

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: September 27, 2005

CLERK'S OFFICE

APPROVED

Date: 10-25-05

Anchorage, Alaska
No. AO 2005-132

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5 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
6 REZONING OF APPROXIMATELY 0.96 ACRES, FROM B-3SL (GENERAL BUSINESS
7 DISTRICT WITH SPECIAL LIMITATIONS) TO SAME B-3SL (GENERAL BUSINESS
8 DISTRICT WITH SPECIAL LIMITATIONS) WITH AN AMENDMENT TO THE
9 PERMITTED USES IN THE EXISTING SPECIAL LIMITATIONS APPLICABLE TO
10 TRACT A-1B, LATHROP SUBDIVISION, GENERALLY LOCATED AT 42ND AVENUE
11 AND LAKE OTIS BOULEVARD.

12
13 (Tudor Area Community Council) (Planning and Zoning Commission Case 2005-109)
14

15
16 THE ANCHORAGE ASSEMBLY ORDAINS:

17
18 **Section 1.** The zoning map shall be amended by designating the following described property as
19 B-3 SL (General Business District with Special Limitations):

20
21 Tract A-1B, Lathrop Subdivision, containing approximately 0.96 acres, as shown on
22 Exhibit "A".
23

24 **Section 2.** This zoning map amendment is subject to the following special limitation
25 amendment:

- 26 1. The Special Limitations list of permitted uses in AO 83-130 shall be amended to include:
27 r. Off street parking spaces or structures with a height limit of three stories or
28 forty-five feet, whichever is higher.
29

30 **Section 3.** This ordinance shall become effective within 10 days after the Director of the
31 Planning Department has received the written consent of the owners of the property within the
32 area described in Section 1 above to the special limitations contained herein. The rezone
33 approval contained herein shall automatically expire and be null and void if the written consent
34 is not received within 120 days after the date on which this ordinance is passed and approved. In
35 the event no special limitations are contained herein, this ordinance is effective immediately
36 upon passage and approval. The Director of the Planning Department shall change the zoning
37 map accordingly.
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PASSED AND APPROVED by the Anchorage Assembly this 25th day of October 2005.

ATTEST:

Anna L. Fairclough
Chair

Brian S. Gmend
Municipal Clerk

(Planning Case Number 2005-109)
(Tax Identification 009-111-98)

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005- 132

Title: Planning and Zoning Commission, Case 2005-109;
 recommendation of approval for a rezoning from B-3SL to B-3
 SL to add parking lot or parking structure to the list of principle
 permitted uses for Tract A-1B ,Lathrop Subdivision, generally
 located at 2000 East 42nd Avenue and Lake Otis Boulevard.

Sponsor:
 Preparing Agency:
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	
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 rezone should have no significant impact on the public sector. If approved, the rezone will include a parking lot or parking structure in the list of principle permitted uses.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning should have no significant economic impact on the private sector. If approved, the rezone would allow for construction of a parking lot or parking garage. The property has never been developed.

Prepared by: Jerry T. Weaver, Jr. _____	Telephone: 343-7939 _____
Validated by OMB: _____	Date: _____
Approved by: _____ (Director, Preparing Agency)	Date: _____
Concurred by: _____ (Director, Impacted Agency)	Date: _____
Approved by: _____ (Municipal Manager)	Date: _____



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 689 -2005

Meeting Date: September 27, 2005

From: Mayor

Subject: Planning and Zoning Commission recommendation of approval for a rezoning from B-3SL (General Business District with Special Limitations) to B-3SL (General Business District with Special Limitations) to add parking lot or parking structure as a principle permitted use for Tract A-1B, Lathrop Subdivision, generally located at East 42nd Avenue and Lake Otis Boulevard.

1
2 The property was first rezoned to B-3SL per AO 83-130. The list of special
3 limitations does not include parking as permitted principle use. There is no mention
4 in the zoning history of the property as to why a parking lot or parking garage was
5 not included in the list of uses.

6
7 The surrounding area is zoned B-3SL (General Business District) and R-O
8 (Residential-Office District), and the uses in the area are generally commercial,
9 office or medical. There are no adjacent residential uses. The addition of parking to
10 the list of allowed uses is consistent with *Anchorage 2020 Anchorage Bowl*
11 *Comprehensive Plan* and the use is compatible with the nearby uses.

12
13 The Planning and Zoning Commission found that this site is identified in the
14 *Anchorage 2020 Anchorage Bowl Comprehensive Plan* as appropriate for this use,
15 and the use as parking is compatible with what exists in the area. The Commission
16 recommended approval of the rezone by a vote of seven aye, zero nay.

17
18 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING
19 COMMISSION RECOMMENDATION FOR THE REZONING REQUEST.

20
21 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

22 Concur: Tom Nelson, Director, Planning Department

23 Concur: Mary Jane Michael, Executive Director, Office of Economic and
24 Community Development

25 Concur: Denis C. LeBlanc, Municipal Manager

26 Respectfully submitted, Mark Begich, Mayor



BOND, STEPHENS & JOHNSON
COMMERCIAL REAL ESTATE SERVICES

August 15, 2005

RECEIVED

AUG 24 2005

**Municipality of Anchorage
Zoning Division**

Mr. Tom Nelson, Director of Planning
Municipality of Anchorage
Planning Department
P.O. Box 196650
Anchorage, Alaska 99519-6650

Subject: Tract A-1B, Lathrop Subdivision
Anchorage, Alaska
Case No. 2005-109
Acceptance of Special Limitations

Dear Mr. Nelson:

Please consider this the official written consent for acceptance of the special limitations as listed in Planning and Zoning Case no. 2005-109; Resolution no. 2005-046 With acceptance of these limitations it is my desire to move forward with the zoning amendment.

If you have any questions, please call me or my consultant, Tim Potter at DOWL Engineers.

Sincerely,

Owner

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-046

A RESOLUTION APPROVING A REQUEST TO REZONE 0.96 ACRES FROM B-3 SL PER AO 83-130 (GENERAL BUSINESS DISTRICT WITH SPECIAL LIMITATIONS) TO B-3 SL TO ADD PARKING LOT OR PARKING STRUCTURE TO THE LIST OF SPECIAL LIMITATIONS PERMITTED PRINCIPAL USES FOR TRACT A-1B, LATHROP SUBDIVISION, GENERALLY LOCATED AT EAST 42ND AVENUE AND LAKE OTIS BOULEVARD.

(Case 2005-109; Tax ID No. 009-111-98)

WHEREAS, a request was received from petitioner Mark Filipenko to rezone 0.96 acres from B-3 SL per AO 83-130 (General business district with special limitations) to B-3 SL to add parking lot or parking structure to the list of special limitations permitted principal uses for lot 12B Lathrop Subdivision, generally located at East 42nd Avenue and Lake Otis Boulevard, and

WHEREAS, notices were published, posted and mailed and a public hearing was held August 8th, 2005, and


WHEREAS, the Planning and Zoning Commission recommended APPROVAL of the rezoning request,

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

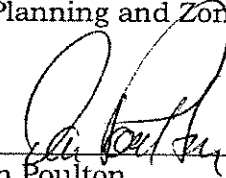
- A. The Commission makes the following findings of fact:
1. The petition site consists of a 0.96 acre vacant tract and is located on the west side of Lake Otis Boulevard, and is adjacent to a mixed use/redevelopment area as identified in *Anchorage 2020*. The area was rezoned to B-3SL per AO 83-130 and does not include parking lot or parking structure in the list of special limitations.
 2. The property is approximately 200 feet from Lake Otis Boulevard which is a transit supportive corridor. However, there are no comprehensive plan policies directly linking transit corridors and parking garages.
 3. The proposed rezoning to B-3SL to add parking lot or parking structure is consistent with *Anchorage 2020*, policies 5 and 7.
 4. The proposed use is compatible with existing uses in the area. The area is generally commercial, office and medical and the existing adjacent zoning districts are R-O and B-3SL. There are no other residential districts or residential development adjacent to the subject property.
 5. Future expansion of this area and the adjacent U-Med area may require additional parking, at some later date. There are no other parking lots or parking structures as the principal use in this area.

