request, and the issues surrounding the Town Center plan with the consultants for the Abbott Town Center, LCA Architects. The consultants do not recommend B-3 zoning for this site. However, they do find that an R-O SL (Residential - Office with Special Limitations) zoning is the most appropriate zoning for this site. The special limitations would include specific design standards to achieve the goals of this Town Center concept, which is currently in a draft form.
8. The petition site is one of the integral areas of the Abbott Town Center. It is recommended that a mix in both office uses and high density residential would be appropriate for the periphery of the core area of the Town Center (core area is on the inside curve of Abbott Road). The Department and the Abbott Town Center consultants recommend against retail specifically, as allowed in the B-3 district. It is critical to a town center to focus and limit retail into the existing sites that cannot be changed as with Fred Meyer shopping center/grocery store to the south, or into the core pedestrian retail center. If retail is spread throughout the peripheral area, it dilutes the retail concentration.

9. The petitioner provided a revised site plan with revised special limitations.
10. The Commission finds that while there is a planning process on-going for the Town Center, implementation is at least partly dependent on the initiative of the private sector. The Commission further finds that the planning process needed to be completed in order to resolve the conflicts between this proposal and Anchorage 2020, and felt it was best for the Commission to vote on the motion, given that the petitioner decided to move forward this evening with this request.
11. The Commission noted it was very skeptical that there is the ability through consultants to make the kind of basic economic determinations for an R-O SL zoning that will result in the development of properties. The Commission further noted concern with imposing a set of unproven standards.
12. The Commission finds that, after reviewing the proposals of the petitioner and Staff, and information contained in the packet, that property fronting on Abbott Road would not develop residentially.
13. The Commission voted 0 in favor and 5 against the motion to recommend rezoning the petition site from R-5 to R-O SL, as recommended by the Department.
14. The Commission moved to approve a rezoning from R-5 to B-3SL subject to the special limitations offered by Staff and those in the petitioner's narrative.
15. The Commission finds that the petitioner's proposal in Exhibit F with retail on the bottom floor and commercial above it, and the siting of the building adjacent to Abbott Road with parking in the rear, complies with the intent of the Town Center plan, at least insofar as has been seen to this point.
16. The Commission finds that residential development would not be likely to occur on the frontage along Abbott Road, and finds that small local developers are key to the community's economy.
17. The Commission finds that it was not appropriate to leave this property zoned R-5, and noted that two of the parcels are vacant at this time.
18. The Commission finds that, in the absence of an approved plan, this rezoning would reduce residential, which is contrary to Anchorage 2020, but there are numerous other instructions in the Comprehensive Plan that direct new development in Town Center areas.


19. The Commission clarified that the conditions on this recommendation are contained on pages 19 and 20 of the Staff packet, deleting 3.a only. This recommendation also includes the 4-page narrative and the description provided by the petitioner entitled "Application to Rezone Lots 4, 5, 6, 7, Arlon Subdivision, Memorandum in Support of Revised Zoning Application." The Commission further clarified that the special limitation 5.e provided by the petitioner would also include liquor stores.
 20. The Commission further clarified that the motion included the site plan in petitioner's Exhibit F and that the Staff's proposed special limitations, excluding 3.a, would be applicable to a B-3 rezoning. It was further clarified through an approved motion to add the wording in item B.1.g. that "where the foregoing conditions conflict with the site plan in Exhibit F, the site plan in Exhibit F will control."
 21. The Commission noted that in review of the B-3 section of the code, it is generalized in terms of permitted uses, and finds that the petitioner's Exhibit A eliminates a list of businesses and limits the use of the site to be consistent with the type of development described in the petitioner's presentation.
 22. The Commission recommends approval of the rezoning from R-5 to B-3 SL with a 5-0 vote.
- B. The Commission recommends the above rezoning be APPROVED by the Anchorage Assembly subject to the following conditions:
1. Effective clause.
 - a. Zoning shall become effective upon recordation of a replat to a single parcel.
 2. Special Limitations:
 - a. All development or 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:
 - i. Building orientation - Buildings to front onto Abbott Road.
 - ii. Building entries and windows - One primary building entrance shall be located on the Abbott Road frontage, or at

the corner of Abbott Road and an adjacent side street. For buildings separated into individual units/stalls, each unit's separate primary entrance should face Abbott Road. Between 30% to 60% of the total ground floor wall surface facing any public right-of-way should be glazed with clear glass windows. Upper stories should have 25% to 50% glazed wall surfaces.

- iii. 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.
 - iv. Building height - The building walls facing Abbott Road should measure at least 18 feet from finished grade to the top of wall.
 - v. Buildings should be built continuously along the frontage of Abbott Road, with no more than a 30-foot gap between buildings fronting this road.
 - vi. Pedestrian accesses should be provided from walkway along Abbott Road/front of building through to the parking area in the rear of the building.
 - vii. Where the foregoing conditions conflict with the site in plan in Exhibit F, the site plan in Exhibit F will control.
 - viii. The facility shall be designed to serve mixed uses providing consumer oriented services in a retail and office setting.
 - ix. The facility shall include a second level office area, not exceeding 35 feet in height.
 - x. Parking should be accessed from the side streets, Golovin and Arlon should connect internally to the adjacent side street entries.
 - xi. Pedestrian access shall be provided from the adjacent public rights-of-way.
- b. Signs: Pole signs are prohibited. Free standing site signage shall consist of architectural monument signs.
- c. Prohibited Uses:

Drive-in services, such as drive-in banks.
Liquor stores.
Gasoline service station and auto repair maintenance.
Car wash.
Vehicle rental or sales.
On-site dry cleaning.
Bars or taverns.
Video or amusement arcades or pool halls.
Adult style entertainment.
Transmission towers.
Mini storage.
Taxidermist, meat or game processing and locker.
Pawn shops.
Hotel lodging or other residential use.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission
on the 6th day of May, 2002.



Susan R. Fison
Secretary



Daphne Brown
Chair

(2002-041)
(Tax ID No. 014-291-80; -81; -82; -83)

ac

DRAFT ASSEMBLY ORDINANCE

Submitted by: Chair of the Assembly at
The Request of the Mayor
Prepared by: Applicant
For Reading:

An ordinance of the Anchorage Municipal Assembly amending the Zoning Map and Providing for the rezoning of Approximately .26 acres from R-5 to B-3 SL for Lot 20, Moorehead No. 4 Subdivision, generally located between Elim and Toloff Streets, on the North side of Abbott Road.

(Abbott Community Council) Planning and Zoning Commission Case: _____

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) zone:

Lot Twenty, Moorehead No. 4 Subdivision as shown on Exhibit A (MOA GIS website)

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. Parking – Onsite parking to be expanded to allow up to six vehicles on the west side of the premises. Parking should only be accessed from Elim Street.
2. Signs: Pole signs are prohibited. Free standing site signage shall consist of architectural monument signs.

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 Codes 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 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 of 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 limitations are contained herein, this ordinance is effective immediately upon passage and approval.

Passed and approved by the Anchorage Assembly this _____ day of _____ 2002.

Chair



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 132-80


Meeting Date: February 26, 1980

From: Mayor
Subject: Ordinance AO No. 80-26

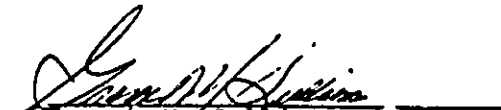
Rezoning from R-1A to B-3
SL for property located
south of the proposed
realignment of Abbott Road
and west of Lake Otis
Parkway.

This rezoning request comes to the Municipal Assembly with a recommendation of APPROVAL from the Planning and Zoning Commission on January 14, 1980. The special limitations on this rezoning request are to insure adequate access onto the realignment of Abbott Road and to protect the adjoining residential property with a screening easement.

Prepared by:


Michael J. Meenan
Director of Planning

Respectfully submitted:


George M. Sullivan
Mayor

0002

086

Submitted by: Chairman of the Assembly
At the Request of the Mayor
Prepared by: Planning Department
For Reading: February 26, 1980

Anchorage, Alaska
AO No. 80-26

APPROVED
Date: 3/25/80

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
REZONING FROM R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT) TO
B-3 (GENERAL AND STRIP COMMERCIAL DISTRICT) WITH SPECIAL
LIMITATIONS FOR TRACT A, GOFF SUBDIVISION, (ABBOTT LOOP
COMMUNITY COUNCIL).

THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. That the zoning map be amended by designating the following described properties as a B-3 (General and Strip Commercial District) with Special Limitations zone:

Tract A, Goff Subdivision.

SECTION 2. The zoning map amendment for B-3 (General and Strip Commercial District) use district designation for the property described in Section 1 above is restricted with the following limitations:

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 whenever the site abuts residential zoning.

SECTION 3. In accordance with Section 21.20.0451, all district and supplemental district regulations that are applicable to a B-3 (General and Strip Commercial District) zone not specifically affected by the restrictions and standards set forth in Section 2 above shall apply to the subject property in the same manner as if the district were not subject to special limitations.

SECTION 4. The Planning Director is hereby directed to change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this
7:21A day of March, 1980.

David N. H. [Signature]
Chairman

ATTEST:

[Signature]
Municipal Clerk

(P80-04)
0001

Submitted by: Chairman of the Assembly
at the request of the Mayor
Prepared by: Department of Law
For Reading: February 26, 1980

087

5

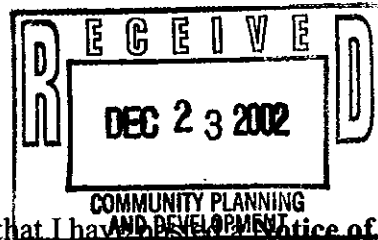
POSTING

AFFIDAVIT



AFFIDAVIT OF POSTING

CASE NUMBER: 2003-015



I, David Jensen hereby certify that I have posted a **Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for 9130 Elim Street. The notice was posted on December 21, 2002 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 23^D day of December, ~~199~~ 2002


Signature

LEGAL DESCRIPTION

Tract or Lot 20

Block #4

Subdivision Moosehand Subdivision

6

HISTORICAL INFORMATION



MUNICIPALITY OF ANCHORAGE
OFFICE OF THE MUNICIPAL ATTORNEY

MEMORANDUM

DATE: October 2, 2000

TO: George Wuerch, Mayor
Faye Von Gemmingen, Assembly Chair
Assembly Members

THRU: William A. Greene, Municipal Attorney *WAG*

FROM: Dennis A. Wheeler, Assistant Municipal Attorney *DW*

SUBJECT: Comprehensive Plan – Mandatory Compliance

QUESTION:

The Assembly and Mayor have posed the question: Is it mandatory for land use decisions to follow the Comprehensive Plan?

BRIEF ANSWER:

Subject to the Background and Discussion below, the answer is yes.

BACKGROUND:

AMC 21.05.020B currently provides that one of the purposes of the plan is "to state goals and policies for land development and management that guide but do not bind the assembly in taking legislative action." The proposed amendment to this language, as approved by the Planning & Zoning Commission, provides that the Plan "directs" the Assembly in taking legislative action. During the course of public hearings on the Comprehensive Plan, various groups and individuals have focused on this language. Some are concerned that the proposed language sounds mandatory, thus preventing the Assembly or other decision-makers from exercising their discretion on a case by case basis. Others are concerned that if the language

remains unchanged, the Assembly and other decision-makers will engage in ad-hoc decision-making contrary to the Plan.

DISCUSSION:

Anchorage Municipal Charter §12.01 provides as follows:

Section 12.01. Comprehensive plan required.

The assembly by ordinance shall adopt and implement, and from time to time modify, a comprehensive plan setting forth goals, objectives and policies governing the future development of the municipality. (Emphasis added.)

A review of the Charter Commission minutes and tapes gives no guidance as to the meaning of the word "governing".¹ However, in reviewing the history, it is clear the Commission understood that state law at the time did not, and does not now, mandate the Municipality adopt a Comprehensive Plan. Commission members described this situation as "incredible," and wanted to require a Comprehensive Plan. The Commission clearly expressed that a Comprehensive Plan was "in essence, mandating"² the Assembly to adopt goals, objectives, and policies. The Commission specifically added the word "implement" to the Charter and removed the words "subdivision regulations, maps, zoning ordinance", etc. from the Charter to clarify that the Plan must be implemented and not gather dust, but that the methods of implementation were left to the Assembly.

Since adoption of the Charter, state law has changed significantly. The Municipality is now required by State law to provide for planning under AS 29.35.150, *Scope of areawide powers*, and AS 29.35.180, *Land use regulation*, which provide:

AS 29.35.150 Scope of areawide powers.

A borough shall exercise the powers as specified and in the manner specified in AS 29.35.150 - 29.35.180 on an areawide basis.

¹ In common usage, the word "govern" means "to exercise continuous sovereign authority over, especially to control and direct the making and administration of policy in." *Webster's New World Dictionary of the American Language*, 2nd College Edition, 1972.

² Hearing tape, Charter Commission, March 28, 1975.

AS 29.35.180 Land use regulation.

(b) A home rule borough shall provide for planning, platting, and land use regulation.

Based on the Charter history, the Comprehensive Plan was intended as a mandatory guide. There must be a Plan, it must contain goals, policies and objectives, and it must be implemented. Legislative and land use decisions which touch upon the subject matter of the Plan must therefore be consistent with and "implement" its provisions.

Alaska Supreme court cases consistently hold that failure to follow the Plan is grounds for reversal of a land use decision. Some previous land use administrative and legislative decisions have relied on the "guide but do not bind" language in making decisions contrary to the Plan or making decisions without analyzing compliance with the Plan. When challenged in court, these decisions have been overturned. Thus, the proposed amendment to AMC 21.05.020 simply clarifies that: following the Plan is mandatory.

cc: Craig Campbell, Executive Director, Office of Planning, Development & Public Works
 Sue Fison, Director, Planning
 Greg Moyer

PARCEL SUMMARY

APPRAISAL INFORMATION

Legal MOOREHAND #4
LT 20

Parcel 014-293-19-000
Owner JENSEN DAVID J & CAROLA

Descr SINGLE FAMILY
Site Addr 9130 ELIM ST

4800 E 112TH AVENUE
ANCHORAGE AK 99516 1612

REZONE

Case Number 2001-039 # of Parcels 1 Hearing Date 05/24/2001

Case Type Variance-ZBEA AMC 21.45 Supplementary District Regulations

Legal A variance from AMC 21.45.110 to allow a fence which exceeds four feet in height. Moorehead #4 Subdivision, Lot 20. Located at 9130 Elim Street.

2001-039
2003-015

PLAT CASES

Case Number	Grid	Proposed Lots 0	Existing Lots
Action Type		Action Date	
Legal			

PERMITS

Permit #	Project
Work Desc	
Use	

BZAP

Action No. 2001-039
Action Date 05/24/2001
Resolution 2001-028
Status APR Ruling Approved
Type VAR Variance

009872

ALCOHOL LICENSE

Business Address	Applicants Name	Conditions
License Type		
Status		

[Display License Detail on Web](#)

PARCEL SUMMARY

APPRAISAL INFORMATION	
Legal MOOREHAND #4 LT 20	Parcel 014-293-19-000 Owner JENSEN DAVID J & CAROL A
# Descr SINGLE FAMILY Site Addr 9130 ELIM ST	4800 E 112TH AVENUE ANCHORAGE AK 99516 1612

REZONE	Case Number 2003-015 # of Parcels 1 Hearing Date 01/13/2003
2001-039 2003-015	Case Type Rezoning to B-3 General business district Legal A request to rezone approximately 0.26 acres from R-5 (Rural Residential) to B-3 (General Business) or R-O (Residential Office) for the purpose of operating a photographic studio. Moorehand Subdivision #4, Lot 20. Located at 9130 Elim Street.

PLAT CASES	Case Number	Grid	Proposed Lots 0	Existing Lots
	Action Type		Action Date	
	Legal			

PERMITS	Permit #	Project
	Work Desc	
	Use	

BZAP	Action No. 2001-039	Status APR	Ruling Approved
009872	Action Date 05/24/2001	Type VAR	Variance
	Resolution 2001-028		

ALCOHOL LICENSE	Business Address	Applicants Name	Conditions
	License Type		
	Status		Display License Detail on Web

PARCEL INFORMATION

OWNER
 JENSEN DAVID J & CAROL A
 4800 E 112TH AVENUE
 ANCHORAGE AK 99516 1612
 Deed 2002 0752320
CHANGES: Deed Date Oct 21, 2002
 Name Date Oct 29, 2002
 Address Date Oct 29, 2002

PARCEL
 Parcel ID 014-293-19-000
 Status # 01
 Renumbr ID 000-000-00-000-00
 Site Addr 9130 ELIM ST
 Comm Concl ABBOTT LOOP
 Comments

TAX INFO
 2002 Tax 2,183.10 Balance 0.00 District 018

LEGAL
 MOOREHAND #4
 LT 20
 Unit SQFT 11,250
 Plat 720122
 Zone R5 Grid SW2333

HISTORY

	Year	Building	Land	Total
Assmt Final	2000	73,000	33,300	106,300
Assmt Final	2001	81,700	33,300	115,000
Assmt Final	2002	94,000	33,300	127,300
Exemptions				0
State Credit				0
Tax Final				127,300

PROPERTY INFO

#	Type	Land Use
01	RESIDENTIAL	SINGLE FAMILY

SALES DATA

Mon	Year	Price	Source	Type
01	1979	66,500	OTHER	LAND & BLDG
12	2001	145,000	BUYER	LAND & BLDG
10	2002	170,000	SELLER	LAND & BLDG

LAND & COMMON PARCEL INFORMATION

APPRAISAL INFORMATION

Parcel 014-293-19-000 # 01 of 01

Legal MOOREHAND #4
LT 20

Owner JENSEN DAVID J & CAROL A

Site Addr 9130 ELIM ST

4800 E 112TH AVENUE
ANCHORAGE AK 99516

LAND INFORMATION

Land Use SINGLE FAMILY
Class RESIDENTIAL
Living Units 001
Community Council 001 ABBOTT LOOP
Entry: Year/Quality 06 1987 LAND ONLY
09 1997 EXTERIOR
Access Quality GOOD
Access Type
Leasehold (Y=Leasehold)
Drainage GOOD
Front Traffic LOW
Street PAVED CURB & GUTTER
Topography EVEN LEVEL
Utilities PUBLIC WATER PII IIC SFWFF
Wellsite N
Wet Land

CONDOMINIUM INFORMATION

Common Area 0
Undivided Interest 0.00

RESIDENTIAL INVENTORY

APPRAISAL INFORMATION Legal MOOREHAND #4 Site Addr 9130 ELIM ST Property Info # Descr SINGLE FAMILY	Parcel 014-293-19-000 # 01 of 01 Owner JENSEN DAVID J & CAROL A	# 01
---	--	--

RESIDENTIAL STRUCTURE INFORMATION Style RANCH Exterior Walls ASPHALT Year Built 1974 Remodeled Effective Year Built 1974 Heat Type CENTRAL Heat System ELECTRIC Fuel Heat Type ELECTRIC Extra Value 0 0 Grade AVERAGE Cost&Design Factor Condition AVERAGE	AREA 1st Floor 1280 2nd Floor 0000 3rd Floor 0000 Half Floor 0000 Attic Area 0000 Recroom Area 000000 Basement 0000 Finished Basement 000000 Basement Garage 0 Total Living Area 1,280
Story Height 1.0 Total Rooms 06 Bed Rooms 02 Recreation Rooms 0 Full Baths 1 Half Baths 0 Additional Fixtures 0 Fireplace Stacks 0 Openings 0 Free Standing 0 E-Z Set Fireplace 0	CONDOMINIUM INFO Condo Style Condo Level 00

ADDITIONS	Basement	1st Floor	2nd Floor	3rd Floor	Area
		ATTCH/BUILT GARAGE ENCLOSED PORCH			0240 0040

OTHER BUILDINGS & YARD IMPROVEMENTS					
Type	Qty	Yr Built	Size	Grade	Condition
STORAGE SHED -FRAME	01	1975	000120	AVERAGE	AVERAGE

COMMERCIAL INVENTORY

APPRAISAL INFORMATION

Legal MOOREHAND #4
LT 20

Parcel 014-293-19-000 # 01 of 01

01

Owner JENSEN DAVID J & CAROL A

Site Addr 9130 ELIM ST
Prop Info # SINGLE FAMILY

4800 E 112TH AVENUE
ANCHORAGE AK 99516

BUILDING INFORMATION

Structure Type
Building SQFT
Year Built
Grade

Effective Year Built

Property Information # 01
Building Number
Identical Units
Number of Units

INTERIOR DATA

Floor	Level	Partitions	Heat System	Air Conditioner	Plumbing	Physical Condition	Functional

EXTERIOR DATA

Floor	Level	Size	Perim	Use Type	Hgt	Wall Type	Const Type

BUILDING OTHER FEATURES - ATTACHED IMPROVEMENTS

Type	Qty	Size1	Size2

OTHER BUILDINGS AND YARD IMPROVEMENTS

Type	Size/Amt	Units	Yr/Built	Condition	Funct/Utility

BUILDING PERMIT INFORMATION

APPRAISAL INFORMATION

Legal MOOREHAND #4
LT 20

Parcel 014-293-19-000 # 01 of 01

#

Owner JENSEN DAVID J & CAROL A

Prop Info # SINGLE FAMILY
Site Addr 9130 ELIM ST

4800 E 112TH AVENUE
ANCHORAGE AK 99516

BUILDING PERMITS

Permit #

Class Type
Class Use
Date
Address
Cond Occ/Occ
Certification
Contract Type
Name
E-mail
Phone () -
Fax
Address
City/State/Zip
Project
Sewer / Water
Work Type
Work
Description

CASES

Case Number 2001-039
of Parcels 1
Hearing Date Thursday, May 24, 2001

PERMIT COMMENT

OWNER HISTORY

APPRAISAL INFORMATION

Legal MOOREHAND #4
LT 20

Parcel 014-293-19-000

01 of 01

01

Property Info # Descr SINGLE FAMILY

Site Adress 9130 ELIM ST

<p>Current 10/21/02 JENSEN DAVID J & CAROL A</p> <p>4800 E 112TH AVENUE ANCHORAGE AK 99516 1612</p>	<p>3rd 2878 0000532 01/18/96 HAND EARL P & VIRGINIA M</p> <p>9130 ELIM STREET ANCHORAGE AK 99507</p>
<p>Prev 2001 0873490 12/24/01 AULT PHILIP D</p> <p>2212 ARCADIA DRIVE ANCHORAGE AK 99517</p>	<p>4th 0000 0000000 00/00/00 HAND EARL P</p> <p>9130 ELIM STREET ANCHORAGE AK 99507</p>
<p>2nd 2878 0000532 01/18/96 HAND VIRGINIA M</p> <p>9130 ELIM STREET ANCHORAGE AK 99507</p>	<p>5th 0000 0000000 //</p>

ON-SITE WATER \ WASTE WATER

APPRAISAL INFORMATION

Legal MOOREHAND #4
LT 20

Parcel 014-293-19-000 # 01 of 01

Owner JENSEN DAVID J & CAROL A

#

Site Addr 9130 ELIM ST
Land Use SINGLE FAMILY

4800 E 112TH AVENUE
ANCHORAGE AK 99516

ON-SITE PERMITS

Permit id

Permit Number
Date Issued
Permit Bedrooms
Permit Type ID
Private Well Request
Privy Request
Receipt #
Septic Tank Request
Status ID
Total Bedrooms

AS BUILT

AS Built Permit
Date Completed
Date Inspected
Well Permit Type
Well Depth
Well H2O Level
Well Yield
Well Distance to Septic
Well Distance to Absorp
Well Distance to Hold
Tank Type
Bedroom Count

SPECIAL ASSESSMENTS

APPRAISAL INFORMATION

Legal MOOREHAND #4
LT 20

Parcel 014-293-19-000 # 01 of 01

Owner JENSEN DAVID J & CAROLA

Site Addr 9130 ELIM ST
Prop Info # SINGLE FAMILY

4800 E 112TH AVENUE
ANCHORAGE AK 99516

ASSESSMENT

Assessment 03
07

Description SEWER TRUNK

Assessment Area 112
Original Assessment 315.00
Original Principal 315.00
Annual Payment 315.00
YTD Payment 0.00
Delinquent Payment 0.00
Unbilled Payment 0.00

RESOLUTION

Resolution R05374
A16784

PLAT
720122

Status ACTIVE
Total Area 112

LAST PAYMENT INFORMATION

Date Tuesday, January 01, 2002
Principal 0.00
Payment 0.00
Delinquent Interest 0.00
Penalty 0.00
Bond Interest 0.00
Cost 0.00

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
January 13, 2003**

**SUPPLEMENTAL INFORMATION
G.1. Case 2003-015
Rezoning to B-3**

Chambers, Angela C.