6. The Commission has unanimously (7-0) recommended approval of the request. There were no comments received from the community council or the surrounding property owners.
- B. The Commission recommends that the request for a rezoning from B-3 SL to B-3 SL to add parking lot or parking structure to the list of principal permitted uses for Tract A-1B, Lathrop Subdivision, generally located at East 42nd Avenue be APPROVED by the Anchorage Assembly.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission
this 8th day of August 2005.



Tom Nelson
Secretary



Don Poulton
Chair

(Case 2005-109: Tax ID No. 009-111-98)

ab

F. REGULAR AGENDA - None

G. PUBLIC HEARINGS

- 1. 2005-104** MOA / Heritage Land Bank. Plan
Amendment Crow Creek Area Master
Plan.

POSTPONED TO OCTOBER

- 2. 2005-109** Mark Filipenko. A request to rezone
approximately 0.96 acres from B-3SL
(General Business with Special
Limitations) to B-3SL. This rezone request is
to change the Special Limitations to allow
off street parking spaces or structures as a
principle use. Lathrop Subdivision, Tract
A1B. Located at 2200 E 42nd.

Staff member AL BARRETT stated 70 public hearing notices were mailed and no response was received from the community council or members of the public. This is a request to modify the list of special limitations (SLs) found in AO 83-130 that limit some of the permitted uses on this property. The applicant is specifically requesting to add surface parking or a parking structure to the list of SLs. The Department is recommending approval, finding the proposal is generally consistent with the Comprehensive Plan. Regarding Policy #5, general land use, the lot is comparable to what is in the area and a parking structure would be compatible in scale and use. The area is generally commercial and medical office. Regarding Policy #7 to avoid incompatible uses adjoining one another, the lot is not adjacent to residential use and the location of a parking use between commercial uses is not incompatible. Environmental and land use patterns have been examined and the inclusion of parking within the existing uses is consistent. The transportation standard has been met as the road to the property has been built. The issue of drainage will be addressed during permitting of the property. Staff is recommending, in order to keep the use in scale with the existing structures, that if a parking garage is developed, it should be limited to three stories in height or 45 feet, whichever is higher.

The public hearing was opened.

TIM POTTER, representing the petitioner, distributed an aerial photograph and site photographs. He indicated this is a straightforward request that is essentially housekeeping in nature. When the ordinance was originally approved, it proposed a limited list of permitted uses. It removed conditional use and accessory uses in which a parking structure or surface parking

would be included. Although there are commercial buildings adjacent to this site, there could not be parking on this lot unless it was associated with a building on the same lot. In the U/Med District there has been a transition and increase in development patterns from general office and some retail to primarily medical office. One of the adjacent buildings facing onto Lake Otis is an office building transitioning to medical office and ADOT has a facilities office, some of the parking for which occurs in the right-of-way rather than on their lot. He believed that in the short-term there is need for at-grade parking. A later use is probably lower level parking and a medical office building. He noted that if the lot line did not exist between this lot and the lot, either to the east or west, parking would be permitted on it.

COMMISSIONER T. JONES asked if the petitioner agrees with the proposed special limitation (SL). MR. POTTER replied that there is no objection to the SL, so long as it is understood that it applies to a parking structure only and there could be a building higher than that on this property. COMMISSIONER T. JONES asked how this SL would apply to a structure with parking on the bottom level and office use above. MR. POTTER stated his desire is that the SL applies only to a building that is exclusively parking or the parking portion of a building.

COMMISSIONER PEASE noted the application indicates the lot would be developed when there is a need for parking. She asked if that indicates there is not a current need. MR. POTTER replied that there is no absolute need at this time, except that there are people currently parking on this property as overflow parking from adjacent properties. The proposed purchaser of the property is looking at a modification to one of the adjacent structures that would create the need for additional parking in this area.

COMMISSIONER T. JONES understood that parking is occurring on this property in an unimproved state. MR. POTTER confirmed this is the case.

COMMISSIONER WIELECHOWSKI asked if Staff objects to not having a 45-foot height limitation on a building that is later developed that is combined parking and another use. MR. BARRETT replied that such a building would be a normal B-3 development that would not have a height limitation and the three-story/45-foot limit applies only to a building that is solely a parking garage.

The public hearing was closed.

COMMISSIONER T. JONES moved for approval of the rezoning to B-3SL from B-3SL with the purpose to amend the special limitation list to allow surface parking and parking structure consistent with a special limitation r. Off street parking spaces or structures as a permitted use with a height limit of three stories or forty-five feet, which ever is higher for surface parking and parking structure consistent with the proposed SL.
COMMISSIONER WIELECHOWSKI seconded.

COMMISSIONER T. JONES supported this rezoning noting that the special limitation for height relates to structures that are parking only or the parking portion of a building. The SL would not apply to a building with only a portion parking with additional floors above the parking for business uses. She felt this was an appropriate and reasonable request, given the way this area has changed, some 20 years after the previous rezone was enacted. Allowing parking on this lot would allow the current owner to improve the property. She stated she would be pleased to see a parking structure developed in the future.

COMMISSIONER PEASE stated she wrestled somewhat with this rezoning because of the statement there is no demonstrated need; she wondered if it was desirable to encourage parking on an intended transit corridor. However, she found nothing in the transit corridor criteria that limits parking as a use. There is specific language in Anchorage 2020 to limit the expansion of roadways in a transit corridor, but there did not appear to be any limitation on parking. There also appears to be some random need for parking as evidenced by unauthorized parking that is currently occurring on this lot.

AYE: Isham, Pease, T. Jones, Poulton, Simonian, Wielechowski, Debenham
NAY: None

PASSED

3. 2005-075 Wal*Mart Stores Inc. A Site Plan Review for a large retail establishment. Fyfe Subdivision, Block 1, Lots 1 & 2; T13N R3W Section 32, N2NE4SW4SW4 Portion, PARCEL 1-21; T13N R3W Section 32, S2NE4SW4SW4, N2SE4SW4SW4 Portion, PARCEL 1-22; T13N R3W Section 32, SW4SW4SE4SW4SW4 West Portion; T13N R3W SEC 32, SW4SW4SE4SW4SW4 East Portion. Located west of Homer Drive and North of Dowling Road.

Staff member SHARON FERGUSON stated Wal*Mart proposes to construct its first superstore in Alaska on the northwest corner of the Dowling Road/New Seward Highway intersection. The superstore will include general merchandise, grocery, liquor sales, a garden center and automotive center. The property contains Class C wetlands. At the time the Staff report was written there was no information on the status of the permit. There has been no decision to approve or disapprove. A request was heard by the Platting Board in May and a preliminary plat was approved subject to 14 conditions. Access is proposed via two access driveways on 56th Avenue and

PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING

DATE: August 8, 2005

CASE NO.: 2005-109

APPLICANT: Mark Filipenko

PETITIONER'S REPRESENTATIVE: DOWL Engineers

REQUEST: Rezoning from B-3SL per AO 83-130 to B-3SL to amend the Special Limitation list to allow surface parking or a parking structure.

LOCATION: Lathrop Subdivision, Tract A-1B

SITE ADDRESS: East 42nd Avenue

COMMUNITY COUNCIL: Tudor Area; University Area; Campbell Park

TAX NUMBER: 009-111-98

ATTACHMENTS:

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

RECOMMENDATION SUMMARY: APPROVAL, subject to AO 83-130 except as modified herein, the proposal is consistent with the standards of the Comprehensive Plan.