From: Chambers, Angela C.
Sent: Tuesday, January 07, 2003 7:48 AM
To: 'David Jensen'
Subject: RE: Neighborhood support of 2003-15

Mr. Jensen,

The packet has been printed for your application. However, the packets have not been sent to the Commissioners yet. This e-mail will be placed in a supplemental information packet, which will be sent with the main packet.

Thanks

-----Original Message-----

From: David Jensen [mailto:david@alaskaportraits.com]
Sent: Monday, January 06, 2003 5:08 PM
To: chambersac@ci.anchorage.ak.us
Cc: David Jensen
Subject: Neighborhood support of 2003-15

January 5,2003

Ms. Chambers,

This is to inform you that I have received the final letter of support from Elim Street neighbors. Linda Girman, 9111 Elim Street, has formalized her support of my plan to operate my photography business at the petition location. With her signature in place, I can now show unanimous support from Elim Street neighbors who reside in the R-5 zone, I hope you will include this additional information in your report as part of MOA's position paper to the Planning and Zoning Commission. I will provide all original letters of support as part of my formal testimony before the commission next week.

I would also like to request that you contact me when the final report is completed and ready for my review,

Thank you for you help with this project,

David Jensen
868-1680

MUNICIPALITY OF ANCHORAGE

DEPARTMENT OF CULTURAL & RECREATIONAL SERVICES

PARKS & RECREATION DIVISION

MEMORANDUM

RECEIVED

JAN 06 2003

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: January 3, 2003

TO: Jerry T. Weaver, Supervisor, Zoning and Platting Division, Planning Department

THRU: *CB* John Rodda, Manager
for

FROM: *TK* Tom Korosei, Park Planner

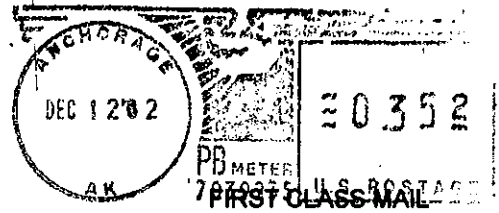
SUBJECT: Planning and Zoning Case Reviews—Anchorage Parks and Recreation Service Area

Parks and Recreation has the following comments:

<u>CASE NO.</u>	<u>CASE</u>
<u>2003-015</u>	Rezoning approx. 0.26 acre to B-3 general business district (for a photography studio; 9130 Elim St. at Abbott Rd.). The <i>Areawide Trails Plan</i> shows a multi-use paved trail along the south (opposite) side of adjoining Abbott Rd.
2003-017	Site plan review for a public school (Chugach Optional Elementary School). The <i>Areawide Trails Plan</i> shows planned multi-use paved trails along the north (opposite) side of adjoining 12th Ave., and along the west (opposite) side of adjoining E St.
2003-018	Site plan review for a public school (Polaris Alternative Elementary School). The <i>Areawide Trails Plan</i> shows a planned multi-use paved trail along adjoining Dowling Rd., and planned multi-use paved trail and planned bicycle route along adjoining Seward Hwy.).
2003-022	Site plan review for a public roadway (upgrade of Turpin St., Glenn Hwy. to DeBarr Rd.) The <i>Areawide Trails Plan</i> shows a multi-use paved trail along the east side of the subject roadway north of E. 6th Ave., and a planned multi-use paved trail along the west side of the subject roadway. Parks and Recreation supports including trail improvements in the proposed project, in accordance with the <i>Areawide Trails Plan</i> . Parks and Recreation supports construction of planned trails, or upgrade of existing trail improvements, to conform with standards set forth in the <i>Trails Plan</i> , including construction to recommended width and separation from curb/roadway.

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7943

PRESORTED
FIRST CLASS



014-291-84-000
LORENTZEN LESLIE O
A & JEAN M
9100 ARLON
ANCHORAGE, AK 99507

RECEIVED
JAN 07 2003
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

NOTICE OF PUBLIC HEARING - - Monday, January 13, 2003

Planning Dept Case Number: 2003-015

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2003-015
PETITIONER: David J Jensen
REQUEST: Rezoning to B-3 General business district
TOTAL AREA: 0.260 acres
SITE ADDRESS: 9130 ELIM ST
CURRENT ZONE: R-5 Rural residential district
COM COUNCIL: Abbott Loop **COM COUNCIL 2:**
LEGAL/DETAILS: A request to rezone approximately 0.26 acres from R-5 (Rural Residential) to B-3 (General Business) or R-O (Residential Office) for the purpose of operating a photographic studio. Moorehand Subdivision #4, Lot 20. Located at 9130 Elim Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, January 13, 2003 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: Jean Lorentzen
Address: 9100 ARLON
Legal Description: LOT 7 ARLON subdivision
Comments: Object to zoning change. Object to piece meal zoning, object to B-3 in the midst of residential property. Object to zoning change in this area until a comprehensive plan is place.

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
January 13, 2003**

SUPPLEMENTAL INFORMATION

G.1. Case 2003-015

Rezoning to B-3

MUNICIPALITY OF ANCHORAGE

DEPARTMENT OF CULTURAL & RECREATIONAL SERVICES

PARKS & RECREATION DIVISION

MEMORANDUM

RECEIVED

JAN 06 2003

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: January 3, 2003

TO: Jerry T. Weaver, Supervisor, Zoning and Platting Division, Planning Department

THRU: ^{CB} John Rodda, Manager

FROM: ^{for} ^{TBK} Tom Korosei, Park Planner

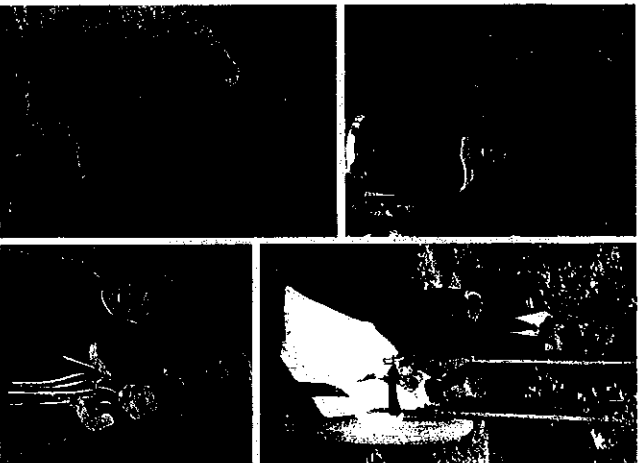
SUBJECT: Planning and Zoning Case Reviews—Anchorage Parks and Recreation Service Area

Parks and Recreation has the following comments:

<u>CASE NO.</u>	<u>CASE</u>
2003-015	Rezoning approx. 0.26 acre to B-3 general business district (for a photography studio; 9130 Elim St. at Abbott Rd.). The <i>Areawide Trails Plan</i> shows a multi-use paved trail along the south (opposite) side of adjoining Abbott Rd.
2003-017	Site plan review for a public school (Chugach Optional Elementary School). The <i>Areawide Trails Plan</i> shows planned multi-use paved trails along the north (opposite) side of adjoining 12th Ave., and along the west (opposite) side of adjoining E St.
2003-018	Site plan review for a public school (Polaris Alternative Elementary School). The <i>Areawide Trails Plan</i> shows a planned multi-use paved trail along adjoining Dowling Rd., and planned multi-use paved trail and planned bicycle route along adjoining Seward Hwy.).
2003-022	Site plan review for a public roadway (upgrade of Turpin St., Glenn Hwy. to DeBarr Rd.) The <i>Areawide Trails Plan</i> shows a multi-use paved trail along the east side of the subject roadway north of E. 6th Ave., and a planned multi-use paved trail along the west side of the subject roadway. Parks and Recreation supports including trail improvements in the proposed project, in accordance with the <i>Areawide Trails Plan</i> . Parks and Recreation supports construction of planned trails, or upgrade of existing trail improvements, to conform with standards set forth in the <i>Trails Plan</i> , including construction to recommended width and separation from curb/roadway.

David Jensen

PHOTOGRAPHY



- ❖ Studio Photography
- ❖ Portraits at your location
- ❖ Weddings
- ❖ Frames, Albums, Cards & Gifts



1921 West Diamond Boulevard
(across from Burlington Coats or Diamond)

868-1680

www.alaskaportraits.com

Alaska Pet-ography

Portrait photography
of pets and their people.



1921 West Diamond Boulevard
(across from Burlington Coats or Diamond)

868-1680

www.alaskaportraits.com

Portraits with personality

Indoors or outdoors, your portrait session will be a pleasant and memorable experience in our professional studio or in the comfort of your home. If you're considering portraits in the park, Alaska's scenery provides beautiful, natural settings for outdoor portraits. We know some great locations.

Studio Portraits

\$45

Family Package
You choose and keep one 8" x 10" print from a selection of up to nine portraits captured during your session. It is designed for individuals, couples and up to two pets with about 20-25 minutes of studio time. Reprints, enlargements and packages are available after your viewing session.

View your studio portraits immediately after the session using our *Instant Capture Viewing System*



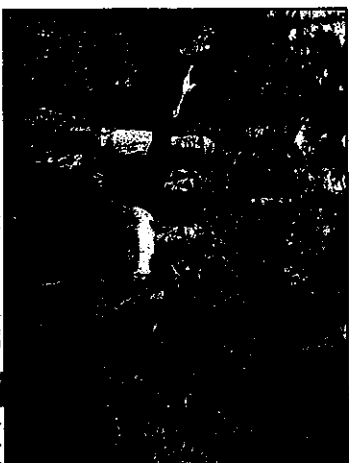
On-location portraits: Anchorage and beyond
Rates for one-hour sessions outside the Anchorage bowl will vary depending on the two-way travel time involved.

Each hour of portrait services includes your favorite eight 4" x 6" prints from all of the portraits captured during the session.

Anchorage: \$ 95.00 hr.
Eagle River/Chugiak/Fr. Rich/Elmendorf: \$ 115.00 hr.
Girdwood/Palmer/Wasilla: \$ 155.00 hr.



"Once upon a lifetime"



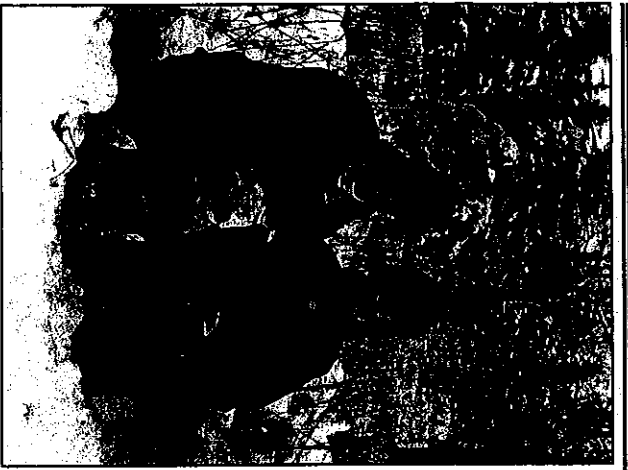
"Gotta wear shades"



"A feathered friend"



"All creatures great and small"



"The three of us"

Personalized Portrait Sessions

In the studio or on-location, David Jensen promises a professional and personal touch when it comes to your portraits. His portrait services include:

- Families
 - Pets and their people
 - Seniors/graduations
 - Children
 - Engagement portraits
 - Weddings
 - Special Events
 - Products & artwork
- Fast Turnaround Time!**



"Abbie & Frankie"

Other Portrait Services

By David Jensen Photography

If you like the portraits you see here, please consider our services for your wedding, family reunion or special event. We'll offer the same creative and personal approach to special event.

Ask for our color wedding brochure and rates and set up an appointment to view any of our portfolios.



"Nick & Jessica"

Gift Certificates

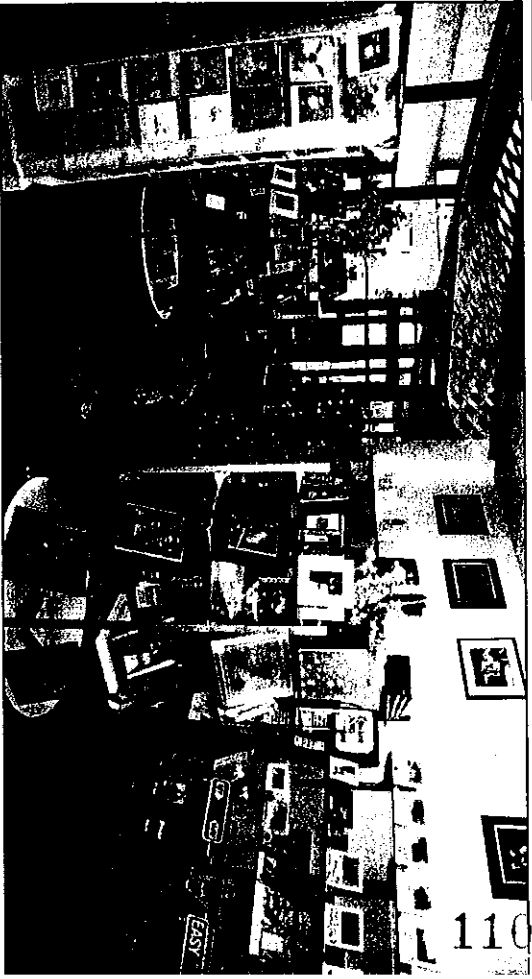
Wondering what to give that person who seems to have everything?

Surprise them with a gift certificate for a portrait session or any of the unique products in our gift store.

Certificate packages can also be tailored to include portrait enlargements.



"Tara"



Visit our gallery, studio & gift store

Our gift store offers hand-made stained glass sun catchers, greeting cards, books, specialty frames & albums for all occasions and pet memorial products. Our portrait gallery features dozens of framed portraits and our portfolios.

Pet Patrol

Pet Patrol is a pet adoption program sponsored by Friends of Pets and Alaska Pet-ography.

Pet Patrol has appeared in the Anchorage Daily News every week since 1992. It has featured more than 500 abandoned pets.

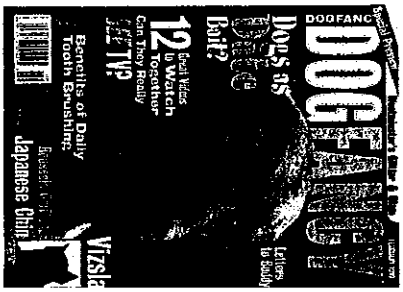
Watch for our annual "Clicks for Licks" fundraisers in support of Friends of Pets.



"Raggy Lou"

© Copyrights

David Jensen retains all creative and reproduction rights, electronic or otherwise, with regards to any images resulting from his sessions. His images may not be reproduced unless otherwise approved in writing pursuant to copyright laws).



This Washa, photographed by David Jensen, appeared as the cover photo of Dog Fancy Magazine.

Proposal Rezone of property from R-5 to R-O for the purpose of operating a photography studio. Owners wish to conduct business beginning May, 2003.

Case Number: MOA 2003-015

Address: 9130 Elim Street

Legal Description: Lot Twenty (20), Moorehand No. 4 Subdivision
According to Plat 702122 (Corner of Elim & Abbott Road)

Owners: David & Carol Jensen
DBA David Jensen Photography/Alaska Pet-ography
4800 East 112th Avenue (*home address*)
Anchorage, Alaska 99516
(907) 868-1680

Current zoning environment:

9130 Elim Street is currently zoned R-5. It is zoned R-5 on three sides. It is adjoined on the front side by B-3 Zoning (Fred Meyer/retail complex). Elim Street (between Abbott Road & East 88th Avenue) is comprised of industrial-related businesses and residential properties.

Recent rezoning activity in the immediate neighborhood includes Assembly Action AO 2002-115. The Anchorage Assembly approved the rezoning to R-O from R-5 for Arlon Subdivision, Lots 3, 4, 5 & 6 September 10, 2002 for the purpose of constructing and operating a two-story commercial/retail building. This rezoned property adjoins Abbott Road and is one city block east of 9130 Elim Street.

Proposed Use of Property:

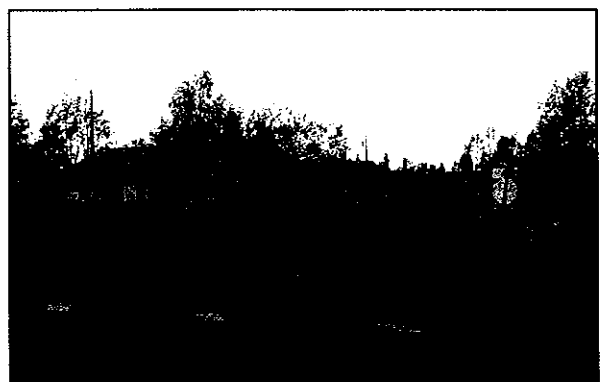
David Jensen (the owner) is requesting rezoning to RO in order to conduct business as a portrait photography studio. The owners have conducted business under the names David Jensen Photography and Alaska Pet-ography in Anchorage since 1989. Business activities would be limited to the described property with customer parking on the premises only. Owners would install improvements on the building facia and landscaping facing Abbott Road & Elim (illustration is included in packet). Cedar fencing and posts along Abbott Road would be decreased and modified to improve traffic safety and to enhance the aesthetic appearance of the property along with landscaping.



Physical description of property:

Built in 1974. It is a two-bedroom ranch-style building consisting of approximately 1,280 square feet with a 240' garage.

The structure sits on a 11,250' lot. It is partially surrounded by a 6' cedar fence. A storage shed also rests on the property.





1921 West Dimond Blvd. ❖ Anchorage, Alaska 99515 ❖ (907) 868-1680

January 13, 2003

Case #2003-015 – Testimony prepared and presented by David Jensen

I. Business/Personal/Property history

- A. I was raised within 8 blocks of the petition property. My family moved into the area in 1963.
- B. I established Alaska Pet-ography and David Jensen Photography in 1989.
 - a. I'm an active member of the local & national chapters of PPA (Professional Photographers of America),
 - b. National Association of the Self Employed; and
 - c. my family has participated in the City of Lights program and garden tour

II. I attended a Pre-application meeting with the Planning Dept. to request a rezone of this property from R-5 to R-O.

- A. Staff indicated that I could not individually apply for R-O and that I only had two rezoning options:
 - 1. Apply for a B-3 zoning contiguous with the Fred Meyer area; or
 - 2. organize neighbors along the Abbott Road Frontage to rezone to R-O as a group. This implied that staff was generally supportive of R-O zoning along Abbott Road. They had also set a precedent by recommending R-O zoning in May, 2002, for the Agni/Chambers property one block east of this petition site. Their opposition to rezoning my property to R-O or B-3 is contradictory to their earlier recommendations and this Commission's resolutions that have stated that these frontage lots are not likely to develop residentially.

VII. Proposed use of property

- A. Photography studio and boutique with photo-related retail frames and gifts.
This use will include exterior renovations such as
 - a. Increased parking to accommodate up to six vehicles with no on-street parking
 - b. Landscaping in the front yard to include shrubs, annual and perennial flower baskets and gardens, benches, ornamental lighting as shown in the illustration, and a low level monument sign which will conform to MOA regulations.
 - c. I will also install a lighted sign on the garage wall (facing Abbott)
- B. Business hours of operation will be
 - i. Monday – Friday, 9-6 p.m.
 - ii. Saturdays, 11-4 p.m.
- C. The business employs my family and 1-2 full and part-time employees throughout the year.

VIII. Neighborhood Environment Consists of ---- Exhibit A (Large Zoning Map)

- A. Heavy B-3 zoning across Abbott Road including:
 - i. Fred Meyer grocery, and gas station
 - ii. Blockbuster video
 - iii. Carls, Jr. fastfood and several other high traffic businesses
- B. Elim Street includes R-5 and Industrial Zone activity between Abbott and 88th Avenue.
 - 1. Many of the buildings on Elim are trailer homes.
 - 2. Remainder of the buildings on Elim are zoned industrially with operations including heavy machinery, ShowGirls, a restaurant, and other businesses.
- C. Two lots across Elim Street, to the immediate east of the property, are commercially operated as a public water utility (ALPAT).
- D. I've solicited and received signed letters of support from the owners of eight R-5 Elim properties contiguous to the petition site. Every neighbor contacted has endorsed the proposal – these letters are included with your packets.

"MY STUDIO AT YOUR LOCATION"

112

Conclusion

I've established a positive reputation as a photographer, business person and volunteer in the Anchorage community.

Throughout my planning I've been very concerned with any possible neighborhood impacts. My plan includes landscaping and beautification that will vastly improve the appearance of the neighborhood and Abbott Road Frontage.

I've taken great care to follow every procedure required for this rezone request. I've worked as closely as possible with the Planning Department, however the Division Administrator has, from our first meeting, created a negative atmosphere around my proposal and expressed residual resentment toward The Anchorage Assembly for approving an R-O rezone one block east of this petition site in 2002.

Further, the Planning Department responded in its **Synopsis of Findings** the following, quote: "this lot is being singled out purely for the benefit of the land owner, and is not in the best interest of the public."

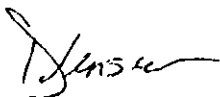
It is my contrasting opinion that a desired purpose of land ownership is that it should benefit its owner. Residually, such ownership clearly benefits the public interest through services offered, tax revenues, area employment, private economic development in the community and, in this case, beautification on a site that is starved for attention. The petition site, if approved as R-O, will clearly serve the public's best interest by meeting and exceeding these standards, with or without an Abbott Town Center plan. The Planning Department's sentiment intentionally ignores the premise that property owners are "the public."

I've contacted all of those who would be impacted by my plans including local Assembly members and all relevant neighbors on Elim Street. The responses to my proposal have ALL been supportive. Most expressed great appreciation and said that I was the first business person willing to take the time to go door to door with plans that would affect their neighborhood and livelihood.

This would be the only full-service/self-standing photography studio in South Anchorage.