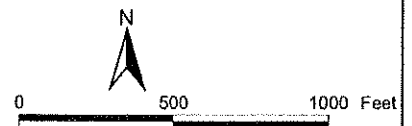
REZONE 2005-109



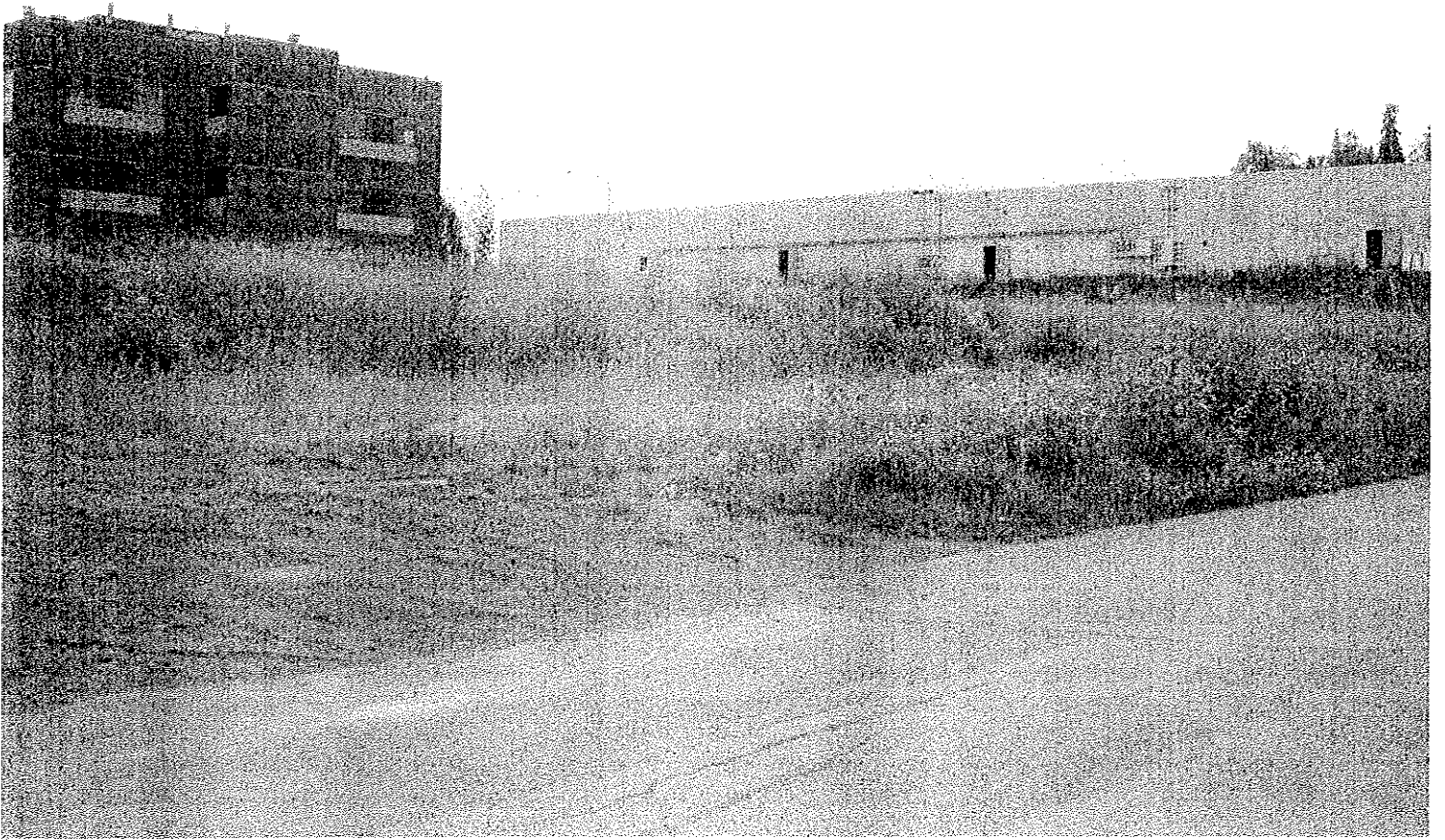
Municipality of Anchorage
Planning Department

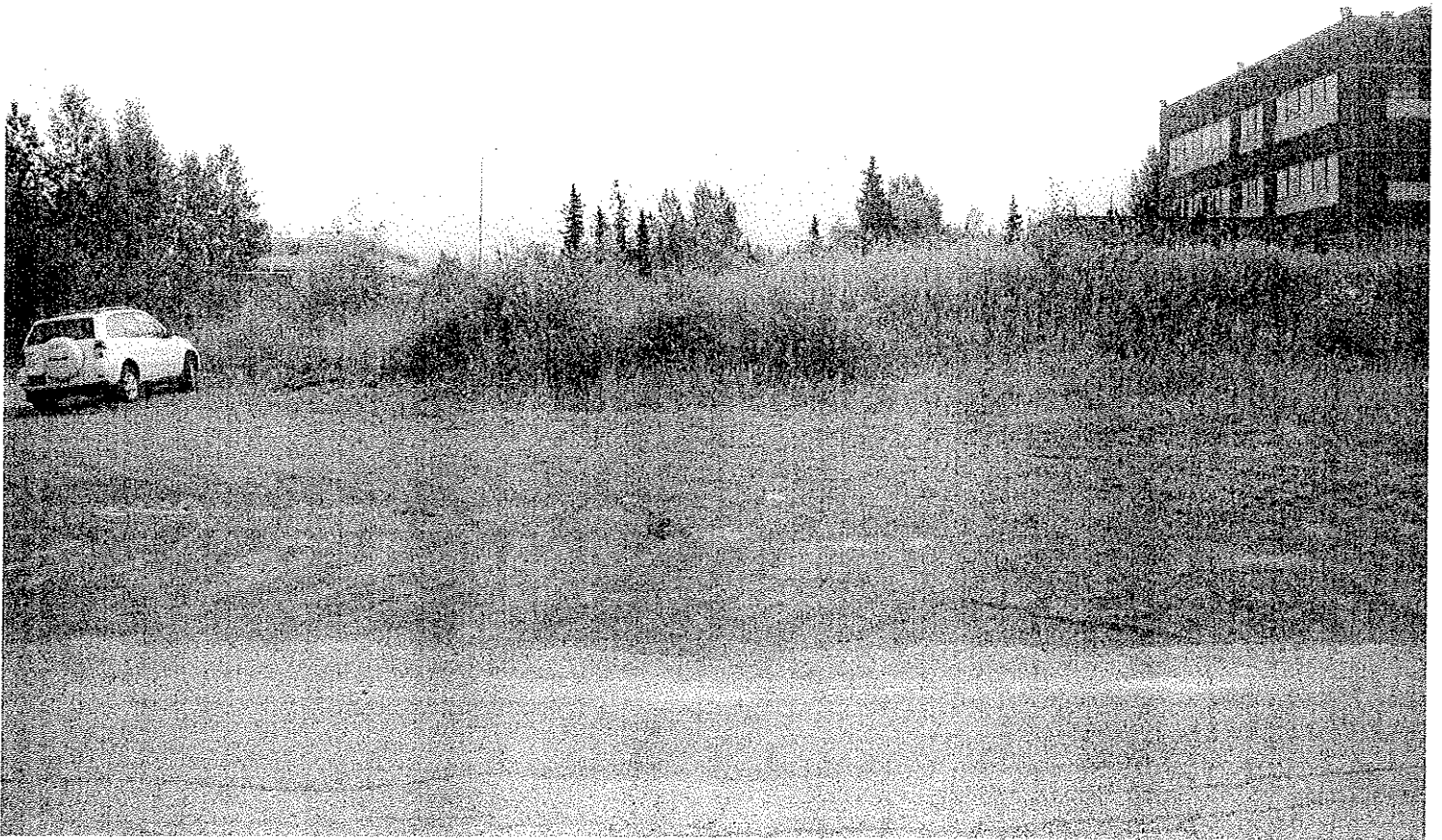
-  Single Family Detached
-  Single Family Attached, Duplex
-  Mobile home
-  Multi - Family 3 & 4 Plex
-  Multi - Family 5+

Date: July 06, 2005



Source: Housing Stock based on 1998 Land Use Invent
Planning Department, MOA





SITE:

Acres: 0.96 acres (approximately 41,820 sq ft)
 Vegetation: Cleared
 Zoning: B-3 (SL) per AO 83-130
 Topography: Generally level
 Existing Use: Vacant
 Soils: Public water and sewer available

COMPREHENSIVE PLAN:

Classification: Redevelopment/mixed use and major employment center are on the east side of Lake Otis Blvd. Lake Otis Blvd is a transit supportive development corridor.
 Density: N/A; residential is not on the list of permitted uses.