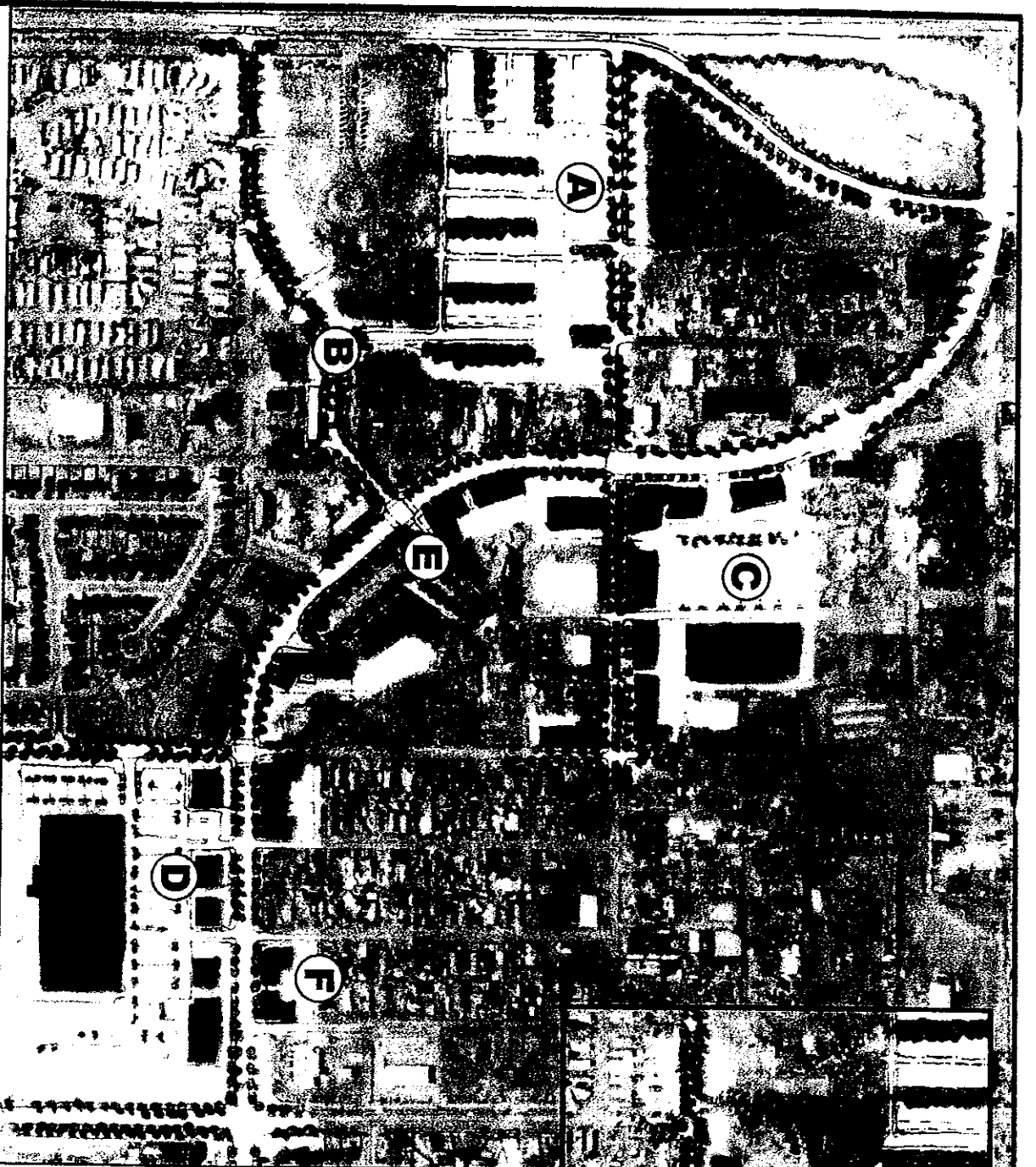
I plan to conduct my business in a way that will be an inspiration to other businesses and residences in the area. I look forward to being the first business that TRULY adheres to the Abbott Loop Town Center concept. I am revitalizing an existing structure that will be an attractive corner in the neighborhood for many years to follow.

Thank you for your consideration. I welcome your questions and comments and I ask for your support of my proposal to operate a studio under an R-O rezone.



David Jensen

11-12-2002



Alternate Route for new 92nd Ave
Crossing of Seward Highway

KEY

- A** New Residential Development
- B** New 92nd Ave Connection across New Seward Highway.
- C** New Safeway with Retail 'Pads' Fronting N 88th Ave
- D** Fred Meyer and Retail 'Pads' Fronting Abbott Loop Road
- E** First buildings in Town Center Core with Commons
- F** New Residential/Office Development

5-Year Interim Plan for Abbott Town Center Core

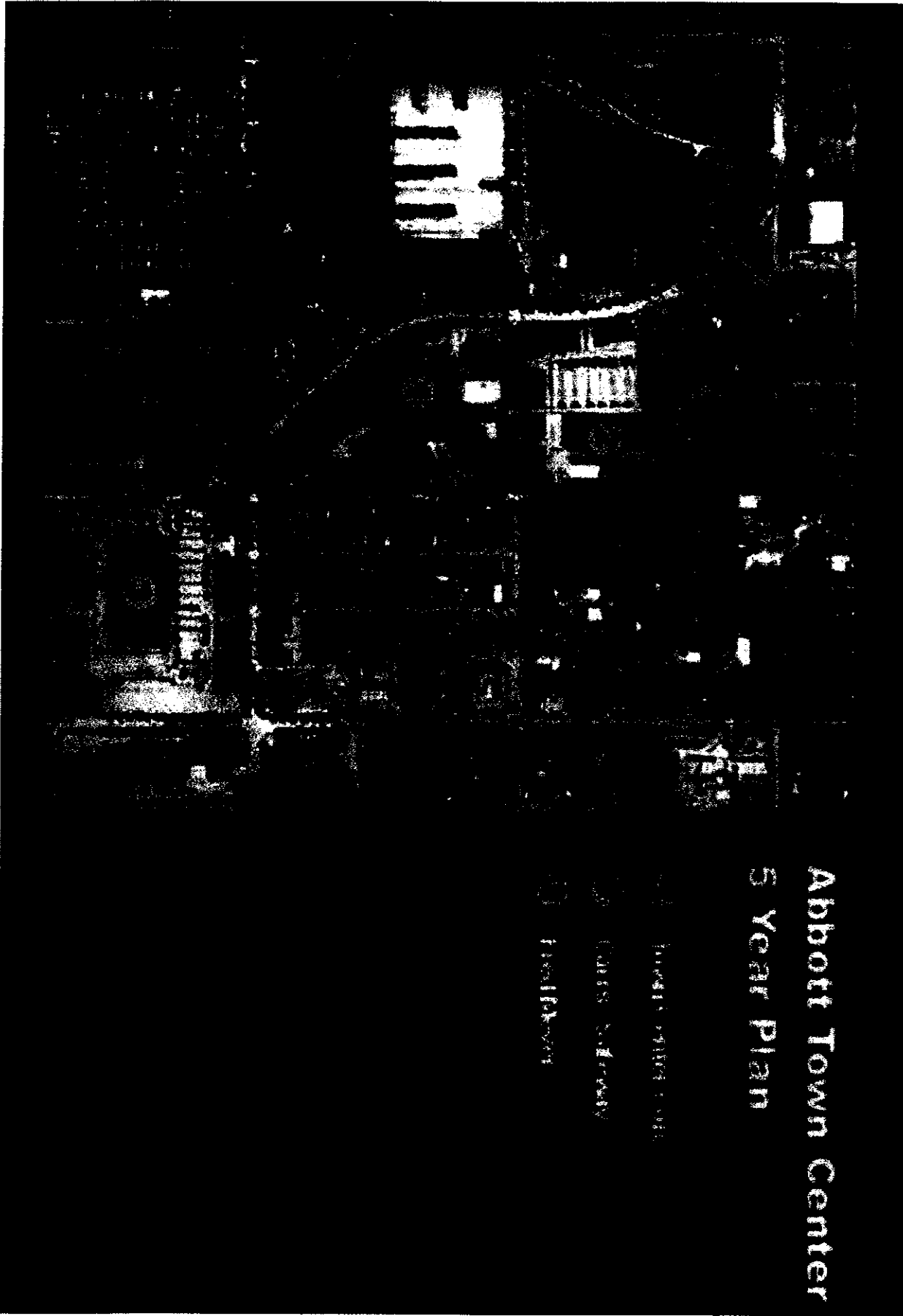
This plan shows the development actions most likely to occur within 5 years of the Town Center Plan adoption. See key at right for details per property.



LENNERTZ COYLE & ASSOCIATES, LLC
TOWN PLANNERS

ABBOTT TOWN CENTER

5-YEAR PLAN



Abbott Town Center
5 Year Plan

- ROADS OPEN TO TRAFFIC
- ROADS CLOSED TO TRAFFIC
- PARKING

NOTE: As the petitioner, I have altered this document with comments that are highlighted with a grayscale background. These Comments are in rebuttal to several inaccuracies, discrepancies or subjective/non-legal opinions presented by the Planning Department in your original packets.

Thank you for your consideration.

D Jensen 1/13/03
David Jensen

**PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING**

DATE: January 13, 2003

CASE NO.: 2003-015

APPLICANT: David Jensen

REQUEST: A request to rezone approximately 0.26 acres (11,250 SF) from R-5 (Rural Residential) to B-3 SL (General Business with Special Limitations)

LOCATION: Moorehand Subdivision No. 4, Lot 20; generally located on the northwest corner of Elim Street and Abbott Road.

SITE ADDRESS: 9130 Elim Street

COMMUNITY COUNCIL: Abbott Loop

TAX NUMBER: 014-293-19

ATTACHMENTS:

1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

RECOMMENDATION SUMMARY: Denial of B-3 zoning as it is a spot zoning and premature prior to completion of the Abbott Town Center Plan. See discussion.

SITE:

Acres: 11,250 Square Feet/ 0.26 acres
Vegetation: Spruce and Birch
Zoning: R-5
Topography: Level
Existing Use: Single Family House
Soils: Public Sewer and Water Available

COMPREHENSIVE PLAN:

Classification: Anchorage 2020 - Abbott Town Center
Density: Anchorage 2020 - Not Applicable

APPLICABLE LAND USE REGULATIONS:

	<u>Proposed B-3 Zoning</u>	<u>Current R-5 Zoning</u>
Height limitation:	Unrestricted/FAA	Unrestricted/FAA
Minimum lot size:	6,000 SF/50 feet	7,000 SF/50 feet
Lot coverage:	Unrestricted	30%
Density/acre:	12 DUA minimum	6

SURROUNDING AREA:

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-5	R-5	B-3 SL	R-5
Land Use:	Mixed Residential Housing Types including Mobile Homes	Mixed Residential Housing Types including Mobile Homes	Fred Meyer Store	Mixed Residential Housing Types including Mobile Homes

PROPERTY HISTORY:

Variance	5-34-01	Variance approved for petition site to allow a fence which exceeds four feet in height.
R-5	05-17-73	Petition Property zoned R-5. GAAB Ordinance 73-29
Plat	7-17-72	Petition site created via plat 72-122, Moorehand Subdivision No. 4.
Plat	8-27-62	Petition area created via plat P-673 NFO, Strutz Subdivision Tracts 1-5. Plat approved by platting authority on 8-27-62, no filing information available

on the plat.

SITE DESCRIPTION AND PROPOSAL:

This is a request to rezone the site from R-5 to B-3 SL <I requested B-3 OR R-O. Staff ignored/failed to address the issue of RO in its analysis. It is worth noting that Staff was more constructive and cooperative when working with the analysis that led up to 2002-030 as it endorsed R-O zoning along Abbott Road Frontage>. The special limitations offered are to allow onsite parking expansion from existing to an additional six spaces <for a TOTAL of six spaces> with access only from Elim Street, and to prohibit pole-mounted signs (see special limitation discussion further below).

The petition site consists of a 11,250 square foot (SF) 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.

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.

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. Property to the west is B-3 with the exception of one lot. Property to the east is R-5 however it is being used as a commercial enterprise as an APUC-regulated public utility (ALPAT).

The petition site is located at the southwest corner of two R-5 zoned subdivision's (Morehand 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. (I-1 activities include heavy equipment industrial use, a restaurant, Showgirls, and an auto repair shop). (One residence (in the I-1 Zone, has had numerous run-ins with the Anchorage Police Department for alleged drug activities.) 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. The east side of the petition site also includes a yet-to-be built 2-story commercial building

as approved May 6, 2002 by P&Z with R-O zoning. 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. The Fred Meyer area also includes several heavy use commercial uses such as Blockbuster Video, Carl's Jr. fastfood restaurant, etc.)

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.

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. I have asked for specific timelines for the draft Town Center Master Plan but information has not been provided.

SYNOPSIS OF FINDINGS

This request appears 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. All available information indicates that Abbott Road frontage property will not be developed as residential property.

Regarding the first criteria, this request for commercial zoning is for a single small lot of 11,250 SF, surrounded on three sides by R-5 zoning (While Zoning on the East side is R-5, a business -ALPAT- has operated as a public utility for decades.) The commercial zoning exists across a very wide, highly traveled street. The request is only legally before the Commission as the zoning boundaries for lots abutting a road run to the middle of the right-of-way, and this lot directly abuts the right-of-way. If not abutting the zoning district that is desired for rezoning, the petition area must be a minimum of 1.75 acres. The petitioner also states in the application that either B-3 or R-O (Residential Office) district is desirable, but as the lot is not abutting R-O property, only B-3 could be applied for in this case.

There is also an issue of lot size in terms of creating a developable parcel for this zoning district. Although the lot does meet the minimum size requirements for the proposed district, in general B-3 zoning should be at least two lots deep, such as with the rezoning that was approved recently between Arlon and Golovin Streets. (The Planner has stated here that the minimum size requirement is met but is using subjectivity to guide his/her judgements.) The reasoning behind this is that to accommodate required parking, landscaping, and other characteristics of use as required in the Supplementary District Standards of AMC Title 21, a larger parcel than the minimum is required. For this particular use, this lot is sufficient. (The Planner has stated again that the minimum size requirement is met.)

However, for future redevelopment it could not contain the required parking, etc. for a restaurant, office or other use. This was noted by the consultants for the Town Center plan for the Arlon/Golovin rezoning, and is also noted in the Spenard Commercial District Development Plan as necessary for this type of zoning. The lack of ability to assemble parcels for the benefit of future development further shows singling out the lot for special treatment. This criteria is met.

The second criteria is also met as this lot is being singled out purely for the benefit of the land owner, and is not in the best interest of the public. (The ultimate purpose of land ownership is that it might benefit its owner. Residually, that ownership benefits the public interest through services offered, tax revenues, area employment, economic development in the community, etc. The petition site, if approved as R-O, will clearly serve the public's best interest. The Planner's do not seem to understand that property owners are "the public." The justification for this rezoning is to allow an existing house, which is in satisfactory condition, for a commercial use as opposed to using other property nearby which is already properly zoned. (Other retail properties are not currently available in this area.) This lot has a viable existing use sited on the lot, and only recently had been rented out as a residential dwelling. See below for public interest.

The third criteria is met as *Anchorage 2020* Anchorage Bowl Comprehensive Plan Policy 21 specifically states that "Rezoning of property to commercial use is only permitted when designated in an adopted plan." Although there is no adopted residential intensity or land use plan within *Anchorage 2020*, and thus according to AMC Title 21 the 1982 plans generally apply, this request is counter to several Policies in *Anchorage 2020* which calls for conservation of residential lands and call for avoidance of further strip commercial zoning. As stated by the Commission, Resolution #2002-030, #18: The Commission finds that, in the absence of an approved plan, this rezoning would reduce residential, which is contrary to *Anchorage 2020*, but there are numerous other instructions in the Comprehensive Plan that direct new development in Town Center areas.) Thus, the 1982 Plan intensity and land use maps would not apply. Also, the Town Center Plan for this area is in the process of being completed. This plan will provide for the basis of evaluation of this and other future proposals for rezoning, as called for by *Anchorage 2020* Policies. This rezoning request is thus not in the interest of the general public, and should at a minimum be postponed until the Town Center Plan public review draft is available to review the request in light of the public interest, and not only in light of the interest of the land owner. (The P&Z Commission, in Resolution 2002-030, #16: The Commission finds that residential development would not be likely to occur on the frontage along Abbott Road, and finds that small local developers are key to the community's economy.)

As all three criteria appear to be met, the Department finds this request to be a spot rezoning.

The Department recommends that further rezones in this area be postponed until at least after the public review draft Town Center Master Plan is available in 2003.

The Department has been unable to specifically state when a Town Center Plan would be available. This draft plan will provide a basis for the evaluation of this proposal. It will provide a basis for evaluating whether commercial use is appropriate at this site, and, if so, what site development standards apply. If the Master Plan would limit the spread of commercial to the core, then the gradual rezoning of the north side of Abbott Road could compromise the Town Center. (Preliminary reports (see P&Z meeting minutes, May 6, 2002 - 2002-030) suggest that development along Abbott Road frontage would encourage development of a Town Center.)

Although there was a rezoning request to the east of the petition site, on the north side of Abbott Road between Elim and Golovin Streets, that request did not clearly meet all three criteria for a spot zoning. (I asked Planning Department - on several occasions - for information regarding this petition but information was never provided.) It involved the upgrade of neighboring road access, and involved working with the consultants on the Town Center Plan and the assembly of several lots in order to create a development and design that would more effectively fit with the concept for this Town Center. Although the plan is not yet adopted, it involved a rezoning not to B-3, but to R-O with special limitations to ensure it would dovetail into the Town Center Plan concept for this area when adopted. The petition site for this request cannot legally apply for R-O, and due to the size and the concern of the interest of this rezoning to be that of benefit to the general public, it is a premature request until at least a public draft of the Plan is available. (The Planning Department cannot provide a timeline for the plan and it is unreasonable to ask developers to wait indefinitely based on MOA's inability to produce realistic information.)

COMMUNITY COMMENTS:

At the time this report was written, there were 2 returned public hearing notices (PHN) received out of 72 public hearing notices mailed out, with one in opposition to the requested rezoning and one returned undeliverable (The sole respondent, Mr Paul Weimer, lives half-way between 88th & Abbott Road on Toloff Street. The affect of daily commercial activity on the petition site would likely have no daily impact from noise, traffic or commerce on the respondent's property - as a side note, the opposite side of Toloff Street is already well-established as B-3 SL property.) There was no returned response from the Abbott Loop Community Council. However, the petitioner has made several attempts to schedule this request on their agenda. (Petitioner has produced signed letters of support for the rezone petition from the owners of 8 parcels immediately surrounding the petition location. These letters are all available for review.)

FINDINGS:

21.20.090 Standards for Zoning Map Amendments and 21.05.080 C, D, E.

A. Conformance to the Comprehensive Plan.

This standard is not met. It is not logical to state that a standard has not been met if the Comprehensive Plan is incomplete or not finished – which is apparently the case since the Abbott/Lake Otis Town Center plan is not available. Planning is suggesting that the Comprehensive Plan is dependent upon completion of an Abbott/Lake Otis Town Center plan.

This proposed rezoning is located near the heart of the study area for the designated Abbott/Lake Otis Town Center. This town center is one of seven such areas identified in *Anchorage 2020*. In April, 2002, a recommended development concept for the Abbott/Lake Otis Town Center core and surrounding area was developed by consultants through a design charrette and public meetings. The charrette resulted in preliminary land use and development/design concepts for the town center area. After further analysis, including a market study, the consultants are scheduled to complete a draft Town Center Master Plan in 2003 for public review and adoption. The Master Plan will include both a land use plan and urban design guidelines for future development.

The Comprehensive Planning Division of the Planning Department recommends that further rezones in this area be postponed until at least after the public review draft Town Center Master Plan is available in 2003. (The same response was stated to P&Z during discussions of Resolution 2002-030 however the Commission decided it was in the public's best interest to approve that resolution.) The draft Town Center Master Plan will provide a basis for the evaluation of this proposal. It will provide a basis for evaluating whether commercial use is appropriate at this site, and, if so, what site development standards apply. If the Master Plan would limit the spread of commercial to the core, then the gradual rezoning of the north side of Abbott could compromise the Town Center.

████████████████████ If anything, it will revitalize the neighborhood and encourage a Town Center plan just as expected with the petition identified in Resolution 2002-030.

This proposed rezoning conflicts with *Anchorage 2020* policies for the preservation of residential land and avoidance of further spread of strip commercial along Anchorage's arterial streets. Several policies within *Anchorage 2020* in particular are relevant to this proposed rezoning. The first of these, policy #14, states (in part):

Conservation of residential lands for housing is a high community priority. ...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.

A theme of *Anchorage 2020* is the preservation of Anchorage's remaining residential land, and to focus future commercial development in existing commercially zoned properties and in designated Town Centers / Major Employment Centers. The Town Center Master Plan is not yet in place to

designate the location of mixed/commercial versus residential uses in this area. Since the proposal is inconsistent with *Anchorage 2020*, the 1982 Generalized Land Use Map designation of commercial/industrial uses in this area should not be used for guidance in this case, per AMC 21.05.080.B:

The Generalized Land Use Plan and the Residential Intensity Plan in the 1982 *Anchorage Bowl Comprehensive Development Plan* shall remain elements of the comprehensive plan for the Anchorage Bowl, but only to the extent not in conflict with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan...*

If the Town Center Master Plan does designate the property in question for residential, it may provide viable strategies for residential development along the north side of Abbott Road. (All information relating to the property in question infers that will not develop residentially.) Recent examples of residential development of varying densities, designs, and ownership patterns along arterial class roadways are available. (On inspection, it is unreasonable to expect that frontage property on the North Side of Abbott Road will remain residential in any context.)

Specific Location of Commercial Development within Town Center areas. Town Centers most always include a substantial residential district; in many cases in the Lower 48 the majority of the land area in a town center is residential. *Anchorage 2020* Policy #21 encourages new commercial development to focus in only specified commercial districts within Town Centers, and states that "Rezoning of property to commercial use is only permitted when designated in an adopted plan"—in this case a Town Center Master Plan. (The Commission AND Assembly set a precedent in this location with Resolution 2002-030 and Ordinance 2002- It is critical to a town center to focus and limit retail into existing commercial sites and the town center core. If retail is spread throughout the peripheral Town Center area, it dilutes the retail and erodes the residential. Policy #21 of *Anchorage 2020* also states that "New strip commercial development is strongly discouraged". Strip commercial development is characterized in part by its location. Strip commercial development spreads along a street away from commercial centers (see *Anchorage 2020*, page 117). This proposed rezoning to B-3/R-O comes after a recent rezone of two nearby properties from R-5 to R-O; this phenomenon follows a familiar pattern of incremental spread of strip commercial along public streets, in which one rezone creates a precedent for the next. It is an insidious process that may not be easy to comprehend one rezone decision at a time. (It is not [redacted] if experts conclude (as they have) that the a land use (RO) is predestined to occur. The Planner's terminology compounds a personal bias and disrespect for decisions that have been made by this commission and the Anchorage Assembly) In fact, it is the same Planning Department that recommended R-O for the property 1 block east of this petition site. Multiple rezones gradually erode the supply of residential land, dilute the compact commercial core of the Town Center, and can corrupt, or "strip out", the streetscape character of a public thoroughfare

which is intended to serve the town center and determine its civic environment. (The petitioner has specifically declared his intent to not "strip out" the property.) (The streetscape character, as depicted in provided illustrations, can only be improved upon. The petitioner specifically details plans to improve and revitalize the streetscape character and the neighborhood appearance.)

The Department has received a legal opinion from the Office of the Municipal Attorney that states that it is mandatory for land use decisions to follow the Comprehensive Plan.

A draft Abbott Town Center Master Plan is expected in 2003 (WHEN???). The Master Plan will provide a basis for how development proposals should be evaluated in the town center area. It will include a land use plan map, and will determine if commercial development along the north side of Abbott Road will benefit or further compromise the Abbott Town Center. Commercial development is already approved via 2002-030. (The Commission and the Anchorage Assembly have already set a precedent through support of development on the North Frontage side of Abbott Road.) The land use plan will also address the locations and proposed densities of residential development to support the town center. To continue to allow incremental, uncoordinated rezones in the months leading up to the adoption of the Plan, possibly could possibly compromise the town center before its Plan is adopted. (A plan will not be adopted in months - especially if is not even know when such a draft will be released.)