SURROUNDING AREA

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-OSL	B-3SL	B-3 SL	PLI
Land Use:	Medical office building	Medical office building	Mixed commercial strip mall	AK-DOT offices

PROPERTY HISTORY

11-16-70 Plat 70-327 Earliest plat Lathrop Subdivision
 03-20-84 Plat 84-72 Replat of Lathrop SD: Tracts A-1A, A-1B, A-1C created
 12-31-70 Rezoning Areawide rezone R-O

10-26-78	Rezoning	R-O to B-3SL per 78-103
08-09-83	Rezoning	B-3SL to B-3SL per AO 83-130

Applicable Zoning Regulations:

AO 83-130, copy attached. The AO does not list parking lots or parking structures as permitted uses.

SITE DESCRIPTION AND PROPOSAL:

The property configuration is a 0.96 acre rectangle, north of Tudor Road and 150 feet west of Lake Otis Parkway, on 42nd Avenue. It has apparently never been developed, although there is a building permit for tenant improvements from 2001. When the property was rezoned by AO 83-130, a parking lot or parking structure as a stand alone use was not permitted, although medical and office uses are permitted. The applicant would like to add parking as a permitted principal use.

FINDINGS:

21.20.090 Standards for Approval – Zoning map Amendments.

A. Conformance to the Comprehensive Plan.

The standard is met.

This is a relatively minor change: adding a stand alone parking lot or structure as a permitted use to the list of special limitations. There does not appear to be any immediate need for more parking, development in the area is commercial and medical related and there appears to be adequate parking on each property.

Policy 5, General Land Use

Rezoning and variances shall be compatible in scale with adjacent uses and consistent with the goals and policies of Anchorage 2020.

As the area grows and office/medical uses expand, there will probably be a need for centralized parking.

Policy 7, General Land Use

Avoid incompatible uses adjoining one another.

A parking structure is not an incompatible use among the medical and office buildings. A height limitation might be appropriate, given the surrounding development.

A. Conformance to the Comprehensive Plan (continued)

1. if the proposed zoning map amendment does not conform to the land use classification map in the Comprehensive Plan explain how proposed rezoning meets one of the following standards:
 - a. the proposed use is compatible because of the diversity of uses in the area,
 - b. the proposed use may be made compatible with special limitations or conditions of approval relating to access, landscaping, screening, design standards, site planning,
 - c. the proposed use does not conflict with applicable goals and policies.

The properties in the area are generally commercial and medical. Staff believes the proposal is compatible as it will have to comply with parking lot design standards. There are no residential uses near the subject property.

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 greater density, explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, using one of the following criteria:
 - i. the area is adjacent to a neighborhood shopping center, other major high density node, or principal transit corridor.
 - ii. not applicable

This section is not applicable.

- b. in cases where the rezoning would result in less residential density...

This question is not applicable.

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

Not applicable.

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 and Land Use Patterns

The standard is met for environment.

The standard is met for land use patterns.

Public water and sewer services are available. The property is vacant and cleared. Drainage issues will be addressed as part of permit process.

The current land use pattern and zoning districts are commercial and medical. Although there is a large amount of R-O zoning in the area, it is medical office use and not residential.

Transportation/Drainage

The standard is met for transportation.

The standard has not yet been addressed for drainage.

42nd Avenue is constructed. A driveway permit from the Municipality may be required.

Drainage will be reviewed during permitting.

Public Services and Facilities

This standard is met.

AWWU water mains and sanitary sewer are available.

There is an existing multi-use paved trail and a planned bicycle route on Lake Otis Boulevard. This project will not interfere with either.

Lake Otis Boulevard is a transit supportive corridor.

Special Limitations

The applicant is requesting an amendment to the Special Limitations in AO 83-130. He is requesting the addition of parking lot or parking structure as a permitted principal use.

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.

There are no stand alone parking lots in the immediate vicinity. All buildings have associated parking on or adjacent to the use. There is no obvious evidence of a current parking shortage. On site parking seems adequate and convenient to the surrounding uses.

The land is vacant and there does not seem to have been any great demand for it. The list of special limitations is not restrictive and allows uses typical of the development in the area. On the other hand, there is no reason a central parking area should not be included in the list of uses.

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.

Public water and sewer are available. The external road network is adequate in terms of level of service. The application states that the site will be developed when the parking demand requires additional parking.

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 comprehensive plan calls for commercial development in this area. The addition of a parking lot to the list of uses is appropriate and does not affect this standard.

COMMUNITY AND COMMUNITY COUNCIL COMMENTS

On July 14, 70 public hearing notices were mailed. None have been returned.

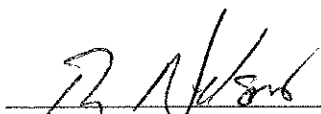
DEPARTMENT RECOMMENDATION:

The proposal is consistent with *Anchorage 2020*. The Department recommends that the proposed rezoning addition of a parking lot or parking structure to the special limitations should be approved.

If the Planning and Zoning Commission wishes to recommend approval, staff recommends the following conditions:

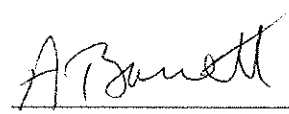
1. The Special Limitations list in AO 83-130 shall be amended to allow:
 - r. Off street parking spaces or structures as a permitted use with a height limit of three stories or forty-five feet, which ever is higher.

Reviewed by:



Tom Nelson
Director

Prepared by:



Alfred Barrett
Senior Planner

2

HISTORICAL MAPS AND AS-BUILTS

Address? 2200 E. 47th rd.

BENEFICIARY:
 Richard J. ...
 BY: HARRY F. SWAGE, ATTORNEY AT LAW
 P.O. Box 1061
 W. 05541

NOTARY ACKNOWLEDGEMENT:
 I, HARRY F. SWAGE, Notary Public for the State of Michigan, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records on this 9th day of March, 1984.
 HARRY F. SWAGE
 Notary Public
 My Commission Expires 12-31-1986

RECEIVED - FILED 10
 March 20 1984
 ANCHORAGE, ALASKA
 DEPARTMENT OF LAND AND MINES

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I, the undersigned, hereby certify that I (we) hold the herein specified property interest in the property described herein. I (we) hereby dedicate to the Municipality of Anchorage all areas depicted for use as public utility easements, streets, alleys, thoroughfares, parks, and other public areas shown hereon. There shall be reserved adjacent to the dedicated streets shown hereon, a slope of 1:12 for a distance of 15 feet from the centerline of the street. There shall also be reserved a 15 foot wide easement for each 1 foot vertical (15 to 1) of slope. The easement shall be provided and maintained by the grantor, their heirs, successors and assigns, the right to use such easement at any time upon providing and maintaining other adequate level support, as approved by the Municipality.
 I (we) hereby agree to this date, and to any restriction or covenant appearing hereon and any such restriction or covenant shall be binding and enforceable against present and successive owners of this subdivided property.
OWNER: TRACTS A-1-A, A-1-B, A-1-C
 Oliver E. ...
 My Commission Expires 12-31-1986