The Town Center Plan is also anticipated to provide a set of consistent development standards for the town center area. Consistent development standards allow the various properties of the Town Center to appear and function as an integrated unit. Staff believes that postponement of this case and further rezones until later in 2003, when the Town Center Master Plan can provide design guidelines and site development standards, is preferable over applying rezone-by-rezone Special Limitations that may or may not be consistent with the overall Town Center development/design program. The Commission and Anchorage Assembly have already spoken to this issue with decisions relating to Resolution 2002-030 and Ordinance

In order to preserve the effectiveness of the Town Center Master Plan, and to avoid a incrementally rezoning a substantial amount of residentially owned property before a town center plan can be adopted, the Comprehensive Planning Division recommends postponement of this case.

AMC 21.05.080.C. provides zoning map amendments shall conform to the land use classification maps, except where the approving authority finds one of the following:

- Existing uses that do not conform to the land use classification maps are integrated compatibly into the area;

The existing R-5 provide a sizeable area of land – 76 lots – on which a mobile home may be a principal structure and use. There are only two zoning districts that permit this, the R-5 and R-5A. Therefore the current zoning provides affordable housing. The residential area, while old has very few vacant lots. As developed, the residential uses are nonetheless integrated compatibly in the area, despite surrounding commercial and industrial uses. The Abbott area Town Center plan is under works, and until a public draft is available to provide guidance in analyzing this site, the Department finds this request to be premature, at least. Although the consultants for that plan have determined previously that the Plan may potentially promote a mix of office and residential use for this general area, which is peripheral to the Town Center core area, there are concerns that the gradual rezoning of this area to strip commercial, prior to Plan finalization, could compromise the Town Center. See Synopsis of Findings at beginning of analysis for discussion.

- The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning, or

The petitioner has proposed a commercial use for the site, which according to the submittals will be housed in the existing single-family house on the site. The only site changes proposed are regarding addition of signage and some parking. (Planning has ignored or intentionally omitted submitted plans to renovate the front landscaping into an aesthetically appealing yard that will improve the appearance of the neighborhood and Abbott Road frontage.)

Although it would not appear that retaining the existing structure with only minor site changes would make the use incompatible with the surrounding residential area, the requested zoning allows many other uses and structures that would be permitted if this use went away. (This is not relevant to the petitioner's proposal. Zoning can easily be designed to prevent through special limitations uses not desired or compatible to this lot.) Further, the petition site is not currently suitable or desirable as a residential use, short-term or long-term.) Restricting the use with this rezoning to only that which is being proposed, and only to be housed in a single-family structure has the effect of allowing a rezoning only for the benefit of the particular property owner, without regard to public interest. If the zoning is restricted to the amount that would make commercial compatible with residential, absent the Town Center Plan, it has the effect similar to simply changing the residential zone to allow commercial. This is not compatible with the intent of the residential R-5 zoning district. A rezone to R-O is consistent with the precedence of 3002-030. Reasonable thinking and

analysis suggests that the property is destined to be used in commercial application - probably sooner than later.

- The proposed use does not conflict with the Anchorage Bowl Comprehensive Plan goals and policies pertaining to the surrounding neighborhood or the general area. Zoning map amendments at a boundary between land use categories shall be subject to design standards that will make the zoning map amendment compatible with land uses in the adjacent land use category.

See Comprehensive Plan discussion above.

At the time of a 1999 rezoning request for a site to the east of the petition site, the 1982 Anchorage Bowl Comprehensive Plan projected commercial along the south side of Abbott Road and at the northwest corner of Abbott and Lake Otis, and in fact, property was zoned to B-3 SL and while development has occurred, it is underdeveloped. On the other hand, the development of this land has occurred slowly, and the majority of land is still vacant.

At the time Independence Park was rezoned and developed as a residential community, property on both sides of Abbott at the curve were zoned B-3 SL. Most of this property on the south side of Abbott is developed or now being redeveloped and infilling is occurring. Fred Meyer, Inc. has constructed a new retail/grocery store with gasoline station south of the petition site in this area.

However, the 20 acres of property on the north side of the curve is property that was classified commercial/industrial in the 1982 Comprehensive Plan. Approximately 15 acres were zoned B-3 SL and replatted into 12 parcels, and 5 acres (consisting of 5 parcels) zoned I-1. To the north of that area is I-2 zoned property, which is being developed with a new Carr's/Safeway retail/grocery store with gasoline pump stations.

Of the 12 B-3 SL lots, only 2 are developed, one into a mall and the other into a commercial office building. Of the five I-1 lots two have duplex residential structures, one has an automotive service garage and the remainder is developed with a restaurant and ice skating rink.

Additionally, the property zoned B-3 that fronts onto Lake Otis (at the northeast corner of Abbott/Lake Otis) consists of four lots: one lot is undeveloped, and the other three lots are partially developed (McDonalds, a strip mall and an automatic car wash).

[REDACTED]

Environment

Noise: All uses are subject to AMC 15.70 Noise Ordinance. The abutting land uses are residential and subject to the same noise limits regardless of zoning.

Air: All uses are subject to AMC 15.30 South Central Clean Air Ordinance, and AMC 15.35 South Central Clean Air Ordinance Regulations.

Land Use Patterns

See earlier discussion. This property borders land zoned R-5 to the north, west and east, which is developed as residential with single family, predominately trailer homes. (This is an incorrect statement - Properties on the East side of the petition site (2 lots) are NOT developed as residential. These lots are used as commercial property by ALPAT via APUC as a water utility.) Property to the south, across Abbott Road, is classified as commercial, is zoned B-3 SL and is the site of a Fred Meyer's Store (and multiple other B-3 commercial operations).

Transportation/Drainage

The property fronts onto Abbott Road, across the street from the proposed Fred Meyer Store site. The Official Streets and Highways Plan designates Abbott Road as a Class III Major Arterial. A 50 feet from centerline development setback is required. Abbott is a state owned road, maintained by the Municipality.

In 1997 Abbott Road carried approximately 10,600 vehicles per day. The Traffic Impact Analysis (TIA) completed for the Fred Meyer development to the south of the petition site in 1999. This TIA was for afternoon peak hour only, and showed the volume on Abbott Road during this time at about 1,800 trips at Arlon Street.

The Alaska Department of Transportation and Public Facilities (ADOT&PF) ADT map shows an average daily volume in the year 2000 on Abbott Road as 13,183 vehicles per day without Fred Meyer.

However, if approved, they commented that special limitations similar to those that were adopted by the Planning and Zoning Commission on May 6, 2002 for Arlon Subdivision, Lots 3, 4, 5 and 6 (located to the east of the petition site on the north side of Abbott Road) should be required. The following special limitations are of particular interest to the Traffic Department

If this rezoning request is approved, Transportation Planning recommends prohibiting access from Abbott Road. ADOT&PF had no comment on this rezoning request. My proposal has specifically addressed this issue with access only from Elim Street. Access to Elim from Abbott would be required and parking is designed around this concept.

Road and drainage issues need to be addressed during the plan review for any future development and for the Town Center plan, regardless of how the property is zoned.

Public Services and Facilities

Planning Department neglected mentioning in their synopsis the following:

Office of Planning, Development & Public Works:
No adverse comment regarding 2003-015

Traffic Department:
No objection to the rezoning of this property from R-5 to B-3.

Health & Human Services:
No Comment

Municipal Light & Power
No Comment

Development Services Department: Building Safety Division
No Objections

AWWU
AWWU does not object to the proposed rezone

SOA Dept of Transportation & Public Facilities
No Comment

Office of Planning, Development & Public Works – Right of Way
No comments

Flood Hazard Review
No comments

Roads: The petition site is located within the Anchorage Roads and Drainage Service Area (ARDSA).

Utilities: public sewer, gas and electrical utilities are available to this property. However, the petition property is outside the AWWU certificated water service area. Water service is provided by a privately owned water utility.

Schools: The petition site is located in the attendance boundaries for Abbott Loop Elementary, Hanshew Middle School and Service Senior High. There appears to be no change in the impact to the affected schools as a result of a change in zoning to B-3, as this site is currently occupied by an unused single family structure.

The Anchorage School District uses the most recent 1992-1993 housing stock multipliers by elementary, junior high and senior high attendance boundary, as described in the following table. Note: percentages are calculated as the ratio of the number of students in an area who reside in a given housing type to the total number of housing units of that type in the area.

Attendance Boundary	Single Family	5 to 19 Plex
Abbott Loop Elementary	0.39	0.08
Hanshew Middle	0.11	0.02
Service Senior High	0.19	0.02

Assuming the property remains R-5, with one single family dwelling, the result at the maximum is less than one student at all three schools.

The B-3 Zoning District allows multifamily residential uses at a density of not less than 12 dwelling units per acre. Assuming the property is rezoned to B-3, the 11,250 square foot petition site could

produce three dwelling units, with a potential school population of 1 elementary, and less than one junior or senior high student.

	B-3			R-1		
	Elementary	Junior High	Senior High	Elementary	Junior High	Senior High
Single Family	-0-	-0-	-0-	2	1	1
Multi-Family	2	-0-	1			
Totals	2	-0-	1	2	1	1

Based on data from the Anchorage School District's 6-Year Capital Improvement Plan, 1998 - 2004:

- Abbott Loop Elementary has 26 classrooms, -0- portables, a program capacity of 494, a current capacity of 112% and is projected to increase to 115% capacity by 2003-2004.
- Hanshew Middle School has 46 classrooms, -0- portables, a program capacity of 1,058 students, a current capacity of 88% and is projected to increase to 91% by 2003-2004.
- Service High School has 91 classrooms, 8 portables, a program capacity of 2,093 students, a current capacity of 110% and is projected to increase to 121% by 2003-2004.

However, the development plan proposed by the petitioner for this site does not include any residential development.

Parks: The 1997 Areawide Trails Plan indicates an existing multi-use paved trail along the south side of Abbott Road from Independence Drive to Lake Otis. Rezoning to B-3 will not impact the park and/or trail systems. However, the Town Center plan is likely to include

open/green space, the location and size(s) of which is not know at this time.

Public Safety: The petition site is located within the Police, Fire, Building Safety, Parks and Anchorage Roads and Drainage service areas.

2. The supply of land in the economically relevant area that is in the use district to be applied by the zoning request or in similar use districts, in relationship to the demand for that land.

See earlier discussion regarding location and quantity of vacant and underdeveloped B-3 and B-3 SL lands located along Abbott Road and/or fronting onto Lake Otis.

As part of the update to the Anchorage Bowl Comprehensive Plan, Physical Planning Division did an Anchorage Bowl Commercial and Industrial land use analysis. The study analyzed supply and demand to the year 2020, and evaluated how commercial and industrial uses have used the existing land inventory. Among its findings, as of 1994, the distribution of commercial and industrial land uses are primarily found in Mid-Town (53%) followed by Southwest (17%), Northwest (14%), Downtown (11%) and Southeast (5%). The petition site is located in the Southeast Geographic study area.

Another finding is the B-3 zone is the largest commercial zone in the Bowl with 2,410 acres or 61% of the commercial zoning acreage. 65% of the acreage in commercial zoning districts is not used commercially, and 42% of that acreage is vacant. The presence of noncommercial uses on commercially zoned parcels might indicate a shift in demand for certain commercial uses and the presence of "grandfathered" or nonconforming uses. The largest amount of vacant commercially zoned land in the Bowl is found in Southeast (23.5%), followed by Midtown (21.9%), Southwest and Northeast (21.5% each), and Downtown (11%).

In Southeast there were 35 acres of vacant B-1A, 76 acres of vacant B-3, 13 acres of vacant B-4, 41 acres of vacant PC, and 26 acres of vacant R-O.

There is an issue of lot size with this request in terms of creating a developable parcel for this zoning district. [REDACTED], in general B-3 zoning should be at least two lots deep, such as with the rezoning that was approved recently between Arlon and Golovin Streets. (Planners are being argumentative. On one hand they say the lot meets the petition size requirements however they are editorializing.

If lots "Should" be a certain size the law would dictate as such. What is the legal basis for "Should." The reasoning behind this is that to accommodate required parking, landscaping, and other characteristics of use as required in the Supplementary District Standards of AMC Title 21, a larger parcel than the minimum is required. (The previous sentence contradicts the following sentence.) For this particular use, this lot is sufficient. However, for future redevelopment it could not contain the required parking, etc. for a restaurant, office or other use. (This is irrelevant to the proposal and can be addressed with Special Limitations). This was noted by the consultants for the Town Center plan for the Arlon/Golovin rezoning, and is also noted in the Spenard Commercial District Development Plan as necessary for this type of zoning. The lack of ability to assemble parcels for the benefit of future development further shows that it is preferable for this lot to not be rezoned until at a minimum additional abutting parcels can be assembled with the petition site into one lot for future redevelopment. Otherwise, this request only benefits the proposed use, which could be located on one of the vacant properly zoned parcels in the vicinity. (Planners stated at the pre-application meeting an eagerness to assemble all of the specified Abbott Road Frontage lots for a class-action rezone. They inferred that it would be in the public's best interest and that it should be my responsibility to organize that neighborhood.) While I attempted to contact the affected properties, it is unfair to ask one property owner to take such action when another property owner (Agni/Chambers) was not asked to do the same (Resolution 2002-030).

3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under paragraph 2 above.

The application states that the owner wishes to commence business operations on site in May of 2003.

4. The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.

The proposed rezoning would have the effect of chipping away at the viability of the existing R-5 "block" of residential land for affordable housing. Because the lot fronts onto Abbott, B-3 will begin commercial stripping of Abbott from Lake Otis west toward Toloff. ALL information relating to this plat indicates it will be ultimately zoned commercially. NO information has ever suggested the property will remain residential. Nevertheless, the process began with

approval of countless B-3 Zoning requests all along Abbott Road - on three sides of the petition site.

The Department recommends that further rezones in this area be postponed until at least after the public review draft Town Center Master Plan is available in 2003. The draft Town Center Master Plan will provide a basis for the evaluation of this proposal. It will also provide a basis for evaluation whether commercial use is appropriate at this site, and if so, what site development standards apply. If the Master Plan would limit the spread of commercial use to the core, then the gradual rezoning of the north side of Abbott could compromise the Town Center.

DISCUSSION:

Based on the facts that the plan for the Abbott/Lake Otis Town Center is currently in progress (What is the status of this "progress") Is "progress" really an accurate description of the current Town Center momentum?, that the proposed development is a continuation of the strip commercial rezoning that could (This is unsubstantiated guesswork.) compromise the Town Center planning, and that the Department finds that this is a spot rezoning, the Department must recommend denial of any rezoning at this time; or postponement of this case until a public review draft Abbott/Lake Otis Town Center Master Plan is available. See Synopsis of Findings above.

RECOMMENDATION:

The Department recommends denial of rezoning to B-3 SL; or postponement of this case until a public review draft Abbott/Lake Otis Town Center Master Plan is available.

This recommendation is contrary to the Department's precedential recommendation relevant to 2002-030. The Department's recommendation in this case was to rezone four Abbott Road frontage lots as RO SL.

Reviewed by:

Prepared by:

Susan R. Fison
Director

Angela C. Chambers, AICP
Senior Planner

(014-293-19)

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 9-10-02
IMMEDIATE RECONSIDERATION
FAILED 9-10-02

Submitted by:
Prepared by:
For reading

Chair of the Assembly at
the Request of the Mayor
Planning Department
July 23, 2002.

Anchorage, Alaska
AO 2002- 115

1
2
3
4
5 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
6 AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF
7 APPROXIMATELY 0.86 ACRES FROM R-5 TO ~~B-3 SL~~ ^{R-0} FOR LOTS 3, 4, 5 AND
8 6, ARLON SUBDIVISION, GENERALLY LOCATED BETWEEN ARLON AND
9 GOLOVIN STREETS, ON THE NORTH SIDE OF ABBOTT ROAD.

10 ~~(Abbott Community Council) (Planning and Zoning Commission Case 2002-041)~~

11
12 THE ANCHORAGE ASSEMBLY ORDAINS:

13 Section 1. The zoning map shall be amended by designating the following described
14 property as ~~B-3 SL (general commercial with special limitations)~~ ^{R-0} zone:

15 Lots 3, 4, 5 and 6, Arlon Subdivision as shown on Exhibit "A" (Planning and
16 Zoning Commission Case 2002-041).

17 Section 2. The zoning map amendment described in Section 1 above shall be
18 subject to the following effective clause:

19 Zoning shall become effective upon recordation of a replat to a single parcel *and construction of*
Arlon Street to urban one-half street standards peripheral to the
20 Section 3. The zoning map amendment described in Section 1 above shall be *subdivision*
21 subject to the following special limitations regarding the uses of the property:

22 1 All development or redevelopment on this site shall be subject to an
23 administrative site plan review, which shall comply with the following items
24 to the greatest extent possible:

25 a. Building orientation - Buildings to front onto Abbott Road.

26 b. Building entries and windows - One primary building entrance shall
27 be located on the Abbott Road frontage, or at the corner of Abbott
28 Road and an adjacent side street. For buildings separated into
29 individual units/stalls, each unit's separate primary entrance should
30 face Abbott Road. Between 30% to 60% of the total ground floor
31 wall surface facing any public right-of-way should be glazed with
32 clear glass windows. Upper stories should have 25% to 50% glazed
33 wall surfaces.

- 1 c. Parking – Onsite parking should be placed to the rear (north) of the
- 2 building. Parking should only be accessed from the side streets, and
- 3 should be required to connect through to both adjacent side streets.

- 4 d. Building height – The building walls facing Abbott Road should
- 5 measure at least 18 feet from finished grade to the top of the wall.

- 6 e. Buildings should be built continuously along the frontage of Abbott
- 7 Road, with no more than a 30-foot gap between buildings fronting
- 8 this road.

- 9 f. Pedestrian accesses should be provided from the walkway along
- 10 Abbott Road/front of building through to the parking area in the rear
- 11 of the building.

- 12 g. Where the foregoing conditions conflict with the site in plan in
- 13 Exhibit F, the site plan in Exhibit “F” will control.

- 14 h. The facility shall be designed to serve mixed uses providing consumer
- 15 oriented services in a retail and office setting.

- 16 i. The facility shall include a second level office area, not exceeding 35
- 17 feet in height.

- 18 j. Parking should be accessed from the side streets, Golovin and Arlon
- 19 should connect internally to the adjacent side street entries.

- 20 k. Pedestrian access shall be provided from the adjacent public rights-of-
- 21 way.

- 22 2. Signs: Pole signs are prohibited. Free standing site signage shall consist of
- 23 architectural monument signs.

- 24 3. Prohibited Uses:
- 25 *Any use involving sale, dispensing, or service of alcoholic*
- 26 *beverages*
- 27 ~~Drive-in services, such as drive-in banks~~
- 28 ~~Liquor stores.~~
- 29 ~~Gasoline service station and auto repair maintenance.~~
- 30 ~~Car washes.~~
- 31 ~~Vehicle rentals or sales.~~
- ~~On-site dry cleaning.~~
- ~~Bars or taverns.~~

1 ~~Video or amusement arcades or pool halls.~~

2 ~~Adult style entertainment.~~

3 ~~Transmission towers.~~

4 ~~Mini-storage.~~

5 ~~Taxidermists, meat or game processing and lockers.~~

6 ~~Pawn shops.~~

7 Hotel lodging or other residential uses.

8 Section 4. The special limitations set forth in this ordinance prevail over any
9 inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless
10 specifically provided for otherwise. All provisions of Title 21 of the Anchorage
11 Municipal Codes not specifically affected by the Special Limitations set forth in this
12 ordinance shall apply in the same manner as if the district classification applied by
13 this ordinance were not subject to Special Limitations.

14 Section 5. The Director of the Planning Department shall change the zoning map
15 accordingly.

16 Section 7. This ordinance shall become effective within ten (10) days after the
17 Director of the Planning Department has received written consent of the owners of
18 the property within the area described in Section 1 above to the special limitations
19 contained herein. The rezone approval contained herein shall automatically expire
20 and be null and void if the written consent is not received within 120 days after the
21 date on which this ordinance is passed and approved. In the event that no special
22 limitations are contained herein, this ordinance is effective immediately upon
23 passage and approval.

24 PASSED AND APPROVED by the Anchorage Assembly this

25 10th day of September 2002.

26 1 Nick
Chair

ATTEST:

Municipal Clerk

[Signature]

Section 5. Notwithstanding the foregoing, nothing stated herein shall prevent an amendment by the Assembly to the allowable uses, increasing the type of allowed uses by the application of an overlay zone, or applying an areawide rezoning to the property specified in Sec. 1

In addition to all other permitted principal uses in the R-O Zoning District, a business offering solely onsite: a. copying, b. internet access, c. computer word processing, or d. related services, is a permitted principal use.

Municipality of Anchorage
MUNICIPAL CLERKS OFFICE
Agenda Document Control Sheet

AM 47-2003

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED
	Transmittal of Planning and Zoning Commission Recommendation to the Assembly to Disapprove Rezoning 0.262 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. (Abbott Loop Community Council) (Case 2003-015)		February 25, 2003 INDICATE DOCUMENTS ATTACHED <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input checked="" type="checkbox"/> AIM
2	DEPARTMENT NAME	DIRECTOR'S NAME	
	Planning Department	Susan R. Fison, Director	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER	
	Jerry Weaver Jr.	343-7939	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
6	Mayor		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
5	Municipal Manager	<i>AM</i>	<i>5/6</i>
	Cultural & Recreational Services		
	Employee Relations		
	Finance, Chief Fiscal Officer		
	Fire		
	Health & Human Services		
4	Office of Management and Budget	<i>DL</i>	<i>5/5/03</i>
	Management Information Services		
	Police		
2	Office of Planning, Development, & Public Works	<i>MJS</i>	<i>4-15-03</i>
	Development Services		
	Facility Management		
1	Planning	<i>SNP</i>	<i>4-15-03</i>
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
3	Municipal Attorney <i>1715A</i>	<i>DF</i>	<i>5-1-03</i>
	Municipal Clerk		
5	SPECIAL INSTRUCTIONS/COMMENT		
	<i>ref. to 2003-81</i>		
6	ASSEMBLY MEETING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED
	ASAP		4 weeks after introduction

2003 MAY -6 PM 4:43
 M.C.A.
 CLERK'S OFFICE

Municipality of Anchorage
MUNICIPAL CLERKS OFFICE
Agenda Document Control Sheet

AM 47-2003

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED
	Transmittal of Planning and Zoning Commission Recommendation to the Assembly to Disapprove Rezoning 0.262 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. (Abbott Loop Community Council) (Case 2003-015)		February 25, 2003 INDICATE DOCUMENTS ATTACHED <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input checked="" type="checkbox"/> AIM
2	DEPARTMENT NAME		DIRECTOR'S NAME
	Planning Department		Susan R. Fison, Director
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER
	Jerry Weaver Jr.		343-7939
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
5	Mayor		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
	Municipal Manager	<i>JM</i>	<i>5/6</i>
	Cultural & Recreational Services		
	Employee Relations		
	Finance, Chief Fiscal Officer		
	Fire		
	Health & Human Services		
4	Office of Management and Budget	<i>DCC</i>	<i>5/5/03</i>
	Management Information Services		
	Police		
2	Office of Planning, Development, & Public Works	<i>MJS</i>	<i>4-15-03</i>
	Development Services		
	Facility Management		
1	Planning	<i>SNZ</i>	<i>4-15-03</i>
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
3	Municipal Attorney <i>1715A</i>	<i>JW</i>	<i>5-1-03</i>
	Municipal Clerk		
5	SPECIAL INSTRUCTIONS/COMMENT		
	<i>ref. AD 2003-81</i>		
6	ASSEMBLY MEETING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED
	ASAP		4 weeks after introduction

2003 MAY - 6 PM 4:43
 MUNICIPAL CLERK