NOTARY ACKNOWLEDGEMENT:
 I, Oliver E. ...
 My Commission Expires 12-31-1986

NOTARY ACKNOWLEDGEMENT:
 I, ...
 My Commission Expires 12-31-1986

NOTARY ACKNOWLEDGEMENT:
 I, ...
 My Commission Expires 12-31-1986

NOTARY ACKNOWLEDGEMENT:
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NOTARY ACKNOWLEDGEMENT:
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 My Commission Expires 12-31-1986

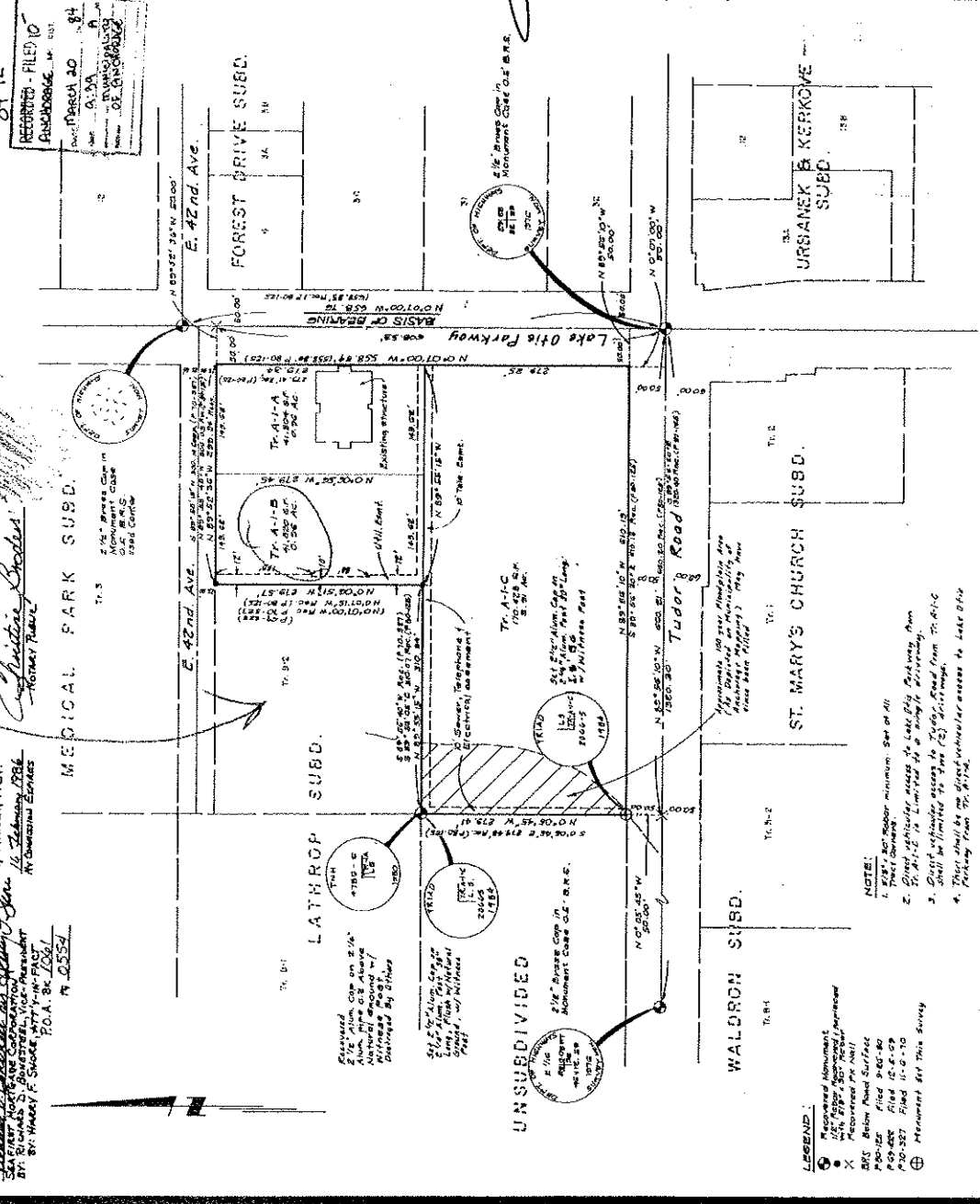
NOTARY ACKNOWLEDGEMENT:
 I, ...
 My Commission Expires 12-31-1986

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 I, ...
 My Commission Expires 12-31-1986



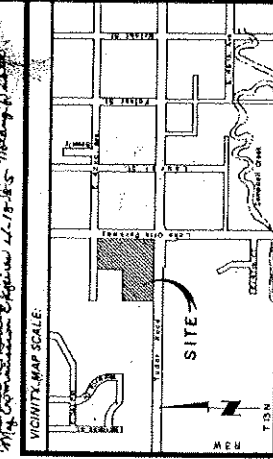
LEGEND:
 1. Proposed Monument
 2. Existing Monument
 3. Recovered Monument
 4. Monument on the Wall
 5. Monument on the Ground
 6. Monument on the Surface
 7. Monument on the Foundation
 8. Monument on the Structure
 9. Monument on the Foundation
 10. Monument on the Structure

ACCEPTANCE OF DEDICATION
 The Municipality of Anchorage hereby accepts for public use and dedication the area shown on this plat, including but not limited to the streets, thoroughfares, alleys, roads, and easements shown hereon.
 Dated this 12th day of February 1984.
 Mayor
 City of Anchorage

TAK CERTIFICATION
 All real property taxes levied by the Municipality of Anchorage on the area shown on this plat have been paid.
 City of Anchorage

APPROVAL
 Planning Officer
 Municipal Engineer
 City of Anchorage

PLAT APPROVAL
 Plat approved by the Municipal Planning Authority
 this 12th day of February, 1984.



TRIAD
 ENGINEERING & SURVEYING
 1000 W. 11th St., Anchorage, Alaska 99501
 Phone: 263-1100

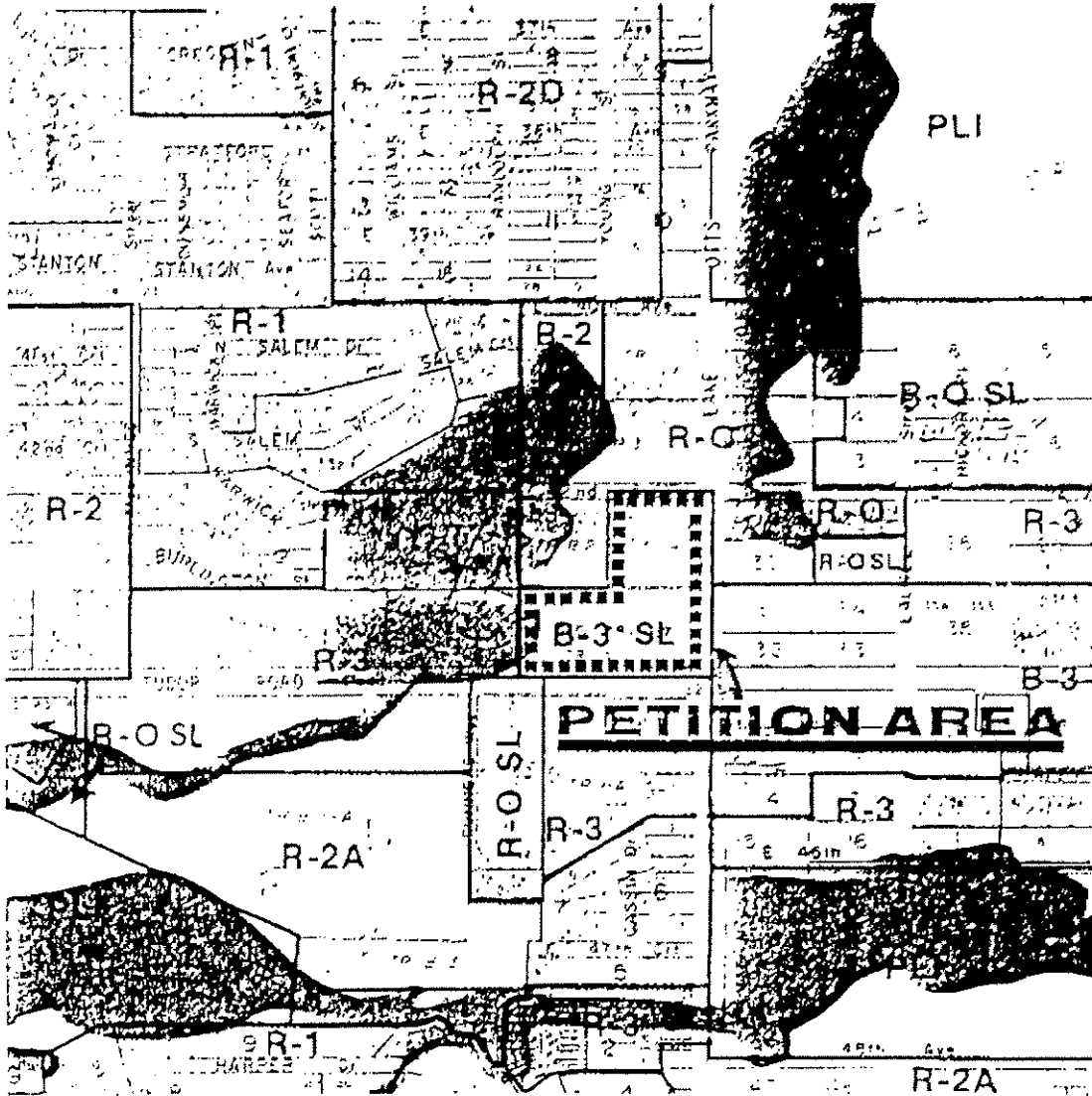
FORM 1795
 State 1" = 100'
 Date Recd. 1984
 W.C. No. EE-252
 M. 029, P. 10-94
 S-6700



RECORDED - FILED 10
 March 20 1984
 ANCHORAGE, ALASKA
 DEPARTMENT OF LAND AND MINES

1984-4534

78-103-2

REZONING

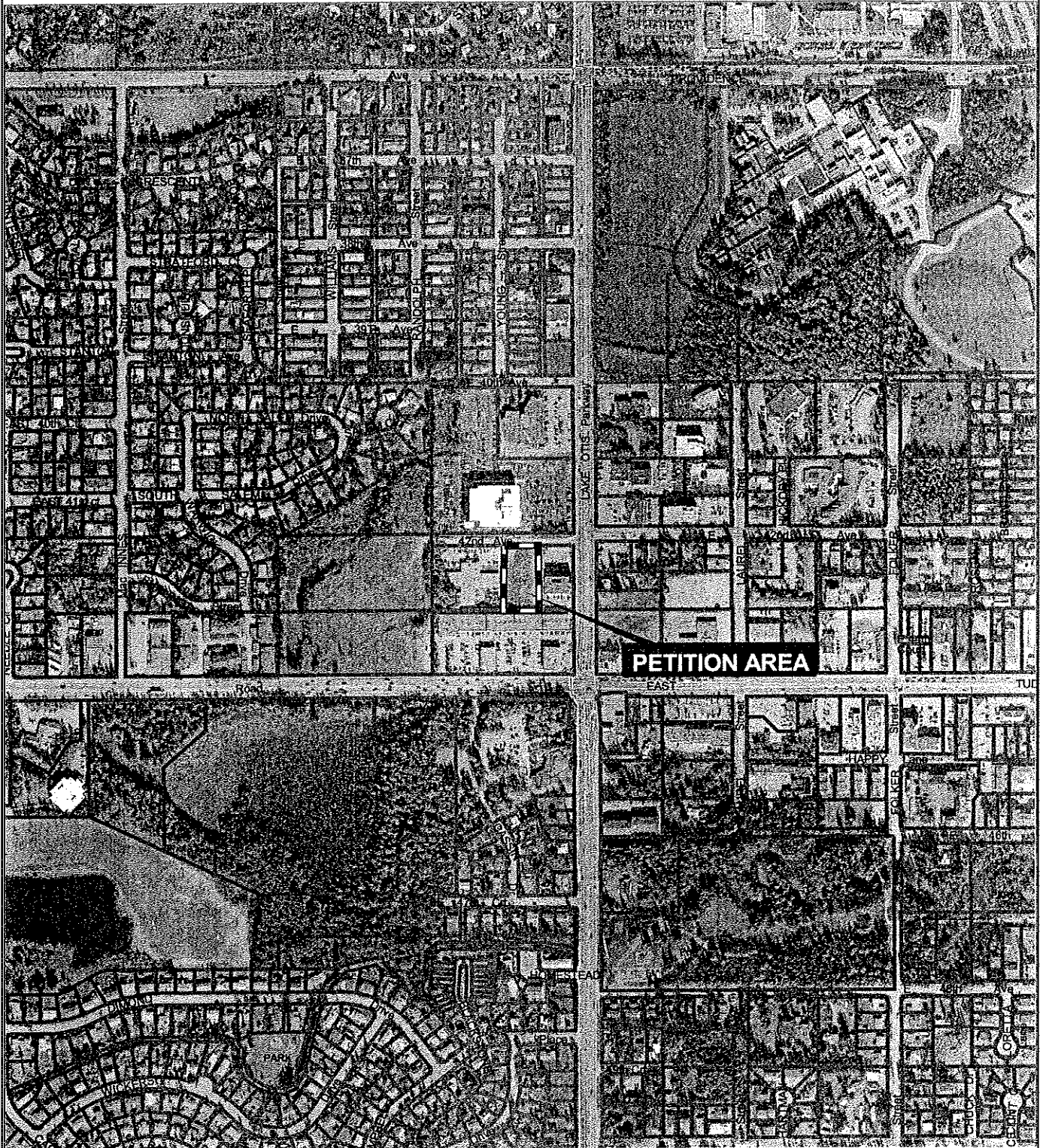


 100 Year Floodplain
 500 Year Floodplain



00-

REZONE 2005-109



Municipality of Anchorage
Planning Department

Date: July 06, 2005



0 500 1000 Feet

Date of Aerial Photography: 2001

3

DEPARTMENTAL

COMMENTS



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



MEMORANDUM

DATE: July 13, 2005
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *L*
FROM: Lynn McGee, Senior Plan Reviewer *L*
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of August 8, 2005.

RECEIVED

JUL 14 2005

Municipality of Anchorage
Zoning Division

Right of Way has reviewed the following case(s) due July 11, 2005.

05-109

Lathrop, Tract A-1B, grid 1733
(Rezoning Request, B-3SL to R-2A to R-2M)
Right of Way Division has no comments at this time.
Review time 15 minutes.

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

FIRST CLASS MAIL

000-000-00-000

*70 mailed
7/14/05*

NOTICE OF PUBLIC HEARING - - Monday, August 08, 2005

Planning Dept Case Number: 2005-109

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

CASE: 2005-109
PETITIONER: Mark Filipenko
REQUEST: Rezoning to B-3SL General business district with special limitations
TOTAL AREA: 0.960 acres
SITE ADDRESS: 2200 E 42ND AVE
CURRENT ZONE: B-3SL General business district with special limitations
COM COUNCIL(S): 1---Tudor Area 2---University Area 3---Campbell Park

LEGAL/DETAILS: A request to rezone approximately 0.96 acres from B-3SL (General Business with Special Limitations) to B-3SL. This rezone request is to change the Special Limitations to allow off street parking spaces or structures as a principle use. Lathrop Subdivision, Tract A1B. Located at 2200 E 42nd Avenue.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, August 08, 2005 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: _____

Address: _____

Legal Description: _____

Comments: _____

4

APPLICATION

Aug 8

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) Mark Filipenko	Name (last name first) DOWL Engineers
Mailing Address 3201 C Street Suite 200 Anchorage, AK 99503	Mailing Address 4040 B Street Anchorage, AK 99503
Contact Phone: Day: 563-7733 Night:	Contact Phone: Day: 562-2000 Night:
FAX:	FAX:
E-mail:	E-mail: tpotter@dowl.com

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

PROPERTY INFORMATION		
Property Tax #(000-000-00-000):	009-111-98-000-06	
Site Street Address:	2200 E. 42nd Ave.	
Current legal description: (use additional sheet if necessary)		
Tract A-1B, Lathrop Subdivision		
Plat 84-72		
Zoning: B-3SL	Acreage: 41,820 sf	Grid # sw 1733

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.

JUNE 17, 2005	<i>James Potter - DOWL ENGINEERS</i>
Date	Signature (Agents must provide written proof of authorization)

Accepted by <i>AB</i>	Poster & Affidavit <i>2</i>	Fee <i>4000</i>	Case Number <i>2005-109</i>
--------------------------	--------------------------------	--------------------	--------------------------------

Application for Zoning Map Amendment continued

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: n/a

Commercial Industrial Parks/opens space Public Land Institutions

Marginal land Alpine/Slope Affected Special Study

Residential at _____ dwelling units per acre

Girdwood- Turnagain Arm n/a

Commercial Industrial Parks/opens space Public Land Institutions

Marginal land Alpine/Slope Affected Special Study

Residential at _____ dwelling units per acre

ENVIRONMENTAL INFORMATION (All or portion of site affected)

Wetland Classification: None "C" "B" "A"

Avalanche Zone: None Blue Zone Red Zone

Floodplain: None 100 year 500 year

Seismic Zone (Harding/Lawson): "1" "2" "3" "4" "5"

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

Rezoning - Case Number:

Preliminary Plat Final Plat - Case Number(s):

Conditional Use - Case Number(s):

Zoning variance - Case Number(s):

Land Use Enforcement Action for

Building or Land Use Permit for

Wetland permit: Army 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.

STANDARDS FOR ZONING MAP AMENDMENT

- A. 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;**

This application is not a traditional zoning amendment request. It is to amend AO 83-130, a zoning district of B-3SL. The amendment would add an additional permitted principal use to the existing uses listed in Section 2 of AO 83-130. The use would be Off-street parking spaces or structures. The surrounding neighborhood is directed and utilized as medical. Medical uses tend to require additional parking due to medical emergencies that physicians will squeeze into their schedules. The site is surrounded by medical uses.

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

Both surface parking and parking structures have enough landscaping requirements that special limitations or additional requirements are not required.

- c. **The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.**

The goals and policies of the Anchorage 2020 Comprehensive Plan support this type of development and there is no conflict. This site is immediately adjacent to a Major Employment Center, which is on the east side of Lake Otis Boulevard. However most of the uses on the west side of Lake Otis Boulevard are medically oriented.

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 criteria;**

- 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;**

Not applicable.

- i. **The area is adjacent to a neighborhood shopping center, or other major high density mode, or principal transit corridor.**

The area is adjacent to a Major Employment Center and is adjacent to Lake Otis Boulevard, which is designated as a Transit-Supportive Development Corridor.

ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.

Not applicable.

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

Not applicable.

B. A zoning map amendment may be approved only if it is 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 effects)

Development of this site as surface parking or a parking structure would have little to no effect on the surrounding development. To the east is a commercial building utilized mostly for medical purposes. To the west is a PLI zoned district that is utilized by the State of Alaska Department of Transportation. To the north is a small strip mall with retail shops. To the south is a large medical services building. Additional parking would benefit the surrounding users.

a. Environment;

The site is currently undeveloped and is situated between two developed properties. Development of the site will require constraints for off-site surface water drainage in order to protect the wetlands to the west of the site.

b. Transportation;

E. 42nd Avenue is currently paved. The site is one lot off of Lake Otis Boulevard, which is designated as a Transit-Supportive Development Corridor.

c. Public Services and Facilities;

All public services and facilities are currently available to this site.

d. Land Use Patterns

North:	<u>B-3SL, small strip mall</u>
South:	<u>R-O, medical building</u>
East:	B-3SL, medical building
West:	PLI, utilized by the State of Alaska

- C. 1. The supply of land in the economically relevant area that is in the same use district to be applied by the zoning request or in similar use districts, in relationship to the demand for that land.

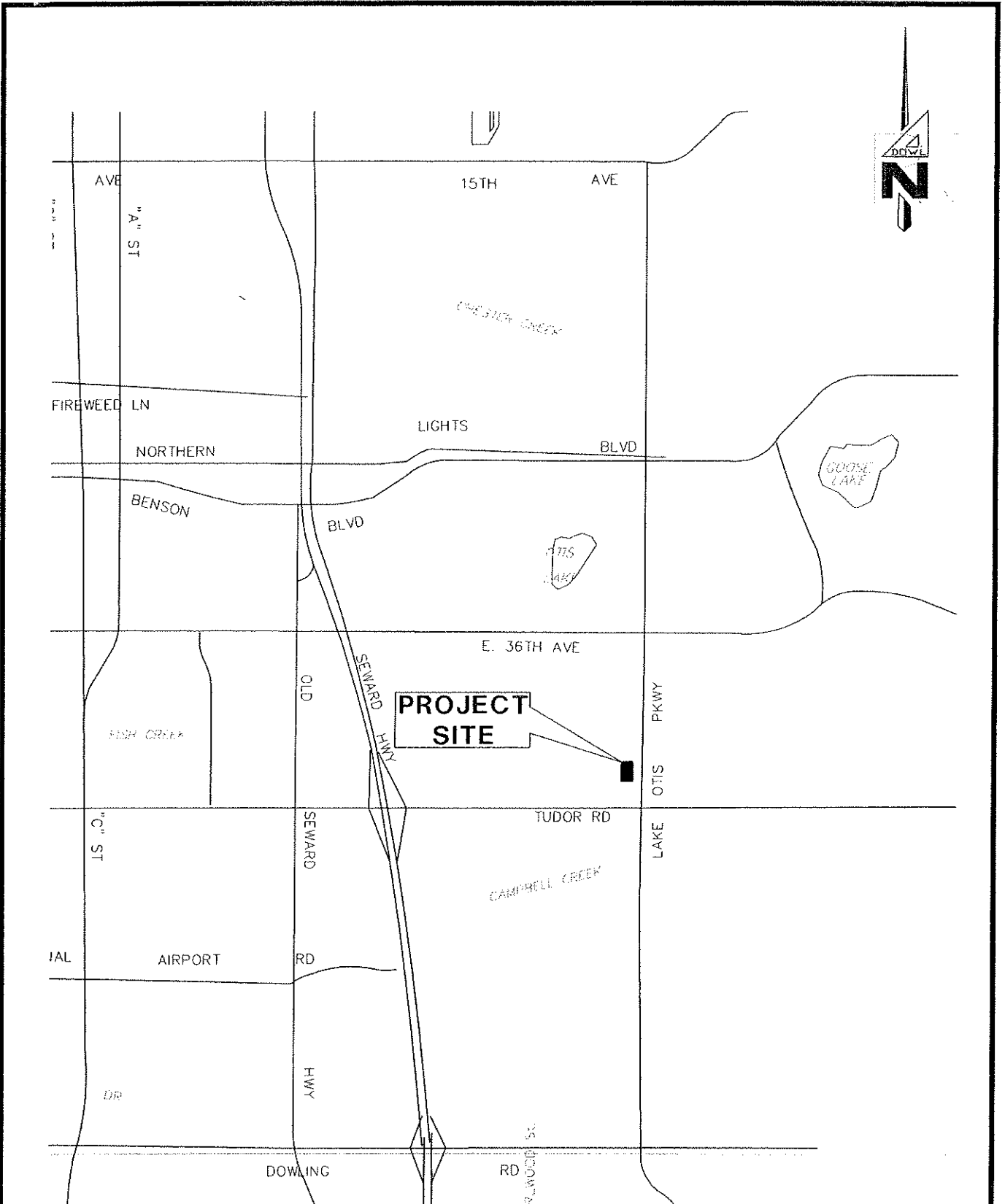
This request does not rezone the property; it only adds one principle permitted use to the site, which is surface parking or a parking structure.

2. 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 site will be developed when the parking demand requires additional parking.

3. 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.

Not applicable.



W.O. D59150



VICINITY MAP
LATHROP ZONING AMENDMENT



MEDICAL PARK SUBD

TRACT 3

42nd Ave

TRACT B-2

TRACT A1B

TRACT A1A

LATHROP

SUBD

TRACT A1C

LAKE OTIS PARKWAY

TUDOR ROAD

W.O. D59150



LOCATION MAP
LATHROP ZONING AMENDMENT

Figure 2 (33)



BOND, STEPHENS & JOHNSON
COMMERCIAL REAL ESTATE SERVICES

June 9, 2005

Mr. Tom Nelson, Planning Director
Planning Department
Municipality of Anchorage
P O Box 196650
Anchorage, AK 99519-6650

Subject: Letter of Authorization

Dear Mr. Nelson:

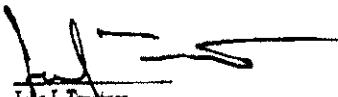
John J. Trautner is the current owner of Tract A-1B, Lathrop Subdivision ("Property") located in Anchorage, Alaska. Mark Filipenko, of Bond, Stephens & Johnson, Inc., is the petitioner and representative of the purchaser of the Property under the terms of an Agreement of Purchase and Sale with Mr. Trautner.

By this letter, Mr. Trautner hereby authorizes Mark Filipenko to proceed with the application for a zoning amendment for the Property. Mr. Trautner and Mr. Filipenko further authorize DOWL Engineers, in accordance with Anchorage Municipal Code 21.20.050.A.7, to act on their behalf in submitting and processing a zoning amendment for this Property.

Sincerely,


Mark Filipenko
Representative of Purchaser
Bond, Stephens & Johnson, Inc.

Approved and Consented to by

 6/9/2005
John J. Trautner
Owner

APPROVED

Date: 8-9-83

Submitted by: Chairman of the Assembly
at the Request of the Mayor
Prepared by: Community Planning
Department
For Reading: July 19, 1983

ANCHORAGE, ALASKA
AO NO. 83-130

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
REZONING FROM B-3 (GENERAL AND STRIP COMMERCIAL DISTRICT)
WITH SPECIAL LIMITATIONS TO B-3 (GENERAL AND STRIP
COMMERCIAL DISTRICT) WITH SPECIAL LIMITATIONS FOR TRACTS
A-1A AND A-1B OF LATHROP SUBDIVISION (PRELIMINARY PLAT
56700) (TUDOR AREA/UNIVERSITY AREA COMMUNITY COUNCILS)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map is amended to designate
the following described property as an B-3 (general and
strip commercial district) with special limitations zone:
Tract 1-A & A-1B, Lathrop Subdivision (preliminary
plat 56700)

Section 2. This zoning map amendment is subject to
the following Special Limitations regarding the uses of the
property.

Permitted principle uses and structures shall be
limited to:

- a. Business offices for merchantile establishments.
- b. Jewelry stores.
- c. Drug stores.
- d. Bookstores and stationary stores.
- e. Restaurants, tea rooms, cafes and other places serving food and beverages.
- f. Gift, novelty and souvenir shops.
- g. Photographic studios.
- h. Travel agencies, ticket brokers.
- i. Insurance and real estate offices.
- j. Banking and financial institutions.
- k. Business and professional offices.
- l. Medical, health and legal services.
- m. Business services establishments.
- n. Employment agencies.
- o. Laboratories and establishments for production, fitting and repair of eye glasses, hearing aids, prosthetic appliances and the like.
- p. Electrical or electronic appliances, parts and equipment.
- q. Vocational or trade schools.

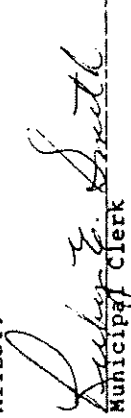
Section 3. The special limitations set forth in this ordinance prevail over any inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided for otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically effected by special limitations 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.

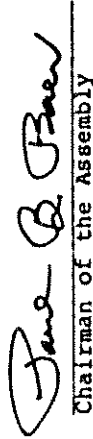
Section 4. The Director of Community Planning shall change the zoning map accordingly.

Section 5. This ordinance shall be effective 10 days after passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this
9th day of August, 1983.

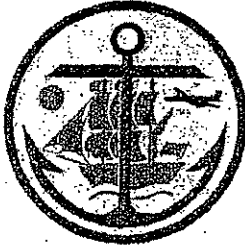
ATTEST:


Municipal Clerk


Chairman of the Assembly

5

**POSTING
AFFIDAVIT**



RECEIVED

JUL 18 2005

Municipality of Anchorage
Zoning Division

AFFIDAVIT OF POSTING

Case Number: 2005-109

I, Chris Harrington, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for REZONE. The notice was posted on 8 July 05 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 15th day of July, 2005

Signature

LEGAL DESCRIPTION

Tract or Lot A-1B
Block _____
Subdivision LATHROP SUBD

6

HISTORICAL INFORMATION



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 342-83

Meeting Date: July 19, 1983

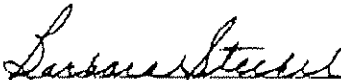
From: The Mayor

Subject: Ordinance NO. 83-120 Rezoning from R-35L to R-35L for property generally located at Lake Otis and East 42nd.

This rezoning comes to the Municipal Assembly with a recommendation of approval from the Municipal Planning and Zoning Commission.


Concurred by:

Prepared by:


 Barbara Steckel
 Municipal Manager


 Bill Luria
 Director of Community Planning

Respectfully submitted,


 Tony Knowles
 Mayor

Post-it* Fax Note	7671	Date	# of pages ▶
To	Al Barrett	From	Linda
Co./Dept.		Co.	
Phone #		Phone #	343-4314
Fax #		Fax #	

Content Information**Content ID :** 003247**Type:** Ordinance - AO

Title: Planning and Zoning Commission recommendation of approval for a rezoning from B-3SL (General Business District with Special Limitations) to B-3SL (General Business District with Special Limitations) to add parking lot or parking structure as a principle p

Author: weaverjt**Initiating Dept:** Planning

Description: Planning and Zoning Commission recommendation for B-3SL (General Business District with Special Limitations) to add parking lot or parking structure as a principle permitted use for Tract A-1B, Lathrop Subdivision.

Date Prepared: 9/1/05 4:15 PM**Director Name:** Tom Nelson**Assembly****Meeting Date** 9/27/05**MM/DD/YY:****Public Hearing** 10/25/05**Date MM/DD/YY:****Workflow History**

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOrdinanceWorkflow	9/1/05 4:19 PM	Checkin	weaverjt	Public	003247
Planning_SubWorkflow	9/1/05 4:40 PM	Approve	nelsontp	Public	003247
ECD_SubWorkflow	9/1/05 4:53 PM	Approve	thomasm	Public	003247
OMB_SubWorkflow	9/7/05 11:06 AM	Approve	mitsonjl	Public	003247
Legal_SubWorkflow	9/9/05 5:46 PM	Approve	gatesdt	Public	003247
MuniManager_SubWorkflow	9/15/05 11:43 AM	Approve	leblancdc	Public	003247
MuniMgrCoord_SubWorkflow	9/16/05 8:19 AM	Approve	abbottmk	Public	003247

M.O.A.
 2005 SEP 19 AM 11:51
 CLERKS OFFICE